

Ward: Bury East

Item 01

Applicant: EAST LANCASHIRE RAILWAY

Location: BUCKLEY WELLS LOCO WORKS, BARON STREET, BURY, BL9 0TY

Proposal: ENGINEERED FILL OPERATIONS PRIOR TO ACCOMMODATING NEW RAIL TRACK INFRASTRUCTURE

Application Ref: 48268/Full

Target Date: 12/09/2007

Recommendation: Approve with Conditions

Site visit requested by the Assistant Director of Planning, Engineering and Transportation Services

Description

The application concerns an extensive 2.7ha area of open land situated immediately to the west of the existing East Lancashire Railway line and carriage/engine shed complex at Buckley Wells. It is bounded by the railway on the easterly side, Baron Street which is unmade on the north side and a narrow lane serving the Bury Grammar Boys School playing fields to the west. Just beyond the lane is St Gabriel's RC High School. An additional area of playing fields serving the grammar school (girls school) is situated on the opposite side of Baron Street with the associated school buildings about 190m away from the lane.

The land was, in recent years, partly used as allotments with the rest overgrown and mostly disused. The allotments and most of the vegetation have now been cleared but leaving several mature trees near the westerly edges of the land. Most of the site is significantly below the level of the railway complex with a steep embankment supporting the line along a stretch of the boundary area.

The East Lancashire Railway has aspirations to further develop their Buckley Wells site into a Regional Heritage Railway Centre attraction and its Buckley Wells Masterplan is the next key project to progressively develop the site, including the application land. The overall proposals, however, have not yet reached the planning application stage.

To achieve a usable level compatible with the existing railway area the application land would need to be raised significantly and an opportunity has arisen associated with the current Metrolink track renewal contract. The contract is resulting in about 50,000 cubic metres of spent ballast becoming available and the application concerns the importation to the site by rail of this engineered graded fill to raise the surface of the site to a similar level to that of the existing railway area. The level increase would be in the order of 5 metres at the maximum in the central portion of the site and would be graded down to the site edges. The new level would then facilitate railway movements between the existing tracks and any new track on the land.

Relevant Planning History

C/12412/81 - Change of use of surplus railway land and allotment gardens to school playing fields. Approved on 17th September 1981.

33801/97 - Removal of boiler ash deposit. approved on 2nd July 1998.

Publicity

Councillors Southworth, Smith and Connolly have enquired about the possibility of a site visit and a visit has been arranged.

60 addresses were notified on 19th June 2007. These are in Manchester Old Road, Baron Street, Houghton Street, Maudsley Street, Belle Vue Terrace, Wells Street, Tenterden Street, Bridge Road, Barker Street, Bradford Terrace and Haslam Brow. A press notice was published and a site notice was displayed from 3rd July 2007. Individual responses have been received from 35 addresses all of which are objections. Apart from letters from properties notified, these also include letters from addresses in Parliament Place, Manchester Road, Ascot Meadows, Olivant Street, Arden Close and Morton Drive. In addition, a letter was received from Bury Grammar School expressing a number of concerns and is summarised at the end of this section. The main points raised by residents include:

- The area is already congested with traffic causing a danger to pedestrians including school children.
- The site would become operational railway land and thus available for further development by other parties and for developments not requiring a planning application.
- New buildings in the future would lower house prices in the area.
- With land contamination on the site and drainage reaching the local river this would affect residents and wildlife.
- Extra train movements would cause additional noise and air pollution from locomotives which is already intolerable at times.
- There should be more public involvement in discussions on the area.
- The development would be followed by a further application for the heritage centre and museum and residents would again be faced with an application from Metrolink for their proposed station at Baron Street. This has already been opposed by the local community. With the tourism and business brought in by the ELR new station a new tram stop would become inevitable.
- Further development would disrupt a peaceful community with few problems.
- The issue of access and traffic associated with further development following the infill should be considered at this stage.
- If the development causes the land to become operational the whole future plan for the area must be considered carefully and made known before permission is granted.
- The heritage proposals have not taken into account the effect on the local environment where many houses front immediately onto the pavement and increase pedestrian usage would greatly infringe on privacy. The roads are too narrow for through traffic and the parking already on them.
- The LDF, it is stated, must reflect the views of the local community and what is needed is a thoughtful and truthful vision for the whole area not a piecemeal, underhand development showing no consideration for the local community.
- The development is another example of the Council showing little concern for the environment as, no doubt, more trees and wildlife habitats will be destroyed to accommodate these plans and river polluted when recycled stone from land already contaminated and covered in oil is used for infilling.
- This is a method of "creeping consent" until the point of no return is reached.
- The area will see an increase in anti-social behaviour as people hang about waiting for trams.
- There is already a significant detrimental effect on Baron Street from the traffic of the Metrolink contractors. This is short term but the ELR heritage scheme would have a similar but long term effect.
- Any site visit by Councillors should take place at peak school hours to reflect the true congestion problems in the area.
- A contractors car park and floodlighting have been built and installed without planning permission.
- The future need to improve access could lead to properties being made subject to compulsory purchase.

A petition against the development with 108 signatures has been received. The petitioners are residents of Barker Street, Baron Street, Haslam Brow, Manchester Old Road, Olivant Street, Inman Street, Ascot Meadow, Arden Close, Houghton Street, Manchester Road,

Parliament Place, Bradford Terrace, Waterloo Court and Maudsley Street. Their concerns are:

- The derelict land proposed for infill has never been used as "operational" and should not be used as such.
- If consent is granted ELR would use the 1993 Railways Act to build whatever they wished on operational land.
- With the extra access required for a heritage centre and steam museum residents in Baron Street, Wells Street, and Manchester Old Road are concerned about compulsory purchase orders and devaluation of their property.
- The damaging effect of extra road and pedestrian traffic on an overly congested area.
- Schools are concerned that extra traffic would endanger the many children using the area.
- Concerns about contamination of the land and polluted water entering the River Irwell.
- Concern that this plan will raise the spectre of the Buckley Wells tram station which is still shown on plans and raised at meetings.

A letter has been received from Bury Grammar Schools raising the following points:

- There should be full consultation with the schools.
- In regard to proposals for future phases to use part of the Girl's School playing field to widen Baron Street there should be prior consultation with the school and this would be a matter for negotiation.
- Concerns over increased traffic were to be addressed by traffic calming measures on Bridge Street and Baron Street. These are already needed but there is a lack of action.
- The schools had been assured that the movement of the ballast would not affect the surrounding area and the in-filled land would be fenced off.
- It had been indicated by Council officers that the car park shown on the plans would be available for use by the community including Bury Grammar Schools and St Gabriel's RC High School

Consultations

Highways Team - No objections.

Drainage Team - No objections subject to a condition requiring prior approval to the details of foul and surface drainage.

Environmental Health - Recommend conditions to deal with contamination.

GMPTE - No objections.

Environment Agency - No objections subject to conditions dealing with contamination risks.

GMEU - Are concerned about the impact on part of a Wildlife Corridor due to loss of habitat and there is a need for mitigation/compensation proposals for this loss. It should not be left to rely on securing these through a future permission for the after use of the site. Initially, they recommended refusal on nature conservation grounds unless landscaping proposals are put forward for approval at this stage or any consent is subject to a condition that a landscaping plan be prepared and implemented and that this plan must take into account the current habitats present in the Wildlife Corridor and should complement these habitats so that the Wildlife Corridor's function can be maintained. Subsequently, a written outline of the intended landscape mitigation proposals for the proposal have been forwarded to GMEU who find them acceptable and note that there is a stated commitment being made for them to be implemented. Full details and implementation should be covered by a condition.

GMGU - No response.

Unitary Development Plan and Policies

CL016	Buckley Wells Locomotive Depot, off Baron Street
EN1/1	Visual Amenity
EN6/4	Wildlife Links and Corridors
OL5/1	Designation of River Valleys
EN7	Pollution Control
OL5/2	Development in River Valleys
RT4	Tourism
RT4/6	East Lancashire Railway
EC1/2	Land Suitable for Business (B1)
MW1	Protection of Mineral Resources
MW3/1	Derelict or Degraded Land (Waste)
MW3/2	Waste Recycling and Bulk Reduction
MW4/1	Assessing Waste Disposal Proposals
MW4/2	Development Control Conditions (Waste)
MW4/4	Transport Routes for Waste Disposal Sites
MW4/5	Land Contamination
MW4/6	Standards of Restoration (Waste)

Issues and Analysis

Opportunity Site - Much of the application site is designated within the UDP as an opportunity site for either railway related development or for business (B1) and office use (proposals RT4/6/5 and EC1/2/8) including, as a possibility within proposal RT4/6/5 of "redevelopment of the site for visitor related attractions which build on the strengths of the railway". In this regard the main development for a railway heritage centre at Buckley Wells would be the subject of a future planning application. The current application, which related to the ultimate proposals, has been submitted in response to the opportunity that has arisen whereby a substantial volume of surplus ballast material has become available as a by product of the current Metrolink line renewal contract. This material can only be utilised at the present time and it would achieve a level within the site that would be compatible with the existing ELR operational area for railway movements. Furthermore, it can be imported to the site by rail thus avoiding the need for numerous road movements by haulage vehicles.

Pollution Control and Drainage Run-Off - The fill material consisting exclusively of used rail track ballast has the potential for containing pollutants. Any consent should include conditions to ensure that the material is assessed and verified and its importation is managed in accordance with a previously approved plan to ensure that any potential for pollution is adequately dealt with. Conditions should also ensure that the importation is carried out fully in accordance with the submitted details and to ensure that only validated ballast stone is imported. These requirements have been recommended by Environmental Health.

