

**Ward:** Bury East

Item 01

**Applicant:** Bury Chiropractic Ltd

**Location:** 36 BOLTON STREET, BURY, BL9 0LL

**Proposal:** SIGN A - PROJECTING HANGING SIGN  
SIGN B - SHOP SIGN AT FIRST FLOOR

**Application Ref:** 48141/Advertisement

**Target Date:** 03/09/2007

**Recommendation:** Split Decision

### **Description**

The site comprises a mid terrace shop unit on Bolton Street in the Bury Town Centre Conservation Area. The shops adjacent are of a variety of types with a mix of shop fronts. There is some unauthorised signage at first floor level on the adjacent property of 34 Bolton Street and on this property.

The application is for two un-illuminated signs. One a 'hanging' type sign at shop fascia level (sign A) 700mm by 610mm and one a first floor sign between the existing windows to replace an existing sign (sign B) 915mm by 1220mm.

### **Relevant Planning History**

None relevant to this application.

### **Publicity**

The immediate neighbours have been notified and a site notice placed on the 12th July and press on the 19th July. An objection has been received from Clough & Willis on behalf of the owners of the property. The objection can be summarised as follows:

- the owners have not been notified of the application
- the signs would be out of character with the building

### **Consultations**

Highways Team - no objections

Conservation Officer - object to the signage at first floor that detracts from the character of the building and the Conservation Area.

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

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

EN1/9 Advertisements

### **Issues and Analysis**

Control of Advertisement Regulations applications are viewed in the light of Public Safety and Amenity only which is covered in Unitary Development plan Policy EN1/9 - Advertisements.

Public safety - the signs are both located above 3m in height and of a colour, type and design that they would not endanger public safety. As such they comply with Unitary Development Plan Policy EN1/9 - Advertisements.

Amenity - the signs are of 2 types. One a hanging sign at door /fascia height (Sign A) and the second a flat sign (Sign B) at first floor level.

The hanging sign is some 610mm high by 700mm wide set some 3.1m above pavement level. This type of sign is common on most shop fronts within the Conservation Area and is a traditional type of advertisement to announce the entrance to a shop/business. In this

case it is located immediately adjacent to the door to the premises and in line with the shop fascia signs and as such the position, type and colour/design fits in with the building and will not detract from it or the Conservation Area. As such the proposal conforms with UDP Policy EN1/9 - Advertisements.

The sign at first floor level replaces an existing larger sign. The property adjacent (34) have two similar signs. None of these signs have the benefit of Express Consent under the regulations. Whilst the replacement of the larger sign by a smaller one may seem acceptable in principal, the fact that the sign would authorise signage which is of a type and in a position that is inappropriate to the scale of the building. Additionally, high level signage can detract from the character of the Conservation Area. In this case it spoils the symmetry of the design and layout of the openings on the upper floors of the building and it would detract from the character of the conservation area. This means that it should be refused as it would be contrary to UDP Policy EN1/9 - Advertisements as well as UDP Policy EN2/2 - Conservation Area Control.

Objection - the issue of notification of submitting an application is not a material planning matter with regard to the determination of applications for Express Consent under the Control of Advertisements Regulations as it is a standard condition on any approval granted that the permission of the owner of the property has to be obtained before the advertisement is erected. The impact of the signs on the character of the building have been dealt with in the section on Amenity above.

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

Sign A - 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 application has been considered in terms of its impact on both safety and amenity with the terms of the Town and Country Planning (Control of Advertisement Regulations) 2007 and Bury Unitary Development Plan Policies EN1/9 - Advertisements and EN2/2 - Conservation Area Control and found that it will not impact on the amenity or public safety of the area to such an extent as to warrant refusal.

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

The application has been considered in terms of its impact on both safety and amenity with the terms of the Town and Country Planning (Control of Advertisement Regulations) 2007 and Bury Unitary Development Plan Policies EN1/9 - Advertisements and EN2/2 - Conservation Area Control and found that it will impact adversely on the visual amenity of both the building in relation to its position/design and the character of the Conservation Area and as such should be refused.

There are no other material considerations that outweigh this finding.

**Recommendation:** Split Decision

### **Conditions/ Reasons**

1. The proposed advertisement Sign B, shop sign at first floor, would introduce signage of a level and nature incompatible to the location of the site within Bury Town Centre Conservation Area. Granting consent to display advertisements would detract from the character and appearance of the building in particular and the Conservation Area in general and would therefore be contrary to the following policies of the Bury Unitary Development Plan:  
EN1/9 - Advertisements and EN2/2 - Conservation Area Control.

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

**Ward:** Bury East - Redvales

Item 02

**Applicant:** Bury College Corporation & Play Football Ltd

**Location:** BURY COLLEGE, MARKET STREET, BURY, BL9 0BG

**Proposal:** CONSTRUCTION OF ALL WEATHER PITCHES WITH ASSOCIATED PAVILION BUILDING, FENCING, LIGHTING AND PATHWAYS

**Application Ref:** 48405/Full

**Target Date:** 22/10/2007

**Recommendation:** Approve with Conditions

### **Description**

The proposal involves the northerly section of the Bury College playing fields that front onto Wellington Road and Market Street. The application also encompasses part of the existing college car park nearest to the playing fields and the approaches to the car park.

The proposed scheme is to develop the section of playing fields involved into nine five-a-side synthetic surfaced football pitches and one such seven-a-side pitch. These would be enclosed by 5m high perimeter fencing including a 1.25m high kickboard above which there would be 1.25m of mesh and then 2.5m of netting. There would be similar fenced divisions between the individual pitches. The complex of pitches would be illuminated by 24no 8.2m high floodlighting units.

As indicated above the pitches would occupy the northernmost section of the playing field. This is the section furthest away from Wellington Road. They would be in a linear arrangement two pitches wide and the overall area involved would measure about 149m x 43m. At their nearest the pitches would be about 69m from Wellington Road and about 23m from Market Street. A 3m high timber boarded acoustic fence is proposed on the Wellington Road side of the pitch complex partly also extending onto the westerly side that would face Manchester Road Park.