Any consent should also take into account the recommendation of the Environment Agency by including a condition to ensure that the rate of drainage run-off is regulated to a specified maximum rate in accordance with an approved scheme.

Ecology - A small section on the north easterly edge of the site is included within a Wildlife Corridor. This consists of the embankment to the ELR operational area. The fill would cover this area of Wildlife Corridor and any consent should ensure through a condition that the loss of habitat thus caused is adequately mitigated or compensated for through the approval of and implementation of a suitable landscaping scheme.

Residential Amenity - The site is well separated from existing house with the nearest dwellings, a block of flats on Baron Street, being about 90m away from the site boundary. It is separated from the houses by the existing ELR complex including the two large carriage/locomotive sheds forming a physical buffer for much of the housing to the east. In addition, the ballast would all be imported by rail thus avoiding the significant disruption along a haul route on roadways that would otherwise be caused to local residents and

schools. It is, therefore, considered that the development would not be seriously detrimental to the amenities of the surrounding area.

The Objections - The application has raised a considerable degree of concern from local residents. The views expressed, however, concern to a large degree the issues that may arise from the development of the land as railway heritage centre. In addition to this some residents have raised the possibility that main development could give rise to a proposal by GMPTE for a park and ride Metrolink facility at Baron Street being brought forward. Whilst there is connection with the future heritage facilities proposal, that would be the subject of a separate application with the issues arising to be considered at that time through the normal planning application process. There is no direct connection between the ELR proposals and the park and ride scheme. If permission is granted for the fill operations this would not establish any presumption in favour of other developments that would need to be considered on their own merits at a future date.

Land contamination, drainage and wildlife issues raised by residents. and which relate directly to the fill operation proposal have been covered in the above sections. The contractors car park and floodlighting mentioned by a resident as having been carried out without planning permission were, in fact, developed under permitted development rights for temporary works in regard to the contractors car park and for railway operators in the case of the floodlights. As such it was not necessary for planning permission to be obtained.

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 engineered fill operation would involve non polluting material brought in only by rail and the operation would, therefore, not have a materially adverse impact on the amenities of the area. Furthermore, the restoration of the site would include a landscaping scheme that would compensate for the ecological impact of the scheme on the affected area of a Wildlife Corridor.

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 importation of used railway ballast hereby approved shall take place directly to the site by rail transport only and no material shall be imported by road.
Reason: In order to protect the residential amenities of the area and the amenity of the areas near the existing schools.
3. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.
Reason: To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

4. No deposition of material shall take place on the site unless and until a landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall incorporate such suitable planting that would mitigate for the impact of the development on a Wildlife Corridor that occurs within a part of the site. It shall be implemented not later than 3 months from the date that the engineered fill operation has been completed or within the first available planting season thereafter and the Local Planning Authority shall be notified in writing of the date of the completion of the fill operation as soon as practicable thereafter. Any trees, shrubs and hedges included in the landscaping scheme shall be retained, protected and maintained for a period of five years after planting during which period any tree, shrub or hedge that may become removed, die or become severely damaged or severely diseased shall be replaced by a tree, shrub or hedge of a similar size and species to that originally required to be planted in the next planting season to the written satisfaction of the Local Planning Authority.

Reason: To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/1 - Visual Amenity, EN6/4 - Wildlife Links and Corridors and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

5. The type of waste and materials that shall be deposited on the site shall consist only of validated spent railway trackbed ballast stone. In particular, any biodegradable materials, plastics, timber, metal or paper wastes or any putrescible material shall be strictly excluded.

Reason: In the interests of proper site restoration and to ensure that only clean, non-polluting materials are used, to prevent the pollution of the land and water environment.

6. Unless otherwise approved in writing by the Local Planning Authority, the deposit of trackbed ballast on the site shall be carried out and the site restored in such a manner as to ensure that the final restored levels of the site are in accordance with the details and cross-sections shown on drawings numbered DL81/003 rev C, DL81/004/1 Rev B, DL81/004/2 Rev B, DL81/004/3 Rev B and forming part of this permission.

Reason: In the interests of proper site restoration and to accord with the terms of application.

7. No materials shall be imported, stored or placed at the site until a suitable plan for the assessment, verification and management of the imported materials has been submitted to and approved in writing by the Local Planning Authority (LPA). This plan shall include:

- Full details and specifications of the infilling works;
- proposals for the preparatory works for the receiving land area (this to include any remediation of existing contamination and management of existing Japanese Knotweed);
- proposals for contamination testing of imported materials including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment and should include solid and leachable contamination) and source material information;
- proposals for the screening of invasive species within imported materials, such as Japanese Knotweed which are known to be prevalent along railway lines.
- proposals for the quarantine of suspected contaminated materials;
- actions to be taken where allowable contaminant concentrations have been exceeded or other non-compliance (e.g. rejected at site or treatment on site);

- proposals for dealing with unexpected contamination;
- proposals for the mitigation of pollution/nuisance from site works;
- proposals for monitoring and verification reporting of the infilling engineering works in terms of land contamination (including ground gas and ground water assessment) and suitability for use;
- Timescales for which the infilling engineering works will be carried out.

The approved plan shall then be implemented in full. Any deviations or alterations to the plan shall require the written 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.

8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans with the rate of run-off limited to 7.5 litres/second/hectare.

Reason: To reduce the increased risk of flooding and pursuant to Planning Policy Statement 25 - Development and Flood Risk.

9. All hedges and trees forming part of the northerly and westerly site boundaries shall be preserved from damage, and these hedges shall be maintained in good condition to the reasonable satisfaction of the Local Planning Authority. Any such hedges or trees forming part of the site boundary that may be seriously damaged or removed or die during the course of or as a result of the operations hereby permitted shall be replaced with a plant of similar type in the next available planting season to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenities of the area.

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

Ward: Bury East

Item 02

Applicant: H Khan

Location: 86 ROCHDALE ROAD, BURY, BL9 7AY

Proposal: CHANGE OF USE OF GROUND FLOOR FROM SHOP (A1) TO FISH AND CHIP SHOP (A5)

Application Ref: 48305/Full

Target Date: 15/08/2007

Recommendation: Approve with Conditions

Description

The site is situated within a block of two storey terraced commercial units on the south side of Rochdale Rd, on the edge of Bury Town Centre. Formerly, an electrical supplies shop, the premises has been vacant for at least two years. The yard to the rear has been covered to form a garage/storage area. There is an access road to the rear. There is a bookmakers with a vacant first floor above at No.88 and a veterinary clinic with a flat above at No.84. There are commercial properties across Back Mason Street to the rear.

The proposal involves converting the ground floor to a chip shop. Proposed hours of opening are to 8.30 Sunday to Thursday and to 10.30 Friday and Saturday. Apart from the proposed flue at the rear there would be no external changes to the premises.

Relevant Planning History

47169 - Change of Use from 1st floor storage to flat - **Approved 15/12/2006**

Publicity

Fourteen neighbours notified - 84 - 94 Rochdale Road (evens), 97 - 107 Rochdale Road (odd) , 1 - 37 Mason Street (Peter Bowman Towbar Centre).

One objection received from the 'Bite 2 Eat' cafe at 99 - 100 Rochdale Road, opposite the site. Objection is summarised:

- Insufficient parking will lead to traffic problems such as illegal parking and accidents.
- Increase in litter.

Consultations

Traffic Team - No objections.

Drainage Team - No objections.

Environmental Health - No comment to date.

Unitary Development Plan and Policies

Area Rochdale Road/Lord Street/York Street

BY10

S2/3 Secondary Shopping Areas and Frontages

S2/6 Food and Drink

HT5/1 Access For Those with Special Needs

Issues and Analysis

Policy - The site is identified as forming part of the Secondary Shopping Area within Bury Town Centre. As such, any proposal involving a change of use from a shop (A1) to hot food take-away (A5) is subject to UDP Policies S2/3 - Secondary Shopping Areas and Frontages

and S2/6 - Food and Drink.

Although Policy S2/3 seeks to maintain retailing (A1) as the predominant land use at ground floor level the change of use of the premises to a chip shop (A5) would not have a seriously detrimental impact on this part of Bury Town Centre which is subject to major redevelopment at The Rock. The premises, previously an electrical shop, have been marketed as a retail unit without success and have remained vacant for about 18 months.

Impact on Character of Centre - The loss of an A1 shop along this frontage would not be seriously detrimental to the character of the centre, particularly given that it has been vacant for a long period and does not have high amenity value. Although there are a number of food outlets along Rochdale Road, there is only one other A5 use along this particular frontage - Heywood Street to Lord Street. It is therefore not considered that there would be an overconcentration in the immediate vicinity. As it is the applicant's intention to open during the day as well as the evening, the business would generate activity along this particular frontage during normal daytime opening hours as opposed to having an undesirable 'dead' frontage.

UDP Policy S2/6 - Food and Drink is specifically relevant to hot food take-aways. This policy indicates that in considering proposals for these uses, the following factors need to be considered;

- Residential amenity by noise, smell, litter and opening hours.
- The resulting concentration of food and drink outlets and the impact on the character of the centre.
- Parking and servicing and the impact on road safety.
- Storage and disposal of refuse.
- Impact of flues and ducts. The existing shopfront would remain in situ with only changes to the stepped access.

Disabled Access - Disabled access is acceptable as the internal ramped access would allow level access from the street.

Noise and Disturbance - There is a flat above the veterinary clinic next door and the first floor above the premises subject to the application has an approval for a change of use from storage to residential. Given the location of the premises on one of the main approaches into Bury Town Centre it is unlikely that the change of use would generate enough noise above ambient levels to seriously harm residential amenity. The intended opening times - up to 8.30pm five days per week (Sunday to Thursday) and up to 10.30pm on the remaining two days (Friday and Saturday), should not cause undue disturbance. Given its town centre location a condition limiting the hours of operation to 11pm in the evening would be considered reasonable and consistent.

Ventilation and Flue - The flue would be situated on the rear elevation. The design of the proposed flue is considered to be acceptable and would not be readily viewed from the public realm. Details of the flue have been submitted and comments of the Environmental Health Officer will be reported on the Supplementary Report.

Objection - The concerns of the objector at the Bite 2 Eat Cafe centre around the lack of parking and increasing traffic. The location of the premises within the Town Centre twinned with the fact that there are railings on the back of the footway, double yellow lines and a pedestrian crossing on Rochdale Road in front of the site would prevent dangerous on street parking. There is sufficient opportunities for customers to park up safely, either on or off street in the vicinity so as to not cause undue concern. It is noted that there are no objections from the Traffic Team.

The proposal is considered to comply with the Unitary Development Plan Policies listed.

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 change of use would not be seriously detrimental to visual or residential amenity. The viability and vitality of the Town Centre would not be affected. 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 revised drawings received on 30th July 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 use hereby permitted shall not be open to customers outside the following times: 08.00 to 23.00 Daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to UDP Policy S2/6 – Food and Drink.
4. 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 **Tom Beirne** on **0161 253 5361**

Ward: Bury East

Item 03

Applicant: Luminar Leisure

Location: SOL & VIVA, ODEON BUILDINGS, ROCHDALE ROAD, BURY, BL9 0PL

Proposal: FIRST FLOOR SMOKING TERRACE AT REAR ENCLOSED BY 2.4M FENCE

Application Ref: 48338/Full

Target Date: 03/09/2007

Recommendation: Approve with Conditions

Description

The application site is the Sol and Viva Club on The Rock in Bury Town Centre. To the north are a mix of commercial properties on The Rock. To the south east is The Showboat Public House and beyond this a multi storey car park. To the rear of the club is the retail store Marks and Spencer and a large service area for deliveries and servicing to the shops in the near vicinity.

It is proposed to erect a smoking terrace at first floor level to the rear of the building on the west corner elevation. A 2.4m louvre steel fence would be erected to the perimeter of the smoker's area which would be 15sq m. This compares to the building which has a footprint of 1080sq m. A large canvas umbrella would be positioned within the shelter. The proposed area would not be licensed. Wheelchair access would be unavailable to the area due to internal level changes. Wheelchair users who wish to smoke would be supervised by staff outside the main entrance.

Relevant Planning History

Not Applicable

Publicity

Immediate neighbours were written to on the 23rd July 2007.

A letter of objection has been received from Gelageo, 110 The Rock, which has raised the following issue:

- the shelter would be very small and in such a position to make it convenient to throw missiles up/down. Even when the club is closed the alleyway is strewn with broken bottles. It would create more litter.

Consultations

Highways Team - No comment to date

Environmental Health - No objections

GM Architectural Liaison Officer - No objections

BADDAC - Concern about lack of access to the smoking area for disabled customers.

Unitary Development Plan and Policies

Area Central Shopping Area

BY6

S1/1 Shopping in Bury Town Centre

S2/2 Prime Shopping Areas and Frontages

S2/6 Food and Drink

EN1/2 Townscape and Built Design

Issues and Analysis

Appearance and Siting - The proposed location has been chosen as the only suitable

location for an external smoking terrace which would be readily accessible from internal parts of the building and would not cause undue highways issues. Given its position at the rear of the club, it would be discrete and not readily visible from the public highway. There is a delivery and servicing area at the rear and row of commercial properties and therefore overlooking would not be an issue. The shelter would be constructed of a steel slatted fence in a louvre design which would minimalise vision from street level and vice versa. Given the position of the structure in relation to the club and the surrounding area the proposal is considered to comply with Unitary Development Policy EN1/2 - Townscape and Built Design.

Residential amenity - The club is within Bury Town Centre and there are no residential properties affected in the immediate vicinity. Hours of use of the shelter would not be conditioned due to the town centre location.

Access - Wheelchair access would be unavailable to the shelter given the existing inadequate levels internally. Provision would be made by staff at the main entrance of the building. This is considered acceptable.

Objection - The fencing at a height of 2.4m in height and the canopy over the top would inhibit the throwing of missile type items. It is indicated that the area would not be licensed and would be solely for customers to smoke, after which they would return to the main building. As a result, glasses and bottles would be prohibited in the area and possible noise and disturbance would be reduced. Increase in litter could be a problem wherever a shelter is located and would be the responsibility of the owner to ensure the area was regularly cleaned.

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 is considered to be appropriate and in keeping with the existing Club and would not harm the visual amenity of the area. There are no residential neighbours in the immediate area which would be affected.

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 9/7/2007 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 - Redvales

Item 04

Applicant: Card & Party Store

Location: 574 ATRIUM HOUSE, MANCHESTER ROAD, BURY, BL9 9SW

Proposal: INTERNALLY ILLUMINATED DOUBLE-SIDED FREE STANDING VERTICAL SIGN

Application Ref: 48355/Advertisement

Target Date: 24/08/2007

Recommendation: Approve with Conditions

Description

The site is located at the junction of Manchester Road and Mount Zion Road in Bury. The proposal is to replace an existing triangular totem type directional sign with a double sided totem sign 5m in height and 1.3m wide with a 't' shape some 2.4m wide. Both the existing and proposed signs were and will be illuminated.

Relevant Planning History

Consent was granted in May 1995 for the triangular illuminated sign ref: 30695 5m in height. A larger totem sign ref:42823 was refused in June 1994 on the visual impact it would have on the street scene.

Publicity

Letters have been sent to immediate neighbours at 521 to 529, 560 & 576 Manchester Road, Motorchoice and Texaco Garage opposite on Manchester Road. One objection has been received from 523 Manchester Road. The objection can be summarised as follows:

- the site is opposite residential properties and can be seen from living room windows
- premises are well known and there is no need for the sign
- previous applications have been refused

Consultations

Highways Team - comments awaited

Unitary Development Plan and Policies

EN1/9 Advertisements

Issues and Analysis

The Control of Advertisement Regulations state that the suitability of advertisements should only be viewed in terms of Amenity and Safety.

Amenity. The sign is located on the frontage to a commercial premises where directional signs of this type would be expected to be found. The sign, whilst viewed from residential properties, is viewed in this commercial context and is opposite a car sales and garage. Given the fact that the sign would be 5m height, the same as that already approved, with the addition of a 2.4m wide section, it is not considered that it would be so intrusive in the street scene as to warrant refusal and as such it conforms with Unitary Development Plan Policy EN1/9 - Advertisements.

Safety. The sign has a long range of visibility and whilst it is illuminated, conditions are proposed so as to ensure that the illumination will not cause a detriment to highway safety. The sign will not interfere with the interpretation of any traffic signs nor block visibility at the

junction. As such the sign conforms with UDP Policy EN1/9 - Advertisements.

Objection.

Impact on residential amenity - the site is in close proximity to residential properties (30m from the objectors property) but it is located on a commercial site. There has been an illuminated sign in this position since 1995 and as such it is not considered that the replacement sign, of similar size, would create such an impact on the amenity of the area to warrant refusal.

Necessity - the need for a sign is not a consideration under the terms of the Advertisement Regulations.

Previous refusal - the previous refusal was for a sign 6.5m in height with a maximum width of 3.5m. The current sign is smaller (5m high and 2.4m wide) and of a similar size to that which has been on site since 1995. Each application needs to be viewed on its own merits and as the proposed sign is of a similar size to that approved and considerably smaller than that refused, it is considered acceptable.

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 replacement sign is on a commercial premise and is acceptable in terms of both its impact on amenity and safety and as such it complies with the Bury Unitary Development Plan Policy EN1/9 - Advertisements.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The luminance of the sign shall not exceed 600 cd/m².
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan..

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

Ward: Bury West - Church

Item 05

Applicant: Bury Metro Children's Services

Location: ST STEPHENS C OF E PRIMARY SCHOOL, COLVILLE DRIVE, BURY, BL8 2DX

Proposal: SINGLE STOREY BUILDING AND ASSOCIATED WORKS FOR CHILDCARE SERVICES; EXTENSION TO PLAYGROUND; ADDITIONAL PARKING PROVISION

Application Ref: 48200/Full

Target Date: 01/08/2007

Recommendation: Approve with Conditions

This item was deferred by Planning Committee at its last meeting on 24th July 2007 to carry out a site visit. The report has been updated.

Description

The proposal site is within the grounds of St Stephen's Primary School and the development comprises a single storey building (18.4m x 10m, 2.4m high to eaves level and 4.4m to the ridge) located to the northerly side of the school's nursery building to be used as a 'Children's Centre'.

A new access path leading from the existing access to the nursery would be provided, extending the current nursery path to the centre via its own separate dedicated gate. Car parking and servicing would be shared with the schools existing provision. The building has been amended since originally submitted to move the entrance into the building from the westerly elevation to the southerly elevation. Residents have been consulted on this, who would be the closest affected by this change prior to the Committee meeting on 24th July 2007. Additionally, the external play area has now moved to the easterly elevation facing the school fields. Fencing lines have also been rationalised between the nursery and the proposed centre facing the field.

Further to the north of the site and to the east are school playing fields. The easterly boundary is partly bounded by housing and partly playing fields. The westerly boundary is shared with housing. A designated Grade 'A' Site of Biological Importance (Barracks Lodge) is found beyond the northerly boundary of the school fields important for Great Crested Newts.