The second main element of the development is a single storey pavilion building with an external footprint of 23.7m x 14.7m. This would accommodate changing facilities, a 120sq m bar area, reception and offices. There would also be a rear patio area enclosed by 2m high powder coated paladin fencing. The pavilion would be sited at the westerly end of the pitches about 55m from Manchester Road Park. The building would have a monopitch shallow sloping roof. Its walls would be finished in a combination of smooth render, silver grey composite cladding panels and black microrib panels around the main entrance which would face the car park.

The application area also includes a total of 82 parking spaces within the nearest part of the college car park. Five of the spaces would be designed for disabled use. The application confirms that this part of the car park would be utilised on the basis of shared use with college users utilising the spaces upto 1700hrs on weekdays and then sports users exclusively after 1700hrs and through the weekend.

The applicants have agreed to amend the originally stated opening hours and have confirmed that they would accept a condition requiring the pitches and floodlighting not to be used after 2200hrs and the pavilion after 2300hrs.

The application is supported by a design and access statement, a planning policy statement, details of luminance values for the floodlighting and a noise assessment.

The application follows the withdrawal of a recent application for a similar development. The

main change is that the pitches would be set significantly further way from Wellington Road.

### **Relevant Planning History**

40370/03 - Outline, erection of single storey nursery, three storey teaching block and five storey performing arts and humanities centre. Refused on 23rd April 2003 for the reason that the teaching block would be seriously detrimental to the amenities of adjacent houses by reason of its height, size and position.

40714/03 - Outline, single storey nursery, three storey teaching block, three storey performing arts and humanities building and single storey print room (revised scheme). Approved on 28th May 2003.

41541/03 - Single storey nursery building and external play area. Approved on 6th December 2003.

41750/03 - Two storey performing arts and humanities building with linked three storey teaching block. Approved on 11th February 2004.

41909/04 - Erection of single storey nursery and playground. Approved on 11th February 2004.

42520/04 - 13no. roof lights to existing roof; 1no. lift shaft. approved on 7th June 2004.

47882 - Construction of 10 all weather pitches with associated clubhouse, fencing, lighting and pathways. Withdrawn.

### **Publicity**

292 properties in South Bank Road, Parliament Street, Townfields Close, Parkhills Close, Market Street, Parkhills Road, Grosvenor Street, Nelson Street, Devon Street, Horne Street, Brierley Street and Wellington Road were notified on 2nd August 2007. A site notice was displayed from 13th August 2007 and a press notice was published.

Three objections have been received from individual residents. These are from 31 Nelson Street and 46 and 88 Wellington Road. The main concerns are as follows:

- High fencing and floodlighting would be an eyesore.
- Floodlighting would create light pollution.
- The local problem of excessive on street parking would be added to.
- Late evening use (upto 11pm) would create unreasonable disruption and disturbance to the surrounding residential area.
- The delineation provided by the playing fields between the town centre and Fishpool and Parkhills areas would be lost.
- Bury Council's Playing Fields Needs Assessment needs to be completed because there is no evaluation of the impact of the reduction of grassed pitches in the Borough or the impact on existing artificial surface facilities operated by the Council that exist within a mile or so of the proposal.
- The application makes reference to the previous use of the playing field for construction storage but this is fatuous as prior to that the pitches were perfectly serviceable .
- The field is used by the local community including Elton & Walshaw junior football club and for ad hoc games by local children.
- Excessive noise from players and crowds.
- Litter problem.
- The field was given to the town and not for a business venture ie pavilion for use as a night club, licensed premises with the rest as a front.
- The field should remain as a natural area.
- The town is becoming over commercialised.

An objection from Fishpool Residents Association raises the following concerns:

- Lighting and noise levels.
- Pavilion hours are extensive with a seven day week leading to revellers in the area.
- Parking is already an ongoing problem with being in the midst of two colleges.

- Some people speak of a deed of covenant that was given by Lord Derby to the people of Bury for this land to remain green.

### **Consultations**

**Highways Team** – Recommend conditions ensuring that the car parking indicated is available during the hours of the use and that there is no access vehicular or pedestrian from Parliament Street or Westminster Street other than emergency access.

**Drainage Team** – Recommend a condition requiring prior approval to drainage aspects.

**Environmental Health** - Recommend contaminated land conditions. regarding noise pollution are particularly concerned about the impact on the ambient noise conditions in Parliament Street where these fall significantly after 2200hrs. Advise that the finish time for playing football/activities on the pitches should be 2200hrs rather than the 2300hrs referred to in application. Recommend conditions requiring adherence to the noise mitigation measures referred to in the noise consultants report and that the luminaires should be positioned so that the filaments to the bulbs are not visible from nearby dwellings or their gardens.

**GMP Architectural Liaison** – No objections but comment that the eaves of the building would need to be extended to minimise the ease of access onto it. The roof detail has been amended accordingly.

**Sport England** – No objections as the development can meet one of the requirements of their playing fields policy (exception E5) in that “*The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields*”. They are concerned however, that the works do not negatively impact upon the use of the grassed pitches and that there should be a Community Use Agreement for community/college use of the development.

**Borough Leisure Services Officer** – Concern that the proposed provision may undermine the viability of similar all weather facilities being made available to the public at schools and Council leisure centres.

**Landscape Practice** – Concern that trees on the playing field boundaries especially on Wellington Road are not affected. Drainage details are required and a condition requiring prior approval to the site entrance and compound and a method statement for any work intended near the trees.

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

RT1/2	Improvement of Recreation Facilities
RT2/1	Provision of New Recreation Sites
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN7	Pollution Control
EN7/2	Noise Pollution
OL3/1	Protection of Urban Open Space
CF2/1	Bury College
Area	Townside/Market Street
BY7	
PPG17	PPG17 - Planning for Open Space, Sport and Recreation

### **Issues and Analysis**

**Principle** – The proposal needs to be considered in terms of Policies RT1/2 and RT2/1 where it is stated that the Council will give favourable consideration to proposals to appropriate improvement of existing recreational land or the provision of additional such facilities in the Borough. Within the justification to Policy RT2/1 it states that such improvements would include “...investment in all-weather pitches” and “...provision of floodlights to increase the hours during which sports pitches may be used”. The proposal, given its nature and scale, is in line with these policies. It should also be noted that Sport England have indicated that would not be objecting to the application as it is not in conflict

with their playing fields policy.