The scheme is submitted as part of a Borough wide initiative to provide a Sure Start Children Centres as part of the 'Every Child Matters: Change for Children Programme'. Each building is to offer core services through an arrangement of co-ordinated outreach links to offer -

- Links to early years provision, through the existing school and other local provider provision;
- Child and family health services;
- Family support and outreach services;
- Links to Job centre Plus and Childrens' Information Services for information and guidance provision;
- A central point / hub of delivery and co-ordination for integrated services for 0-5 year olds and their families.

The proposed hours of opening would be between 0800rs and 1800hrs Monday to Friday inclusive.

The application also includes the extension of the playground comprising two narrow strips of land to the southerly and south-easterly boundaries of the playground. The proposals are

to extend the area of playground.

Relevant Planning History

41706 - Extension to administration block - Approved - 12/01/2004

Publicity

The application has been publicised through letters sent directly to 56 addresses including Newington Drive, Colville Drive, Chislehurst Close, Bolton Road and Ashford Close. As a result of this publicity, 25 letters of objection have been received and two petitions containing 55 and 56 signatures. Objection letters have been sent from 19, 29, 33, 41, 43, 45, 47, 49, 51 Newington Drive; 2, 4, 6, 8/10, 14, 18, 26, 51 Colville Drive; 2 and 6 Kenmor Avenue; 450 Bolton Road.

Issues raised include -

- Primarily concerned about the state of the rear access road to the properties on Bolton Road being in a poor state of repair and should not be used for access.
- The development would destroy an established wildlife area.
- The proposals would add to car parking problems experienced in Colville Drive and Newington Drive.
- The proposal would operate at unsociable hours 8am to 10pm, thereby affecting amenity.
- The development would affect the safety of properties backing on to the development through apparent open access.
- Ecological mitigation should not be contemplated. The development should not be accepted.
- The development should be located near to the area that it is intended to serve - Bolton Road, not near to properties occupied by retired/owner occupied population.
- The development would be a mere 3m away from residents' gardens and thus too close.
- The development must be accompanied with an ecological assessment and must pass the three DEFRA licence tests of - i) being in the public interest, ii) no satisfactory alternative, iii) the development would not be detrimental to the maintenance of the species concerned.
- The scheme would be located on land that assists to maintain habitat for amphibians.
- The development would serve only some of the community not all of the community.
- The survey of the site was carried out outside the optimal period of surveying and thus not representative of the true population of amphibians and other wildlife there.
- Strangers visiting the centre may put the existing children at the school and nursery at risk.
- There would be disruption to education when visitors are coming to the site.
- The building would be too close to the residential properties.
- A more appropriate location could be considered at the corner of the playground near to Bolton Road, thus not affecting an ecologically sensitive area.
- No parking provision has been provided for potential clients/visitors.
- It is disappointing that the ecological report supports the loss of the wildlife area when other sites could be used. A number of observations are made on the findings and conclusions of the report.
- There is significant traffic congestion at the entrance of the school and around the shops on Colville Drive. (Photographs provided).
- The access to the proposed development site is too narrow and not suitable for construction traffic.
- Objectors consider that the scheme fails to meet the three tests in terms of ecology and alternatives.
- The proposed centre could be sited so that the rear elevation lines up with the adjacent nursery building.

A letter from Councillor Walker has been received, which requested a Planning Committee Site Visit prior to a decision being made on the application. The reasons given are as follows:

- The proximity of dwellings to the proposed Children's Centre
- The access and present and future parking problems, especially around 10.00am and 2.00pm.

Consultations

Traffic - No objections.

Drainage - No objections.

Environmental Services - Any response shall be reported.

Greater Manchester Police Architectural Liaison - No objections.

Greater Manchester Ecology Unit - They advise of the proximity to Barracks Lodge and European Protected Species. Should Great Crested Newts be found, then a licence is required to be obtained from Natural England. Three tests are applied when considering whether to grant which are that the development needs to be in the public interest, that there is no satisfactory alternative for the development and that there would be no derogation to the protected species. A licence would not be issued until a full planning permission is in place and that the three tests have been considered in the determination of the proposal.

Natural England - They confirm that they have no objections to the scheme and that there are no statutorily designated areas of nature conservation importance that would be significantly affected. They are satisfied that the development would not have any significant impacts on other Natural England interests. They note the site is affected by a local designation containing amongst others Great Crested Newts and are satisfied that the detailed mitigation strategy.

Unitary Development Plan and Policies

CF1/1 Location of New Community Facilities

HT2/4 Car Parking and New Development

EN6/1 Sites of Nature Conservation Interest SSSI's NNR's

Issues and Analysis

Ecological Matters - UDP Policy EN6/1 - Sites of Nature Conservation (SSSI's, NNR's, Grade 'A' SBI's) states that developments will not be granted for proposals in the vicinity of such designated sites which would destroy or adversely affect, directly or indirectly, the nature conservation interest of the site unless it can be demonstrated that material considerations outweigh the special interest of the site.

The scheme has been submitted with an ecological assessment. In the consideration of the scheme, the report considers that the scheme would conform to the requirements of the Natural England licence tests. It states that the scheme is in the public's overriding interests as -

- the Government is committed to providing a Children's centre for every community, children and their parents;
- The location of the site chosen is within the area it is intended to serve (Seddons Farm) and no alternative sites have sufficient space for the development;
- The impact upon the habitat would be small and there would be positive enhancement, thus no derogation to the population.

The report confirms that results were optimal and the best areas of habitation will not be affected. The Barracks Lodge is of exceptional amphibian quality yet the proposed area of land to be developed, compared to unaffected land would be marginal. Some 7.2ha of open space would be available for newt use compared to 409.33sqm of land required for the development. This would equate to circa 5% of lost habitat. Other areas would be allowed to become suitable newt habitat land and school management intend to plant trees and create an additional pond. The report suggests mitigation and compensation for the lost habitat

comprising -

- a new pond
- translocation using appropriate fencing and other methodologies to capture
- Improved terrestrial habitat, management and maintenance regime
- population monitoring
- programmed implementation.

The three tests for the proposal must be strong considerations in the assessment of the scheme. In terms of the first test, (in the interest of public health and safety or for other imperative reasons of overriding public interest including social or economic mature and beneficial consequence of primary importance to the environment), the development is part of a Central Government initiative to ensure that children and their carers have good access to crucial services to enhance their social and economical well being. The provision is seen to be key in the choice of location in that the development should be in the heart of the area that the uses serve and would provide a range of services accessible to all covering a multitude of critical socio-economic objectives.

The second test, (no satisfactory alternative), the applicant has confirmed that the development is required to serve the Seddons Farm estate which is a substantial residential area. The funding for such developments and constraints imposed through Government guidance on the funding package, require that the sites developed for the scheme must be within the ownership of the Council. As such, this strictly limits the choices of available sites in this area. Greenhill School 0.6km to the west simply does not have the available land to accommodate the building, albeit conservative in size and scale.

Ward Assessment and Alternative Sites Considered

The area of Church Ward was identified from the deprivation data and the target area where families and young children live is lower – to mid Bolton Road. The agreement to develop a centre in Church was ratified at Executive Committee in July 2006. An Area Board task group was developed to undertake an option appraisal in the area and to identify a location for childrens centre development.

- Discussions had taken place with the Methodist church which is unable to house the services or meet the lease requirements of the CC.
- As the DfES recommend school premises all 5 schools in the ward were considered.
- Chantlers and Lowercroft have no room in their building or on the site as indicated by Ruth Taylor (Paul Cooke's team)
- Guardian Angels is a Voluntary Aided School on church land and there would be issues with a 25 year lease.
- This leaves Greenhill and St Stephens. As the cc has to be within 'pram pushing' distance of the most vulnerable families it is required to reach out to only St Stephens is an appropriate location. In addition the Governors and Head teacher are very supportive of this initiative.
- Governing body at St Stephens and Head Teacher approached to informally discuss the dev who were supportive.
- Initial feasibility (ie desktop) undertaken which indicated development on this location was possible.

Within the School - 4 potential areas for development considered;

- a) At lower end of hard playground with entrance from Warren Street;
- b) At rear of school field near the Barracks field;
- c) to convert/refurbish the nursery class and relocate nursery to the Foundation Stage unit;
- d) to build a children centre adjacent or extension to the existing nursery building;

Findings -

a) In February 07 Bury MBC Highways were consulted and advised that they are not happy with the small side street such as Warren St serving the development.

There is also the issue that the access would have to cross an un adopted and unmade back street. The back street serves garages etc and presents a health and safety hazard. The surface is not suitable in it's present condition. There is also a change of level in to the school site that would have to be dealt with to meet Disabled access requirements. Rights of access would also have to be established. As the Council does not have control over this piece of land it would be difficult to ensure a suitable and safe means of access could be developed.

The client also decided that it would be preferable to put the building on the Council owned part of the site. The play ground area access off Warren St is in the ownership of the Diocese.

b) This siting would place the centre in a very remote and vulnerable position and access would be via the Barracks fields. Here it would be totally detached from the school which was not acceptable to the Head teacher or governing body. School indicated that from their knowledge of the school land that this area of field is often soggy and water logged which could make a build problematic

c) The available space within the existing nursery is limited and refurbishment could achieve a small children centre. Relocation of the nursery to the space available in the Foundation stage unit which is smaller than the required legal space would then also involve the relocation and refurbishment of a classroom and a new build area. This solution is not cost effective and would result in an unsatisfactory children centre resolve. Use of the Surestart grant indicates that it must not be used to improve school buildings as a primary objective

d) An extension to the nursery build is not possible as the integration of the two builds would prove too costly as some joint areas would need to be rebuilt eg the entrance area and the land available with the extension option is not LA land. The CES team received advise and guidance from WS Atkins (DfES architects) that the timescales involved in receiving permissions to build on land not in LA control severely compromised the ability to develop the projects within the timescales available and that the first consideration for development must be on LA controlled land. This led to the build of a children centre on the nearest LA land to the nursery, which is indicated on the plans.