In the justification to Policy RT2/1 it states that “When considering proposals involving the provision of additional recreation facilities in the urban area the Council will be concerned to ensure that the proposal would not conflict with the uses and amenity of the area, and that where necessary adequate car parking is provided.” These issues do arise with this proposal and are considered in the following sections.

In addition, the proposal is within the Town Centre Policy Area BY7 - Townside/Market Street where amongst the types of proposals to be encouraged within this area are proposals for leisure and recreation uses. Thus, the proposal is not in conflict with this UDP area policy.

Visual Amenity - The site and the rest of the playing field is an extensive and highly visible area of open space within the urban area. Policy OL3/1 seeks to protect such spaces which provide valuable visual amenity, an important outlet for recreation or a buffer between incompatible uses and in this regard the development of a part of the field for intensive recreational purposes is of concern. However, the playing field is extensive and the development would occupy about 30% of the total which the area furthest from the main vantage points along Wellington Road and its junction with Market Street. The unaffected area of playing fields would still provide a substantial area of open space, sufficient to accommodate two football pitches and with land left over. In regard to the objectives of Policy OL3/1 and also EN1/2 it is considered that the remaining playing field would, despite the loss of area for the development, still be large enough perform the role of a valuable area of urban open space.

Residential Amenity - The surroundings of the site have two significant areas of residential development which include those on the opposite side of Wellington Road to the south and around Parliament Street to the north west. The development would have a number of potential impacts including visual, noise, floodlighting, car parking demand and activity associated with the pavilion. However, these impacts would be mitigated in a number of ways. These include the significant separation distance to the housing (about 87m from the pitches to the nearest houses in Wellington Road and about 120m to the nearest house in Parliament Street, with about 105m from the pavilion in the case of both roads). This separation would be further reinforced by the screening effect of mature trees on the playing field edge on Wellington Road and in Manchester Park for part of Parliament Street as well as the proposed 3m high acoustic fencing on the Wellington Road and partly on the park side of the pitches. Furthermore, the operator is agreeable to the use and illumination of the pitches being limited to upto 10pm and the use of the pavilion to upto 11pm. Any consent should be subject to a condition placing these limits on the development. To avoid the effects of excessive glare the floodlighting should also be subject to a control over the orientation of the lights. The proposals include the availability of off street parking spaces to be discussed further in one of the sections below. Overall, it is considered that the impact of the development on residential amenity in the locality would be mitigated to an acceptable degree.

The Pavilion – This building would be of a modern appearance and in terms of its materials and design it would be generally in harmony with the new college buildings. It would include a bar area but this facility would be on a relatively modest scale and not likely to impact in terms of noise and activity on local residents and particularly if its use is restricted to an 11pm closure.

Car Parking – The current standard in DCPN11 states that provision for outdoor sports and leisure (Class D2) should be given individual consideration in regard to each application. In this case the provision has already been constructed being 82 of the spaces within the existing college car park closest to the site. These would be utilised on the basis of dual use with availability to college users during the working day and sports users exclusively in the evenings after 1700hrs and over the weekends. This should adequately cover demand from the sports development at most times and it should be borne in mind that the site is

accessible both in terms of public transport with the bus and tram stations a short walk away as well as some of the town centre car parks and areas of designated on street parking spaces.

Disabled Access - The proposals include level access from the car park into the facility, including the pavilion, where there is a changing room/toilet facility for disabled persons. The five disabled spaces to be provided are a sufficient proportion of the overall provision.

The Objections - The issues raised by objectors concerning visual amenity, loss of open space, noise and light pollution and car parking are covered in the above sections.

Other Matters - Concerns have also been raised that the Council's 'Playing Fields Needs Assessment' should be completed to understand the impact of the reduction in grassed pitches and on the existing Council operated all weather facilities. There is also the concern expressed by the Borough Leisure Services Officer about the potential impact of the development on the viability of all weather facilities operated by the Council. Competition is not a valid planning objection to consider.

The advice in paragraph 15 of PPG17 is that where a robust assessment of need in accordance with the guidance has not been undertaken then planning permission should not be allowed *unless* one of a set of circumstances is being complied with. One of these circumstances is met put forward by Sport England in their response which confirms their decision not to object to the application (see consultations section above).

The objections include also the possibility that the development may contravene the terms of a deed of covenant that affects the land. However, this is not a material planning consideration.

Community Use Agreements - The site and college already operates their sporting facilities supported by a community use agreement. The agreement will need to be updated to reflect upon the proposed facilities and a planning condition should be imposed to ensure that this is the case.

Replacement Pitches - At the time of writing this report, the existing pitches are intended to be reprovided at the southerly end of the playing field. Under these circumstances, there is a need to ensure that they are replaced as intended. Should this work be carried out prior to the Planning Committee meeting on 18th September 2007, Members of the Committee will be updated on the need for the condition to be retained within the recommendation.

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

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

The development would provide additional and improved recreation facilities that would not harm the amenities of the area to an unacceptable degree and there would be a sufficient level of car parking provided for the facility.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. Samples of the materials to be used on the exterior of the pavilion building shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: In the interests of visual amenity and to ensure a satisfactory development.
3. No development shall be carried out unless and until samples for the colour finish for the fencing shall be submitted to and approved by the Local Planning Authority. The work shall not be carried out other than in accordance with the approved details.  
Reason: In the interests of visual amenity and to ensure a satisfactory development.
4. The all weather pitches shall not be used and the floodlights shall not be illuminated between 2200 hours and 0900 hours on any day.  
Reason: In order to protect the amenity of nearby residential occupiers pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan.
5. The pavilion shall not be open for use between 2300 hours and 0900 hours on any day.  
Reason: In order to protect the amenity of nearby residential occupiers pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan.
6. No development shall take place unless and until details of the foul and surface water drainage aspects have been submitted to and approved by the Local Planning Authority.  
Reason: In order to ensure that both foul and surface water would be disposed of in a satisfactory manner.
7. The car parking included within the application area shall be made available for the exclusive use of the sports facility hereby approved after 1700 hours from Mondays to Fridays and at any time on Saturdays and Sundays.  
Reason: In order to ensure that there would be adequate car parking provision in the interests of highway safety and amenity.
8. There shall be no direct vehicular or pedestrian access between the site and Westminster Street/Parliament Street other than any access required for emergency purposes.  
Reason: To ensure good highway design in the interests of road safety and to protect the amenities of nearby residents.
9. No development shall take place unless and until details of the site compound for construction and its entrance, including any buildings or containers, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details only.  
Reason: In order to ensure that existing trees and the playing field surface would not be subject to damage during development.
10. The decision relates to drawings numbered 018 Rev. F, 008 Rev. A, 009 Rev. A, 003 Rev. F, 004 Rev. D, 001 Rev. A, SIS.33.002, 001, 003, 004, 005, CPS/SIS/001, TRAC UNIFLOOD – MAXI and the site location plan received on