The third test, (the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range) the scheme has put forward a mitigation package and detailed methodology of translocation, clearance and further enhancement of the remaining habitat areas.

Given the above, it is considered that the development location and type has extremely limited choices of alternative sites, is in the public interest and that the scale of development together with the levels of mitigation proposed would not adversely affect the value or population of species of the SBI. Conditions however must ensure that the scheme, including its mitigation proposals, remain effective throughout implementation and reflect any changes that Natural England impose should a licence be forthcoming to carry out ecological works.

Community Facilities - The proposal seeks to provide a local family services facility utilising an existing education facility and its grounds. UDP Policy CF1/1 - Location of New Community Facilities considers that issues should be assessed when determining developments of this kind -

- the impact upon residential amenity;
- traffic generation;
- car parking;

- size, scale and design
- the proposals location in relation to the area it is intended to serve;
- accessibility and the needs of the disabled.

Height, Scale and Design - The scheme has been submitted with a design and access statement. The proposed building would be a single storey building set well within the site from the main access and floor levels would follow existing levels of the school land which are lower than the residential land to the west. The appearance of the building is simple and functional, with brick elevations and concrete roof tiles to match the neighbouring nursery building. The siting of the building would be well screened by domestic fencing, well back from the main roads and would be set in the context of other buildings. As such, the building would be acceptable in terms of height, scale and design.

Impact upon Residential Amenity - The proposed development would physically be close to the boundary of the school with residential properties. However, the scheme would be laid out to provide the narrowest elevation towards the residential properties and outdoor areas for children would be nearest to the school playing fields, thus furthest away from residential properties. The nearest dwellings to the new building would be 43 to 49 Newington Drive. These properties are elevated to the development and have circa 12.5m long rear gardens and most have good screening next to the site comprising bushes, trees and fencing. The nature of the development is expected to be low key and would provide for a limited number of staff. The scheme states three. Given that the scheme represents a similar type use to those already occupying this wider site; the low profiled building and distances/screening separating the residential development from the proposals, there would be no detrimental impact upon residential amenity.

Car Parking and Traffic - The scheme anticipates that for the staff, three parking spaces would be required. This reflects a recently approved scheme at Woodbank Primary school for the same type of development. The proposed parking would be provided by slightly extending the existing car park to the south of the school taking a minor part of the existing playground. The playground would be then extended along its southerly and easterly boarder by 3m and 1m respectively to compensate for playground affected by the car parking needs. The playground extension work would simply bring currently unusable land on the edge of the playground into beneficial use. No alterations to levels or removal of trees would be required to facilitate this proposal, simply surfacing would be required. As such, this aspect of the development would have no detrimental impact beyond the boundaries of the site and would ensure that parking provision is provided for the development proposal.

In terms of traffic, the scheme is not of sufficient scale to warrant a transport statement. Further the scheme is located within the centre of the area which it is intended to serve. As such, it is likely that users would be largely pedestrian visitors. Given this situation, it is considered that traffic generation is not likely to be a significant issue nor one to impact upon highway safety or the need for additional parking provision. As such the development would comply with UDP Policy CF1/1 and HT2/4.

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 properly considered ecological matters and the need to comply with Natural England test for licence. The development would not impact detrimentally beyond the site itself and would comply with Unitary Development Plan Policies and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered H 06332 A.DP. issue 1, E 06332 A. 01 issue 3, H 06332 A 02 issue 2, H 06332 A 03 issue 2, H 06332 A 04 issue 4, H 06332 A 05 issue 2; H 06332 A 06 issue 3 and Ecological Report by D Bentley dated July 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. No works shall commence unless and until mitigation measures and a programmed scheme of implementation of such measures relating to ecologically protected species, flora and fauna have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
Reason - To secure appropriate alternative roosting habitation for protected species, flora and fauna pursuant to UDP Policy EN6/1 and PPS9 Biodiversity and Geological Conservation.
4. The additional car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
5. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
6. Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
7. Any soil or soil forming materials brought to site for use in garden areas, soft

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

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

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

8. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
 - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

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

9. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
- Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

Ward: Radcliffe - East

Item 06

Applicant: Salford R C Diocesan Trustees

Location: ST MARYS RC SCHOOL, BELGRAVE STREET, RADCLIFFE, M26 4DG

Proposal: EXTENSION TO EXISTING SCHOOL TO PROVIDE ASSEMBLY/SPORTS HALL AND NEW CHURCH; FORMATION OF CAR PARK AND ERECTION OF BOUNDARY WALL TO NORTHERN BOUNDARY

Application Ref: 48061/Full

Target Date: 21/08/2007

Recommendation: Approve with Conditions

This application was deferred for a site visit at the previous Planning Control Committee meeting on 24 July 2007 and the report has been updated.

Description

The application site consists of a single storey school, with a single access from Belgrave Street. The playground for the school is located at the eastern end of the application site and beyond that are playing fields. To the rear of the application site is Gorsefield Primary School. There are residential properties located to the north, west and east of the site. The residential properties to the east of the site can only access the school via a footpath, which is designated as protected recreational land. Access to the school is gained from Belgrave Street, which forms a cul-de-sac and there is an existing lay-by located opposite Belgrave Drive

The proposal involves the demolition of an existing school building and the erection of an extension to the main school building consisting of a replacement of the existing windows with those of a similar style and appearance.

Relevant Planning History

23753 – Additional classrooms at St Marys RC Primary School, Belgrave Street, Radcliffe. Approved – 11 January 1990

31589 – link extension and external alterations at St Marys RC Primary School, Belgrave Street, Radcliffe. Approved with conditions – 14 December 1995

32686 – Erection of 2.4metre high palisade fence and gates to replace existing at St Marys RC Primary School, Belgrave Street, Radcliffe. Approved with conditions 19 December 1996.

Publicity

The neighbouring properties (Gorsefield Primary School; 1 Belgrave Drive; 35 – 49 Belgrave Street – odd Nos; 2 – 12 Belgrave Close – even Nos; 1, 3, 5 Chestnut Fold; 1 – 7 Bridle Fold) were notified by means of a letter on 24 May and a press notice was posted on 31 May. Site notices were posted on the corner of Belgrave Drive & Belgrave Close and Belgrave Street on 31 May 2007.

28 letters have been received from the following properties - 23, 25, 27, 28, 29, 31, 33 Belgrave Street; 2, 6, 11, 21, 23 Belgrave Drive; 2, 3, 4, 5 Belgrave Close; 49, 69 Lowton Street; 71 Ainsworth Road; 115 Knowles Street; 7 The Shires; 136 Salisbury Road and 39 Bury Road, which have raised the following issues:

- Three letters of support for the proposal
- The impact of the proposal on parking arrangements, especially as the road can be blocked during school opening and closing times at present.
- The impact of the proposal upon pedestrian safety
- The proposal would lead to an increased volume of traffic travelling up and down

Belgrave Street, seven days a week

- A request for the speed limit to be dropped to 20mph
- The replacement of fencing with a brick wall may lead to vandalism
- A request for a site visit before the application is determined
- The school hall may be used for other functions, thereby increasing the levels of noise and air pollution would be increased to the detriment of local residents
- The proposal would be detrimental to the amenities of the neighbouring residents
- The proposed drop off point would create a back up of traffic especially if parents have to wait for their child
- The development does not take into consideration the large vehicles and HGVs which deliver to the site already.

A letter has been received from Ivan Lewis MP, detailing the concerns of the occupiers of No. 29 Belgrave Street, Radcliffe, which relate to the impact of the proposal upon traffic and a request that a site visit is undertaken by members of Planning Committee.

Two further letters have been received from Ivan Lewis MP, requesting that the supporting comments of the occupiers of No. 136 Salisbury Road & No. 39 Bury Road are taken into consideration.

Consultations

Highways Team – No objections, subject to the inclusion of conditions relating to traffic calming measures, visibility splays and parking.

Drainage Team – No objections

Environmental Health – No objections, subject to the inclusion of conditions relating to contaminated land. No comments in relation to noise pollution.

Landscape Practice – No objections to the proposals. However, the scheme may benefit from the provision of some soft landscaping works and tree planting to enhance & compliment the scheme.

BADDAC – Provide accessible routes from public footway. Seek true level access.

GM Police Architectural Unit – No objections

United Utilities – No objection

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN7/2	Noise Pollution
RT2/3	Education Recreation Facilities
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
SPD6	DC Policy Guidance Note 6: Alterations & Extensions

Issues and Analysis

Principle - Policy CF1/1 states that proposals for the provision of improved community facilities would be considered acceptable where the scale and design of the development are acceptable, where suitable access and parking facilities can be provided and where there would be no conflict with other policies within the plan.

Policy CF2 states that the Council will, where appropriate, consider favourably proposals for the provision, improvement and dual use of educational facilities.

The proposed development is appropriate in scale and design and it is considered that suitable access and parking facilities would be provided. The proposed development would result in the improvement of the facilities provided by the school and would result in a

shared use of the education facilities, including the car park and assembly/sports hall. Therefore, the proposed development is considered to be in accordance with Policies CF1/1 and CF2 of the Bury Unitary Development Plan.

Design and impact upon surrounding area - There is a mix of architectural styles within the locality, including terraced properties and properties dating from the seventies and early eighties. The proposed development is fairly modern in design and it is considered that in design terms, the proposed development is appropriate in terms of height, form and scale. The proposed school hall extension would have a ridge height of 7.25 metres and the proposed church would have a ridge height of 6.6 metres. It is proposed for the whole extension to have a finished floor level of 103.1 metres. Therefore, it is considered that the proposed development would not be unduly prominent within the street scene, subject to conditional control.

The proposed development has been sited parallel with Belgrave Street. The proposed siting would allow the school and church to function independently, whilst allowing for interaction and the dual use of each building to be maximised. The location of the proposed extension ensures that the existing play area can be relocated to the rear of the site, which would ensure no loss of educational recreational space. The re-sited play area would be in a secure location and would be used as an overflow car park when the school was closed.

The proposed assembly/sports hall would have high level windows and therefore would not impact upon the privacy of the neighbouring residents. The position of the proposed extension ensures that the aspect distances, as set out in DCPGN6, to Gorsefield Primary School are maintained, as there would be 48 metres separating the existing and proposed buildings. On the northern elevation of the proposed development, there would be floor to ceiling openings, which would relate to the main area of the church. The distance between the proposed church and the rear elevation of Nos 2 to 6 Belgrave Close would be 38 metres, which is well in excess of the aspect distances contained within DCPGN6. In terms of noise, it is considered that the proposed development would not have a significant adverse impact upon the neighbouring residents and Environmental Health has no comments in relation to noise pollution. It is considered that the proposed development would not impact adversely upon the amenity of the neighbouring residents. Therefore, it is considered that the proposed development is in accordance with Policies EN1/1, EN1/2, EN7/2 and RT2/3 of the adopted Unitary Development Plan.

The proposed development would provide level access at all entrance points, with ramps or lifts being provided where appropriate. An accessible route would be provided from the pavement on Belgrave Street to the school. Therefore, it is considered that the proposed development would be accessible for all, in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Highway Issues - The proposed development would involve the provision of a second access point onto Belgrave Street, to serve a proposed additional parking facility. The existing parking area would be retained for staff parking. The proposed parking area would be located between the church and Belgrave Street and it would be available for use by the church. The objectors have raised the issue of parking and access during the consultation period and the applicant has acknowledged the access problems during school opening and closing times. Therefore, it is proposed to make the additional parking area available for use by parents during school opening and closing times as a drop off area. This would reduce the number of cars parking on Belgrave Street and would ease access for the residents of the neighbouring properties.

It is envisaged that the re-sited playground would act as an overflow car park for any events for either the church or the school outside of school hours, again reducing the need to park on the road and the impact upon the neighbouring residents. The highways team has no objections to the proposal, subject to the provision of traffic calming measures, which would be controlled via a condition. It is considered that there would be adequate parking facilities provided and the proposed development would not have a detrimental impact upon highway

safety. Therefore, the proposal is in accordance with Policies HT2/4 and HT4 of the adopted Unitary Development Plan.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and would not have a significantly adverse impact upon the amenity of the neighbouring residents. The proposed development is considered to be acceptable in terms of height, form and scale and would not look out of place within the locality, subject to conditional control. The proposed development would not be detrimental to highway or pedestrian 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 4288/01, 4288/02, 4288/03, 4288/04, 4288/05, 4288/06 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

5. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;
The approved contamination testing shall then be carried out and validity evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. 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.
7. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;
A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. The development hereby approved shall not be commenced unless and until a scheme of traffic calming measures on Belgrave Street and between its junctions with Knowles Street and Belgrave Drive and a programme for their implementation has been submitted to and agreed in writing with the Local Planning Authority.
Reason. To ensure good highway design in the interests of highway safety.
9. Notwithstanding the details indicated on the approved plans, footway visibility in accordance with Section 7.8 of Manual for Streets shall be provided at the junction of the proposed car park access with Belgrave Street before the development hereby approved is brought into use.
Reason. To ensure the intervisibility of the users of the site and the adjacent highway in the interests of road safety.

10. The proposed car parking strategy detailed in the approved Design and Access Statement shall be implemented to the written satisfaction of the Local Planning Authority before the development hereby approved is brought into use, unless otherwise agreed in writing with the Local Planning Authority.
Reason. To ensure adequate off-street car parking arrangements and provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

11. The car parking indicated on the approved plans shall be surfaced, demarcated (other than the proposed overspill car park on the school playground) and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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

Ward: Radcliffe - North

Item 07

Applicant: Joseph Holt Ltd

Location: WILTON ARMS, 139 CORONATION ROAD, RADCLIFFE, M26 3LP

Proposal: ERECTION OF DETACHED GARDEN SHELTER

Application Ref: 48386/Full

Target Date: 04/09/2007

Recommendation: Approve with Conditions

Description

The application site is The Wilton Arms Public House, a 1970's style building with extensive car parking to the front and a large beer garden to the rear. There is a perimeter boundary fence which encloses the beer garden on the north, south and western elevations. There is a row of local shops to the south of the site behind which is open land, with residential properties to the north and east.

The application is for the erection of a garden shelter. It would project from the existing single storey rear extension by 3.7m and be 12.4m at the widest point. The roof would be glazed panels supported on aluminium columns. A new ramp and access door to the shelter and beer garden would be constructed in accordance with Part M Building Regulations.

Relevant Planning History

Single storey rear extension - approved 1985

Beer garden and perimeter fence - approved 1991

Publicity

Twenty three neighbours were written to at 129-137 (odds) Coronation Road, 41-55 (odds) Farrington Drive, 42,44 Trencherbone, 1,3, 2-12 (evens) Gingham Park.

Although nothing has been received to date, it is anticipated there will be no objection to the application. As the consultation period does not expire until after the committee deadline it has been put forward as a committee item.

Consultations

Environmental Health - No objections subject to conditions

Unitary Development Plan and Policies

S2/6 Food and Drink

EN1/2 Townscape and Built Design

Issues and Analysis

Appearance and Siting - The proposed shelter would have a lightweight and inconspicuous appearance with its open sides and glazed roof. Although it could be viewed from the highway and the properties immediately opposite on Gingham Park it would not have a seriously adverse impact on their outlook, given it is set back within the site at the rear and being unobtrusive in design. It is considered to comply with UDP policy EN1/2 - Townscape and Built Design.

Residential amenity - UDP Policy S2/6 - Food and Drink is concerned with issues of residential amenity such as noise, smell, visual intrusion and hours of operation. Given the open nature of the shelter there is likely there would be increased noise from customers

using it. However, there is an existing beer garden with seating adjacent to the proposed shelter which is already in use by customers to the pub. The shelter would be set within the site at the rear of the pub and would be fairly well screened by the existing perimeter fence. Given these factors and that the use of the shelter would be restricted to 10pm, it is considered that the level of noise and disturbance would not be serious enough to warrant refusing the application.

Access - Ramped access would be provided from the public house to the proposed shelter. There is existing ramped access to the premises with the public areas all at one level.

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 considered to be acceptable in terms of visual amenity and would not seriously harm the residential amenity of the immediate neighbours.
There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

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 10/7/2007 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 proposed shelter shall not be available for use by customers outside the following hours - 0900 hrs to 2200 hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. There shall be no loud speakers or amplified music provided to the external areas, including the proposed shelter at any time.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

Ward: Radcliffe - West

Item 08

Applicant: Victoria Public House

Location: VICTORIA PUBLIC HOUSE, 119 AINSWORTH ROAD, RADCLIFFE, M26 4FD

Proposal: SMOKING SHELTER AT REAR

Application Ref: 48196/Full

Target Date: 07/08/2007

Recommendation: Approve with Conditions

This application was deferred for a site visit at the previous Planning Control Committee meeting on 24th July 2007 and the report has been updated.

Description

The Victoria Public House is situated on Ainsworth Road on the corner with Lowe Street. There is a yard area to the rear which is currently used for storage and part beer garden. There is a 2m concrete block wall along the south and west boundary with a high brick wall and gated access from Lowe Street. The area is predominantly residential in character with residential properties adjacent to the site on Lowe Street and Ainsworth Road.

The proposed smoking shelter would be located in the rear yard at the back of the pub and adjacent with the southern boundary. It would be 6m long, 2.5m wide and 2.3m high. It would be open on all sides with a steel frame supporting a filon glass fibre corrugated sheet roof and would be set in concrete blocks. Access would be via the rear entrance currently used as access to the beer garden.

Relevant Planning History

Non Applicable

Publicity

Twenty neighbouring properties were notified by means of a letter. (113 - 123 and 106-112 Ainsworth Road, 62 - 70 and 31 Lever Street, 2 a,b,c Lowe Street). One letter of objection has been received from No 31 Lever Street which raised the following points:

- the existing building at the rear of the pub is currently under health and safety investigation due to being unsafe
- there have been issues of noise and trouble
- young children playing in the area would be susceptible to picking up the cigarette ends or getting burnt.

Consultations

Highways Team - No comments received

Environmental Health - No objections subject to conditions.

GM Police Architectural Liaison Unit - No objections

Unitary Development Plan and Policies

S2/6 Food and Drink

EN1/2 Townscape and Built Design

Issues and Analysis

Appearance and Siting - The proposed shelter would be situated to the rear of the pub in the existing yard area and beer garden which is enclosed by a high brick wall, and would

therefore not be readily visible from the public highway. It could be viewed from the upper floors of the surrounding properties on Lever Street and Ainsworth Road but would not impact adversely on their outlook given the size and scale of the structure. In design terms the shelter has been designed as a light open structure so as not to impact on the adjacent streets and buildings and is considered to comply with the provisions of UDP Policy EN1/2 - Townscape and Built Design.