23<sup>rd</sup> July 2007.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of design

11. Prior to the commencement of development a Community Use agreement shall be submitted and approved in writing by the Local Planning Authority. The agreement shall include details of pricing policy, hours of use, management and maintenance with respect to the additional facilities provided within the scheme hereby approved. The plan shall then be implemented upon commencement of use of the facility.

Reason - To ensure access to sporting provisions and pursuant to Planning Policy Guidance Note 17 - Planning For Open Space, Outdoor Sport and Recreation.

12. Unless otherwise agreed in writing with the Local Planning Authority, no development shall commence unless and until the existing sports pitches have been relocated, reprovided and made available for use to the written satisfaction of the Local Planning Authority.

Reason - To ensure access to sporting provisions and pursuant to Planning Policy Guidance Note 17 - Planning For Open Space, Outdoor Sport and Recreation.

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

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

14. The proposed lighting shall be carried out in accordance with the C Walsingham & Company Appendices Report dated July 2007.

Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to policies EN1/9 - Advertisements of the Bury Unitary Development Plan.

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

**Ward:** Bury East - Redvales

Item 03

**Applicant:** Euro Garages Ltd

**Location:** BLACKFORD BRIDGE SERVICE STATION, 533 MANCHESTER ROAD, BURY

**Proposal:** REPLACEMENT SERVICE STATION SALES BUILDING, CANOPY, ATM, TWO JET WASHES AND ACCESS ALTERATIONS (RESUBMISSION)

**Application Ref:** 48479/Full

**Target Date:** 01/10/2007

**Recommendation:** Approve with Conditions

### **Description**

The site comprises the existing 'Texaco' petrol filling station and the 'Motorchoice' car lot, which are located at the junction of Hampson Mill Lane and Manchester Road, Bury. There are residential properties to the north, east and south of the site and an office block and residential properties to the west. Access to the site can be taken from Hampson Mill Lane or Manchester Road. A bus shelter is located centrally between the two accesses onto Manchester Road. Existing facilities at the petrol filling station include the 'shop/sales' building and a car wash. The car wash is accessed by a road, which runs from to the rear of the existing sales building, around the boundary of the site.

The proposal involves the demolition of the existing 'shop/sales' building on the site, the retention and reconfiguration of the existing canopy. The development of a new shop/sales building at the Hampson Mill Lane end of the site, together with new pumps and the retention of the car wash facility. The proposal involves the provision of two jet washes and a acoustic barrier.

### **Relevant Planning History**

45621 – Refurbishment of existing petrol filling station to provide jet wash facilities & demolition and relocation of existing sales building, including an ATM extension at Blackford Bridge Service Station, 533 Manchester Road, Bury.

The application was refused on 27<sup>th</sup> March 2006 as the proposed sales building would be detrimental to the visual amenities of the area, the development would be detrimental to the residential amenities of nearby residents and insufficient information had been provided in relation to visibility splays, works to dropped kerbs and the jet wash facility.

47227 – Erection of new service station building, demolition of existing sales building, extension of fore court & new jet wash structure at Blackford Bridge Service Station, 533 Manchester Road, Bury.

The application was refused on 10 January 2007 as the proposed sales building would be detrimental to the visual amenities of the area and the development would be detrimental to the residential amenities of nearby residents. A appeal has been submitted and is ongoing,

47963 - Erection of new sales building, including ATM; demolition of existing sales building; extension of fore court and provision of jet wash facility with canopy at Blackford Bridge Service Station, 533 Manchester Road, Bury

This application was withdrawn on 12 June 2007 as the proposed sales building would be detrimental to the visual amenities of the area and the development would be detrimental to the residential amenities of nearby residents.

### **Publicity**

The neighbouring properties were notified by means of a letter on 7 August 2007.

23 letters have been received from the occupiers of 2, 7, 11, 15, 17, 19, 21, 23, 25 Hendon Drive; 65, 67, 71, 79 Leyton Drive; Rinteln, 3, 6, Enfield Close; 4, 16, 28, 30, 36 46

Meadway; 555 Manchester Road;  
which have raised the following issues:

- Increase in traffic congestion to the detriment of highway safety and residential amenity
- Inadequate parking facilities
- Impact upon residential amenity, in relation to noise
- Impact of the proposal upon pedestrian and highway safety
- Existing shopping facilities are adequate/no need for the proposed development
- The proposal does not satisfy PPS6
- Anti-social behaviour
- The proposed sales building is too large and represents a significant increase of the footprint of the existing building on the site
- A loss of privacy through the provision of the CCTV system

### **Consultations**

Highway Team - Comments awaited

Drainage Team – No objections to the proposed development

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

Landscape Practice - Landscape practice's previous comments remain unchanged. There are no perceived impacts upon surrounding trees other than the proposed presence of a CCTV column / lamp post at the rear of the site beneath the canopy of two trees. This may result in root plate damage to these trees if the column were installed here, and could possibly be a maintenance problem for overhanging vegetation in the future. Another location for this feature would be recommended.

Environment Agency – No objections

GM Police - No objections in principle although there is a concern regarding the servicing of the ATM. The service van should be able to get as close as possible to the ATM.

Fire Officer - No objection to the proposal

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

EC4/1	Small Businesses
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN7	Pollution Control
EN7/2	Noise Pollution
S2/1	All New Retail Proposals: Assessment Criteria
S2/5	New Local Shopping Provision
S4/1	Retail Development Outside Town and District Centres
S4/2	Assessing Out-Of-Centre Retail Development
S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns
HT2/4	Car Parking and New Development
PPS1	PPS1 Delivering Sustainable Development
PPS6	PPS6 Planning for Town Centres
PPG13	PPG13 - Transport
PPS23	PPS23 Planning and Pollution Control
PPG24	PPG24 - Planning and Noise

### **Issues and Analysis**

Principle - The application site is currently used partly as a car sales area and as a petrol filling station, which are both classed as sui generis within the use classes order. Therefore, the principle of using the full site for use as a service station needs to be assessed against the policies contained within the Unitary Development Plan.

The application site has not been allocated for any purpose under the Unitary Development Plan and is not located within a retail centre. Therefore, the proposal must be assessed

against the following policies:

S2/1 - All new retail proposals – assessment criteria

S2/5 – New local shopping provision outside recognised shopping centres

S4/1 – Retail development outside town and district centres.

It is considered that the retail element of the proposed development is not located within or adjoining a main shopping area of existing facilities and is unable to sustain or enhance the vitality and viability of a centre. The application site is accessible but would not encourage the use of public transport. Therefore, the proposed development is contrary to Policy S2/1 of the adopted Unitary Development Plan.

However, Policy S2/5 states that providing the retail use is relatively small scale and is within Class A1, then the following should be taken into account, when determining the application:

1. Whether or not there is a demand that cannot be met by existing provision;
2. The effect on the viability and vitality of established facilities;
3. Whether the siting of the use would be better located within a recognised centre;
4. The availability of alternative vacant shop premises and level of unimplemented permission;
5. Potential impact upon residents
6. Parking/servicing/traffic generation.

A retail assessment has been submitted as part of the application and states that passing motorists would make up to 80% of the convenience store turnover, with the remaining 20% coming from local residents, living within 500 metres of the site. The proposal represents a conservative increase in the floorspace of the retail store and the provision of increased facilities within the site as a whole. As the overall floorspace is less than 2500 square metres, where an Retail Impact Assessment would be required, it is considered that the proposal would meet local provision.

Policies S4/1 and S4/4 state that certain retail uses are appropriate outside of the identified shopping centres and petrol filling stations are considered appropriate.

Therefore, the location of the proposed development is considered to be acceptable and it is considered that although the proposed building is larger than the existing sales building on site, the scale of the unit is considered to be conservative and therefore, would not materially impact upon an existing centre.

Design & impact upon the built environment - The proposed replacement sales building is simple in appearance and would be located next to the junction of Hampson Mill Lane and Manchester Road, which is designated as a main throughroute and gateway. The design of the proposed sales building has been amended from the previous application (47963) and it is considered that the amendments have addressed the design issues, which were raised in the previous applications (45621, 47227 & 47963). The side elevation of the building, facing Hampson Mill Lane, incorporates an enclosed bin store and the store area is now located at the rear of the store, with access gained through the shop. The side elevation of the proposed sales building (facing Manchester Road) has been opened up, by means of a glass section, which would relate directly to the sales area and the provision of the main entrance on the Manchester Road elevation. Therefore, it is considered that an active frontage has been secured to Hampson Mill Lane and Manchester Road. Therefore, it is considered that the proposed building is acceptable in design terms and is in accordance with Policies EN1/2 and EN1/7 of the adopted Unitary Development Plan.

Impact upon the surrounding residents - The proposed development involves the retention of the existing car wash facility and the provision of a jet wash facility on the site of the former sales building. The location of the proposed jet wash kiosks has not changed from the previous applications (47227 & 47963). However, the proposed jet wash kiosks would incorporate a roof and an acoustic barrier, which would lessen the impact on the amenity of the occupiers of the adjacent residential dwelling in terms of noise and spray. The applicant

has agreed to a condition limiting the hours of use of the jet wash and it is considered that this would reduce the associated disturbance to an acceptable level. Therefore, it is considered that the proposed jet wash facility would not have a significant adverse impact upon the amenity of the adjacent residents, subject to conditional control and is in accordance with Policy S4/4 of the adopted Unitary Development Plan.

It is proposed to locate the air conditioning units between the proposed sales building and the existing electricity sub station. It is considered that in this location, the proposed air conditioning units would not have a detrimental impact upon the amenity of the occupiers of Leyton Drive or Manchester Road, subject to conditional control. The bins would be kept in an enclosed space at the rear of the sales building and therefore, would not impact adversely upon the amenity of the neighbouring residents in terms of smell. Therefore, it is considered that the proposed development would not be detrimental to the amenities currently enjoyed by the residents of Leyton Drive and Manchester Road and is in accordance with Policy S4/4 of the adopted Unitary Development Plan.

Highways Issues - The proposal has been designed so as to facilitate an intensification of existing uses within the site including retail provision. It is proposed to block off the existing access to Hampson Mill Lane and therefore, access would be gained from the two existing openings onto Manchester Road. Additional parking spaces are proposed and the provision of two disabled spaces amongst these is welcomed. **The highways team has no objections to the proposal and is satisfied that there are adequate visibility splays.** Therefore, it is considered that the proposed development would not have an adverse impact upon highway safety within the locality and is in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

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

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

The proposed development is acceptable in principle and would not have a detrimental impact upon the neighbouring residents. The proposal would not be prominent within the street scene, subject to conditional control and it is considered that the proposal 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 4122 01, 4122 05 J, 4122 06 G, 4122 09, 4122 10 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury

Unitary Development Plan.

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

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

5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

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

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

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

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

- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
- A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

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

## Planning and Pollution Control.

8. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;  
A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.  
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
  
9. All areas used for the washing of vehicles shall be contained and connected to foul sewers to prevent the discharge of contaminated drainage to underground strata or controlled waters  
Reason. To prevent pollution of the water environment pursuant to Policy EN7 – Pollution of the Bury Unitary Development Plan.
  