Residential Amenity - UDP Policy S2/6 - Food and Drink is concerned with issues of residential amenity in terms of noise, smell, visual intrusion and hours of operation. The concerns of the objector regarding noise and disturbance are relevant and material considerations. Given the open nature of the shelter there is liable to be noise from customers using it. However, it is considered the level of noise and disturbance would not be serious given the size of the area concerned, its location in an already existing beer garden and the restrictions which could be imposed with regard to loud speakers and proposed hours of use. Although the area is residential in character it is considered the proposed development and the potential increase in general disturbance to the immediate neighbours would not be serious enough to warrant refusing the application given the restricted hours of use from 0900 to 2200 hours as per Condition 3, and therefore complies with UDP Policy S2/6 - Food and Drink.

Access - Access to the shelter would be via the rear pub entrance which is currently used as access to the beer garden.

Objections - There is a building within the curtilage of the public house, on the rear boundary adjacent to Lever Street, which was under investigation by the Building Control Department due to it being an unsafe structure. The building has since been made safe by partial demolition and the file closed off as a dangerous building case. It has been cordoned off by a 2m fence from the rest of the rear yard area of the pub as a safety measure. The building would be approximately 8.5m from the proposed shelter. Given these factors, the building would not have a bearing on this planning application for a smoking shelter.

The proposed smoking shelter would be within the curtilage of the pub and as such should not cause extra nuisance with the littering of cigarette ends.

The noise and disturbance issues have been covered in the above report.

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 shelter is considered to be appropriate and in keeping with the existing Public House and should not seriously harm the residential amenity of the nearby occupants or detract from the character of the street scene.

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 12/6/2007 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 proposed shelter shall not be available for use by customers outside the following hours - 0900 hrs to 2200 hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink of the Bury Unitary Development Plan.

4. There shall be no loud speakers or amplified music provided to the external areas, including the proposed shelter, at any time.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 09

Applicant: Buchanan Sports & Social Club

Location: BUCHANAN SPORTS AND SOCIAL CLUB, BUCHANAN STREET,
RAMSBOTTOM, BL0 9JF

Proposal: BOWLING AND SMOKING SHELTER

Application Ref: 48295/Full

Target Date: 23/08/2007

Recommendation: Approve with Conditions

Description

The application site is Buchanan Sports and Social Club, Ramsbottom. The club is situated within an area characterised by residential terraced properties and lies within the Ramsbottom Conservation Area. The rear gardens of the houses on Garnett Street, Stanley Street and Queen Street face onto the bowling green and club at a distance of 23m and 32m respectively. The Club itself has a high stone boundary wall on the east, south and western sides, with the clubhouse fronting Buchanan Street. The clubhouse has been extended in the early 1990's with a single storey rear extension.

The application is for a bowling and smoking shelter. It would be a timber frame, projecting from the existing conservatory which faces the bowling green by approximately 3m and extend across 7m. It would be accessed from the rear of the club or from the street via steps and a gate. The roof would be comprised of clear perspex sheeting.

Hours of opening are indicated at 11am to 11pm.

Relevant Planning History

36577 - canopy over front door - approved 2000

25020 - single storey rear extension - approved 1990

Publicity

Forty five neighbours were written to at 30,32,29,31 Major Street, 32 - 62 (evens) Stanley Street, 12-30 (evens) Garnett Street, 33-61 (odds) Queen Street.

A site notice was posted on 2nd July 2007.

A letter of objection was received from 49 Queen Street, which has raised the following issue:

- the shelter would further increase the amount of noise and disturbance to the residents.

Consultations

Highways Team - No objection

Environmental Health - No objection subject to conditions.

GM Architectural Liaison Unit - No objection to the proposal. Suggests the shelter be shuttered when not in use to prevent unauthorized gathering.

Unitary Development Plan and Policies

S2/6 Food and Drink

H3/1 Assessing Non-Conforming Uses

EN1/2 Townscape and Built Design

EN2/2 Conservation Area Control

EN2/1 Character of Conservation Areas

Issues and Analysis

Appearance and Siting - The proposed shelter would, with its open sides and clear roof, be a lightweight and inconspicuous structure. Situated within the site it would not be visible from the public highway. It could be viewed from the upper floors of the surrounding properties on Queen Street, Stanley Street and Garnett Street. However, the nearest of these properties would be approximately 23m away on Stanley Street and as such is considered not to adversely impact on their outlook. In terms of style and design, the simple light structure is considered to comply with Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

Conservation Area - The site falls within Ramsbottom Conservation Area and as such would be assessed against UDP Policy EN2/2 - Conservation Area Control which seeks to preserve and enhance the special character or appearance of the area. The proposed structure would be within the site itself and not visible from the public highway. Its size and position and lightweight materials would make it subservient to the original build which is a mix of stone, render, glazing and corrugated iron roofing. Given the size and position of the structure, the proposal is considered to be acceptable within the conservation area.

Residential amenity - UDP Policies S2/6 - Food and Drink and H3/1 - Assessing Non-Conforming Uses are concerned with issues of residential amenity such as noise, smell, visual intrusion and hours of operation. The concerns of the objector regarding noise and disturbance are relevant and material considerations. However, given there is already a certain amount of activity from members using the bowling green and existing patio area during the day and in the evening, it is considered the impact of noise and disturbance would not be seriously detrimental to the residential amenity of nearby residents.

Although the hours of opening are indicated on the application to 11pm it is considered reasonable to limit the use of the shelter to 10pm to protect residential amenity of local residents. This is consistent with all other applications of this type in residential areas.

Access - There would be level access from the main clubhouse building to the smoking shelter. Access could also be gained from Buchanan Street via steps and a gate.

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

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 considered to be appropriate and in keeping with the Bowling Club and should not seriously harm the residential amenity of the neighbours.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

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

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

2. This decision relates to the drawings received on 28/6/2007 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 proposed shelter shall not be available for use by customers outside the following hours - 0900 hrs to 2200 hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink of the Bury Unitary Development Plan.

4. There shall be no loud speakers or amplified music provided to the external areas, including the proposed shelter at any time.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

Ward: Ramsbottom + Tottington - Tottington

Item 10

Applicant: Milbury Voyage

Location: 17 KIRKLEES STREET, TOTTINGTON, BL8 3NE

Proposal: DEMOLITION OF EXISTING PROPERTY AND CONSTRUCTION OF 8 BED RESIDENTIAL CARE HOME (CLASS C2) FOR ADULTS WITH LEARNING DISABILITIES, INCLUDING ASSOCIATED PARKING

Application Ref: 48165/Full

Target Date: 07/08/2007

Recommendation: Approve with Conditions

This application was deferred for a site visit at the previous Planning Control Committee meeting on 24 July 2007 and the report has been updated.

Description

The application site consists of a large bungalow, which has been extended and various outbuildings within the curtilage, including a garage. A long driveway is located to the eastern point of the site and there are mature gardens surrounding the bungalow including several mature trees. The site is bounded by residential properties and there are a mixture of styles including bungalows, detached and semi-detached dwellings. There is a 2 metre fence to all boundaries, except the boundary with No. 19 Kirklees Street which has a 1 metre fence.

The proposal consists of the demolition of an existing dwelling and the erection of a two storey building for use as a residential care home for adults (Class C2) with learning difficulties, including provision for parking at the front of the property.

It is noted that the proposed site plan indicates that there would be a 10 No. bed care home. The agent has confirmed via e-mail that this is an error and the care home will consist of 8 No. bedrooms for adults with learning difficulties.

Background - The applicant, Milbury Voyage, is part of the Paragon Healthcare group, which is a national provider of care services for people with specialist needs. Milbury Voyage offers residential and nursing care, respite care, day care and care/supporting services for people with learning difficulties. Given the specialised needs of the people living within the care homes, there is a high ratio of staff to residents.

Relevant Planning History

No relevant planning history

Publicity

The neighbouring properties (2 – 10 Laburnum Avenue; 6 – 12 Hawthorn Crescent; 15 – 23 Kirklees Street; 50 – 58 Kirklees Street; Gringolet & Prospect Bungalow, Kirklees Street) were notified by means of a letter on 15 June. 27 letters have been received from 15, 21, 23, 25, 56, Gringolet, 58 Kirklees Street, 4 Kirklees Close, 6, 8, 12 Hawthorn Crescent, 1, 5, 7, 11, 17, 23 Beryl Avenue, 1 Prospect Court, 1, 3, 4 Hugenden Court, 2 Laburnum Avenue, 7 Laburnum Court, 5 Rhine Close and 47 Holthouse Road, and a petition, consisting of 92 signatures.

One letter of support has been received, which has raised the following issues:

- There is a lack of facilities in Bury to cater for individuals who require care and support and support the application

26 letters of objection have been received, which have raised the following issues:

- The proposal would reduce light at the rear of the properties on Hawthorn Crescent
- The proposal would result in a loss of privacy

- The proposed building is too large and out of character with the area
- The proposed business is not appropriate for a residential area
- There is no provision for loading and unloading of vehicles on site and no provision for vehicles to turn on site.
- Impact of the proposal upon the traffic and highway safety within the area

Consultations

Highways Team – No objections, subject to conditions relating to access and car parking.

Drainage Team – No objections

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

Waste Management - No response to date.

Landscape Practice – The Landscape Practice would agree with the recommendation in the Arboricultural report to retain 6 trees within the site and the Design & Access Statement confirms this. No objections, subject to the inclusion of conditions relating to Tree protection works and a landscaping plan.