10. The premises to which this approval relates shall not be used for the sale of cars.  
Reason. To ensure adequate servicing and sightlines are maintained pursuant to Policy HT2/4 – Car Parking and New Development of Bury Unitary Development Plan.
  
11. The jet wash shall not operate outside 08:00 hrs to 20:00 hrs Monday to Saturday and 10:00 to 20:00 on Sundays and Bank Holidays  
Reason. To safeguard the amenities of the occupiers of nearby residential properties pursuant to Policy EN7/2 – Noise Pollution of Bury Unitary Development Plan.
  
12. Any floodlights shall be positioned in such a manner as to ensure that light does not shine into any nearby dwellings  
Reason. To protect the amenities of nearby residents
  
13. No deliveries shall be made to the building hereby permitted outside the hours of 08:00 to 22:00 on any day.  
Reason. In the interests of residential amenity pursuant to Policy S2/1 - All new Retail Proposals: Assessment Criteria of the Bury Unitary Development Plan.

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

**Ward:** Bury East - Redvales

Item 04

**Applicant:** Holy Cross Sixth Form College

**Location:** MARIE THERESE BUILDING, HOLY CROSS COLLEGE, MANCHESTER ROAD, BURY, BL9 9BB

**Proposal:** WALL MOUNTED INTERNALLY ILLUMINATED FACE MOUNTED SIGN ADJACENT TO MAIN COLLEGE ENTRANCE

**Application Ref:** 48546/Advertisement

**Target Date:** 10/10/2007

**Recommendation:** Approve with Conditions

### **Description**

The site is located on the wall of the Holly Cross College, adjacent to the main entrance on Manchester Road, Bury.

The proposal is to erect a sign between the ground and first floors on the front elevation of the main building. The sign has the logo of the college and a changing message formed by two rows 100mm high yellow LED letters. The overall size of the sign is 3600mm wide by 550mm high and the 'changing message' is of a non-scrolling type.

### **Relevant Planning History**

None

### **Publicity**

Immediate neighbours on Manchester Road and Waterloo Court, which backs onto Manchester Road, have been notified and two objections have been received from 25 and 29 Waterloo Court. The objection can be summarised as follows:

- the sign will be opposite a bedroom and kitchen window and if illuminated at night it will result in a loss of amenity
- if the sign were not illuminated at night or after 21.30 or 22.00 it would reduce its impact

### **Consultations**

Highways Team - comments awaited

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

EN1/9 Advertisements

### **Issues and Analysis**

Control of Advertisement Regulations applications are viewed in the light of Public Safety and Amenity only which is covered in Unitary Development Plan Policy EN1/9 - Advertisements.

**Public Safety** - the sign is located at right angles to Manchester Road some 15m from the main carriageway. Its main view will be as vehicles enter the main access to the site and as such it is not positioned so as to detract motorists or hazard the interpretation of any highways signs. As such the proposal conforms with UDP Policy EN1/9 with regards to public safety.

**Amenity** - the proposed sign is located centrally on a recess within the facade of the main building between ground and first floors. The size of the sign fits well within the scale of the building and as such is acceptable in terms of its impact on the building itself. Opposite the site are a number of flats in Wellington Court. These are 55m from the sign and the boundary with Manchester Road is formed by a high wall (over 2m) and a number of mature



trees. It is not considered that the sign will have an adverse impact on the residential amenity of the properties during the day but it is considered that illumination could be an issue at night. As such it is recommended that the sign only be illuminated between 08.00 and 20.00 to mitigate any impact on residential amenity.

Objection - see the comments on Amenity above where the impact on residential amenity of the residents of Wellington Court is discussed.

### **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 application has been considered in terms of its impact on both safety and amenity with the terms of the Town and Country Planning (Control of Advertisement Regulations) 2007 and Bury Unitary Development Plan Policies EN1/9 - Advertisements and found that it will not impact on the amenity or public safety of the area to such an extent as to warrant refusal.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The approved sign shall only be illuminated between the hours of 08.00 and 22.00 and the message displayed shall only be of a static type.  
Reason. To avoid undue distraction to residents and 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 **Tom Beirne** on **0161 253 5361**

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 05

**Applicant:** Mrs Padmini Sankar

**Location:** CARR BANK LODGE, 7 RAMSBOTTOM LANE, RAMSBOTTOM, BL0 9DJ

**Proposal:** CONSERVATION AREA CONSENT FOR CHANGE OF USE FROM DWELLING TO RESTAURANT AND EXTENSIONS WITH DEMOLITION OF EXISTING PORCH AND REMOVAL OF ROOF OVER SINGLE STOREY EXTENSION.

**Application Ref:** 48500/Conservation Area Consent      **Target Date:** 28/09/2007

**Recommendation:** Approve with Conditions

### **Description**

This is a Conservation Area Consent Application and should be read in conjunction with the Planning Application on Item 6, Page 20 where the plans and photographs are shown. The application site is Carr Bank Lodge, a detached residential property, formally a gatehouse, in the Ramsbottom Conservation Area. It lies on the fringe of the town centre adjacent to Ramsbottom Lane, with a mix of commercial, recreation and community facilities in the near vicinity. The east of the site is bounded by a high stone wall and across the main road is a bus stop and shelter with residential apartments and a row of shops to the south. To the south west is the Market Chambers building within which are a mix of offices and service providers. Along the western elevation is an unadopted road on which there are a number of large trees, which leads to the residential properties on Oxhey Close. There is a limited area at the rear of the property beyond which is grassed land and landscaping. Access to the house is currently gained from Ramsbottom Lane in front of Market Chambers through a set of gates.

The applicant seeks conservation area consent for the demolition of an existing porch and removal of flat roof over the single storey rear extension.

### **Relevant Planning History**

No planning applications have been submitted since 1974.

### **Publicity**

Immediate neighbours were written to on 9<sup>th</sup> August 2007.

A press advert was posted on 16<sup>th</sup> August 2007 in the Bury Times

A site notice was displayed in the immediate vicinity on the 14<sup>th</sup> August 2007.

Three letters of objection have been received from Market Chambers and 22 Market Place (combined letter), 6 Oxhey Close and 32 Market Place, which have raised the following issues:

- The garden area should be fenced and maintained
- The proposed usage and opening hours remain unchanged
- Vehicular access to Oxhey Close is maintained
- The proposal would create more disturbance and noise and smells from the extractor system
- It would create car parking problems
- There are already enough restaurants in Ramsbottom
- The property should not change its appearance given it is in a Conservation Area.

### **Consultations**

Highways Team – No objections

Drainage Team – No objections  
Environmental Health – No objections subject to conditions  
Conservation Officer – No objection in principle subject to clarification of design details.  
GM Police Liaison Officer – No objections  
Cleansing – No objections  
BADDAC – No comments received to date  
Landscape Practice - No objections subject to tree protection measures

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

EN2/1 Character of Conservation Areas  
EN2/2 Conservation Area Control

### **Issues and Analysis**

Principle - Conservation Area consent is required when it is proposed to demolish a building or buildings with a cubic volume of 115 cubic meters. As the rear extension equates to 10 cubic meters it is considered that conservation area consent is not required for this proposal. However, as an application has been submitted it needs to be considered. In this case the scale and location of the proposed demolition will not impact adversely on either the building or the character of the Conservation Area as both structure are not important visual features helping to create the character of the Conservation Area. As such it is considered that the proposed demolition would not be detrimental to the character of the conservation area and is in accordance with Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control.

Objections - Although there are objections to this application, they are not related to the demolition of the single storey extension and refer solely to the planning permission sought under application number 48501.

### **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;-  
Conservation area consent is not required and it is considered that the proposed development would not be detrimental to the character of the conservation area.  
There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 7.16 - PO1/PO2/PO3/PO4 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:** Ramsbottom and Tottington -  
Ramsbottom

Item 06

**Applicant:** Mrs Padmini Sankar

**Location:** CARR BANK LODGE, RAMSBOTTOM LANE, RAMSBOTTOM, BL0 9DJ

**Proposal:** CHANGE OF USE FROM DWELLING TO RESTAURANT; FIRST FLOOR  
EXTENSION AT SIDE; TWO STOREY EXTENSION AT REAR

**Application Ref:** 48501/Full

**Target Date:** 28/09/2007

**Recommendation:** Approve with Conditions

### **Description**

The application site is Carr Bank Lodge, a detached residential property, formally a gatehouse, in the Ramsbottom Conservation Area. It lies on the fringe of the town centre adjacent to Ramsbottom Lane, with a mix of commercial, recreation and community facilities in the near vicinity. The east of the site is bounded by a high stone wall and across the main road is a bus stop and shelter with residential apartments and a row of shops to the south. To the south west is the Market Chambers building within which are a mix of offices and service providers. Along the western elevation is an unadopted road on which there are a number of large trees, which leads to the residential properties on Oxhey Close. There is a limited area at the rear of the property beyond which is grassed land and landscaping. Access to the house is currently gained from Ramsbottom Lane in front of Market Chambers through a set of gates.

The application is for the change of use from residential (Class C3) to a restaurant (Class A3), with a first floor extension at the side and two storey extension at the rear. The development would provide a restaurant with 40 covers. Proposed opening hours would be 1800 to 2130 hours Tuesday to Thursday and until 2230 on Friday. There would be lunchtime opening at the weekend from 1200 to 1600 hours and 1800 to 2230 in the evening.

It is not intended to provide parking at the property. Bin storage would be within the rear yard area. There would be level access into the building and internal and external door widths suitable for wheelchair access.

The rear porch would be removed and the proposed first floor extension would go over the existing single storey element at the rear of the property. The new 2 storey extension would be on the eastern elevation adjacent to the boundary wall and Ramsbottom Lane. It would project 2.7m at the widest point and be 6m in length. The extension and the new doors and windows would be of similar design and materials to the existing building. A porch added to the western elevation would be retained and a new access would be created by modifying an existing window opening. The internal ventilation duct would be installed with an outlet on the new first floor rear wall of the building.

### **Relevant Planning History**

No planning application have been submitted since 1974.

### **Publicity**

Immediate neighbours were written to on 9<sup>th</sup> August 2007.

A press advert was posted on 16<sup>th</sup> August 2007 in the Bury Times

A site notice was displayed in the immediate vicinity on the 14<sup>th</sup> August 2007.

Three letters of objection have been received from Market Chambers and 22 Market Place (combined letter), 6 Oxhey Close and 32 Market Place, which have raised the following issues:

- The garden area should be fenced and maintained

- The proposed usage and opening hours should not be allowed to change in the future
- Vehicular access to Oxhey Close is maintained
- The proposal would create more disturbance and noise and smells from the extractor system
- It would create car parking problems
- There are already enough restaurants in Ramsbottom
- The property should not change its appearance given it is in a Conservation Area.

### **Consultations**

Highways Team – No objections

Drainage Team – No objections

Environmental Health – No objections subject to conditions

Conservation Officer – No objection in principle subject to condition controlling design details.

GM Police Liaison Officer – No objections

Cleansing – No objections

BADDAC – No comments received to date

Landscape Practice - No objections subject to tree protection measures

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

Area	Market Place/Carr Street/Ramsbottom Lane
RM1	
EN2/2	Conservation Area Control
S2/6	Food and Drink
EN1/2	Townscape and Built Design
EC4/1	Small Businesses
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
PPS23	PPS23 Planning and Pollution Control
HT5/1	Access For Those with Special Needs
HT2/4	Car Parking and New Development

### **Issues and Analysis**

Principle - The application site is on the fringe of the Ramsbottom Town Centre as defined in the Bury Unitary Development Plan and set within an area of mixed commercial and retail activity. In terms of the principle of the proposal, UDP Policy S2/6 - Food and Drink considers whether a scheme such as this would result in the over concentration of Class A3 uses which could adversely change the character or nature of the centre as a whole. Given its position within an already commercially active area which is not residential in character, the proposal is considered to be acceptable in principle.

Visual amenity - UDP Policy EN1/2 - Townscape and Built Design and EN2/2 - Conservation Area Control seeks to ensure that development will only be acceptable if it preserves or enhances the special character or appearance of the area particularly with regard to design, materials, parking and service provision.