GM Police Architectural Liaison – No objections

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6/3	Features of Ecological Value
EN8	Woodland and Trees
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
CF3/1	Residential Care Homes and Nursing Homes
SPD6	DC Policy Guidance Note 6: Alterations & Extensions

Issues and Analysis

Principle - Policy CF1/1 states that proposals for the provision of improved community facilities would be considered acceptable where the scale and design of the development are acceptable, where suitable access and parking facilities can be provided and where there would be no conflict with other policies within the plan.

Policy CF3/1 states that residential care homes will be located in residential areas and will be permitted where they do not conflict with the amenity of adjoining areas.

The proposed development is appropriate in scale and design and would not impact significantly upon the amenity of the neighbouring residents. The proposed development would involve the relocation of the existing driveway to the centre of the frontage, which would allow for adequate parking facilities to be provided. Therefore, it is considered that the proposed development is in accordance with Policies CF1/1 and CF3/1 of the adopted Unitary Development Plan.

Design and impact upon surrounding area - The proposed development has been sited so as to minimise the impact of the proposed development upon the neighbouring residents. The proposed building has been sited further forward than the existing bungalow and would not impact significantly upon the amenity of Nos 15 and 19 Kirklees Street in terms of privacy or daylight. The position of the proposed building ensures that the aspect distances, as set out in DCPGN6, to the properties on Hawthorn Crescent and Kirklees Street are maintained as there would be 23 metres and 28 metres, respectively between habitable windows. It is considered that in design terms, the proposed development is appropriate in terms of height, form and scale. There are a variety of dwellings within the locality, including terraced, semi-detached, detached properties and bungalows. The proposed development would have a ridge height of 9.2 metres and it is proposed for the finished floor level to be 50.5 metres. The site survey states that the ridge height of No. 15 Kirklees Street is

currently 59.5 metres, dropping to 58.6 metres at its lowest point. As a result, the proposed development would be approximately the same height as No. 15 Kirklees Street and approximately 1 metre higher than No. 19 Kirklees Street. Therefore, it is considered that the proposed development would not be unduly prominent within the street scene, subject to conditional control.

The existing dwelling is positioned some 8 metres from the boundary with Nos 6 & 8 Hawthorn Crescent. The proposed building would be positioned some 12 metres from the boundary with the above properties. It is considered that due to the distances between the proposed building and the existing dwellings that the proposed development would not have a significant adverse impact upon the daylight received and therefore, the proposed development would not be detrimental to the amenity of the occupiers of the dwellings to the rear of the application site. Therefore, it is considered that the proposed development is in accordance with Policy EN1/2 and the aspect distances set out in DCPGN6.

The proposed waste recycling facilities are considered to be satisfactory. The proposed bin store would not be detrimental to neighbour amenity. The proposed wooden fencing to the boundary with No. 19 Kirklees Street would match the existing fencing at the rear of the property and is considered to be acceptable. The proposed steel railings to the boundary at the front of the property would allow for some visibility between the car park and footpath and it is considered that the proposed railings would not be unduly prominent within the street scene. Therefore, the proposed development is considered to be in accordance with Policy EN1/2 of the adopted Unitary Development Plan.

The proposed development would include level access to the ground floor at all entrance points, the internal corridors would be 1500mm wide, thereby allowing for wheelchair access. The second floor of the proposed building would be accessed by either a lift or stairs and a fully accessible bathroom and toilet would be provided. Therefore, it is considered that the proposed development would be accessible for all, in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Due to the demolition of the existing dwelling, a bat survey has been submitted as part of the application. The bat survey concludes that access to the loft space does not exist currently; there was no evidence that bats were present and providing that the demolition work is completed by March 2008, no further survey work would be required. Therefore, it is considered that the proposed development would not harm a protected species and therefore is in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Landscaping and trees - An arboricultural survey has been submitted as part of the application, which has stated that the six trees in the vicinity of the application site would be retained and the application site would be enhanced with new planting. The Landscape Practice concur with this view and have no objections to the proposal, subject to the inclusion of conditions relating to tree protection measures during the demolition and construction phases and the provision of a landscaping plan, including any further planting. Therefore, it is considered that the proposed development is in accordance with Policies EN1/3 and EN8 of the adopted Unitary Development Plan.

Highway issues - The proposed development would involve the re-siting of the access point to the proposed development from the eastern boundary of the site to a central position. The repositioning of the access point would allow for additional parking to be provided off-road, which is considered to be adequate for a care home of this size. The highways team has no objections to the proposal, subject to conditions relating to the re-positioning of the access point and the demarcation of the car park. Therefore, it is considered that the proposed development would not be detrimental to highway safety and is in accordance with Policies H2/4 and H4 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 the proposed development would not have a significant adverse impact upon the amenity of the neighbouring residents. The proposed development is acceptable in terms of 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 Site plan, 351/2007-01, 351/2007-02, 261/2006-06, 261/2006-07, 261/2006-08, 261/2006-12, 7987RG and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
5. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;

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

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

6. 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.

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

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

8. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

9. The finished floor levels of the building hereby approved shall be 50.500 (as stated in the design and access statement), unless otherwise agreed in writing with the local planning authority.

Reason. To secure the satisfactory development of the site and the assimilation of the new building(s) into the locality pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

10. The development hereby approved shall not be brought into use unless and until the redundant footway crossing onto Kirklees Street has been reinstated to adjacent footway levels to the written satisfaction of the Local Planning Authority

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

11. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

12. If demolition of the building(s) permitted by this approval takes place after April 2008, a survey shall be conducted, and the survey results established as to whether the buildings are utilised by bats or owls. A programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.

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

Ward: Whitefield + Unsworth - Pilkington Park

Item 11

Applicant: Mr B Radivan

Location: 198 BURY NEW ROAD, WHITEFIELD, M45 6QF

Proposal: CHANGE OF USE OF FIRST FLOOR FROM RESIDENTIAL TO CLASS D1 - CHIROPODIST AND SINGLE STOREY EXTENSION AT REAR

Application Ref: 47903/Full

Target Date: 21/08/2007

Recommendation: Approve with Conditions

Description

The site is within Whitefield District Shopping Centre on the east side on Bury New Road to the north of its junction with Moss Lane. The applicant currently uses the main front room on the ground floor as a chiropodist's surgery and has the remainder of the premises as a residence. Although the site lies within the commercial centre of Whitfield there are houses either side. Across Bury New Road is Slatterys cake shop. To the rear is an unmade access road and car park.

It is proposed to convert the existing surgery into a waiting room and have two smaller rooms as surgeries on the ground floor and two further rooms as surgeries on the first floor. The applicant indicates that there would be two members of staff. There would be no residential use of the premises.

Initial plans indicated a new ramped access at the front of the premises however this has been omitted after being assessed as inappropriate by the disabled access group - Baddac. At the rear the existing outbuilding would be demolished. The proposed single storey extension would project out 5.2m along the boundary with No.196 and 3.3m along the boundary with No.200. The extension would be built in red brick and tile. Two car parking spaces would be formed to the rear of the site with access onto the back street. Bin storage would be provided at the rear.

Relevant Planning History

N/A

Publicity

Eleven neighbours notified at 190 - 206 Bury New Road (evens), 199 -203 Bury New road (odd). Two letters received. One letter from 196 was initially concerned about encroachment but has withdrawn the objection.

A letter was also received from the occupier of 200 Bury New Road who is concerned about encroachment and increasing traffic and parking problems.

Consultations

Traffic Team - No objection.

Drainage Team - No objection.

Environmental Health - No comment to date.

BADDAC - The proposed ramp would not be appropriate. Instead a management system should be in place whereby any disabled customer could obtain help to access the premises.

Unitary Development Plan and Policies

S1/3 Shopping in District Centres

EN1/2 Townscape and Built Design

Issues and Analysis

Principle - The principle of a chiropodist surgery (D1) has been established by the existing surgery and is not a concern within the commercial centre of Whitefield. Although UDP Policy S2/3 Secondary Shopping Areas and Frontages seeks to maintain A1 retailing, this is not a concern as there is no loss of a shop in this case. The issues with regard to this proposal are whether a more intensive use is appropriate and whether the extensions and external alterations are considered to be acceptable in terms of visual and residential amenity.

Design and Appearance - The proposed extension at the rear is considered to be in keeping with the existing property and would not be readily viewed from the public highway. Both attached neighbours at Nos.196 and 200 have rear single storey outriggers beyond which the proposed extension would not significantly project.

Residential Amenity - A chiropodist surgery is unlikely to present any serious noise and disturbance issues with regard to the attached neighbours, particularly given the daytime opening hours.

Traffic - The proposal would increase parking on site from one to two spaces. This provision is considered to be appropriate given the fact that the site is within the District Centre and very sustainable, close to the metro and main bus routes along Bury New Road.

Disabled Access - Given the level differences between the public footway and the entrance to the building it is not considered that there is sufficient room for an adequate ramp. Instead it is considered that a management system be in place to allow disabled patients to access the building safely. It is also noted that the chiropodist would in many cases make house calls to disabled patients.

Objection - The objection from the immediate neighbour at No.200 with regard to encroachment is not a specific planning matter although the plans have been amended to avoid encroachment on to No.200. With regard to increasing traffic, the additional number of patients would not be considered to be significant given the size of the business and its location.

The proposal is considered to comply with unitary Development Plan Policies listed and would not cause serious harm to the residential amenity of the immediate neighbours.

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 change of use would not be contrary to UDP policy and would not be seriously detrimental to the amenity of neighbours. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 03/07/2007 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.

4. Business opening hours shall be confined to the following times:-
0900 hrs to 1800 hrs, Monday to Saturdays and 1000 to 1200 noon on Sundays..

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

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