The existing property is an attractive stone building with a slate roof and has a fairly prominent position within the street scene and the Ramsbottom Conservation Area. The proposed two storey side extension would come closer to the boundary wall with Ramsbottom Lane and would therefore be a visible feature on the street scene. However, the extension would only go part way across the side elevation by 6m and be 2.7m at its widest point, with part of the extension set back by 1.1m. There would be a new door and 2 new windows to the ground and first floor in painted timber with stone surrounds to match the existing to be in keeping with the existing build. The first floor rear extension would go over the existing flat roof extension and be partly screened by the side extension and the mature trees to the rear boundary. Windows are proposed in the new rear and western elevation which faces the unadopted lane, which in design terms would benefit

from being inset into the window opening, and as such would be conditioned. Although the building is prominent on the streetscape and the proposed extensions would be visible from the approach to and from Ramsbottom, they are considered to be in keeping with the original build in terms of scale and massing and would not detrimentally effect the character of the Conservation. They would comply with UDP Policies EN1/2 - Townscape and Built Design and EN2/2 - Conservation Area Control.

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. In terms of residential amenity, the property is a stand alone building with the nearest residential accommodation being the Market Place apartments on Ramsbottom Lane 13m away and No 6 Oxhey Close 33m to the north on the unadopted lane. Given the nature of the proposed use there is liable to be an increase in activity of the comings and goings of customers to the restaurant, as well as additional noise and pollution from extractor systems. However, the site is located in town centre where some disturbance from commercial premises is expected and alongside a busy main road. Given its position and the fact that the pedestrian access to the restaurant will not pass any residential properties, it is considered that the use would not create any additional detriment to the residential amenity of the nearest properties. In terms of pollution control (noise and smell), the Design and Access Statement contains information about the proposed extractor system. The duct would be installed on the rear wall of the building, largely hidden from view by existing walls and the proposed extension. It would also be screened by the mature trees along the rear boundary. Details of the extraction system have been considered by the Environmental Health department who recommend the applicant consults with the department before the system is ordered and installed, as per the undertaking given within the aforementioned statement.

The proposed hours of use are standard for a restaurant, the last cover being 9.30pm on a weekday and 10.30pm at the weekend and would be compliant with other eateries in the area. It is proposed that this should be conditioned so as to ensure that late opening will not cause disturbance to the residential properties nearby.

Access - Customer access would be from Ramsbottom Lane on the western elevation of the building, off the unadopted cobbled lane at the side. There would be level access into the building and internal and external door widths suitable for wheelchair access and the extension includes a disabled toilet. However, there may be some access problems with the cobbled nature of the street used for pedestrian access but this is outside the applicants control and will need to be addressed via the management of the premises. An advisory note to this extent would be imposed. The proposal complies within its site with UDP Policy HT5/1 - Access for those with Special Needs.

Parking and Servicing - It is not intended to provide parking at the establishment. There are public car parks and public transport nearby and being a town centre location it is not a requirement to provide a parking area. Within the curtilage of the site are double gates onto the adopted lane plus a separate pedestrian gateway where there is no gate. Concern has been raised with regards to the potential obstruction of the unadopted lane which runs to the west of the property and which leads to the houses on Oxhey Close. However, the lane is not within the ownership of the applicant and being unadopted, any matters arising with regard to parking or obstructions on this lane would be a private matter. As such the proposal conforms with Policy HT2/4 - Car Parking and New Development.

There would be servicing provision to the east of the site along the boundary with Ramsbottom Lane and would be accessed via the unadopted lane and the rear of the property. As such it complies with UDP policy S2/6 - Food and Drink.

Landscaping - There are a number of mature trees to the rear of the property which are protected as the site is within the conservation area. The application does not indicate that any works will be needed to the trees and separate permission would be needed where there is an intention to carry out any works which may affect the trees. Additionally, whilst no additional landscaping is proposed, the Design Statement makes reference to the

small formal garden at the front of the property would be maintained.

To ensure that no works affect the trees conditions have been attached requiring details of any landscaping that may take place, notification of commencement of any development and details of tree protection measures to be taken during construction.

Objections - The issues raised by the objectors have been considered and discussed in the report above. The change of use to restaurant is acceptable in principle given its location within the town centre and proximity to other commercial properties.

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

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

The proposed development would not be seriously harmful to the character of the Conservation Area and the character of the surrounding area. There would not be a detrimental impact on the residential amenity of neighbouring properties from the restaurant or traffic generated by it.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 07.16 - PO1/PO2/PO3/PO4 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. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;  
The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.  
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
4. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.  
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 -

## Planning and Pollution Control.

5. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures and tree works. Any subsequent variation of the timetable shall be subject to further written notice.  
Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders, EN8/2 – Woodland and Tree Planting and EN2/2 - Conservation Area Control of the Bury Unitary Development Plan.
6. 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, Tree Planting and EN2/2 - Conservation Area Control of the Bury Unitary Development Plan.
7. A landscaping scheme for the maintenance of the formal garden shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of development which shall include a survey of all existing trees on the site, indicating species, height, branch spread and condition.  
Reason. To secure the satisfactory development of the site and to avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design, EN8/2 – Woodland and Tree Planting and EN2/2 - Conservation Area Control of the Bury Unitary Development Plan.
8. The development hereby approved shall not commence unless and until details of the proposed windows on the rear and western elevations of the property have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be implemented and maintained in perpetuity.  
Reason. To maintain the character of the original property and preserve the appearance of the building within the Conservation Area in accordance with Unitary Development Plan Policy EN2/2 - Conservation Area Control
9. 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 Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
10. The extension hereby approved shall be constructed in natural stone, samples of which shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. To maintain the character of the original property and preserve the appearance of the building within the Conservation Area in accordance with Unitary Development Plan Policy EN2/2 - Conservation Area Control
11. The roof materials for the extension hereby approved shall be constructed in reclaimed slate, samples of which shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. To maintain the character of the original property and preserve the



appearance of the building within the Conservation Area in accordance with  
Unitary Development Plan Policy EN2/2 - Conservation Area Control

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

**Ward:** Whitefield + Unsworth - Besses

Item 07

**Applicant:** Kirsty Egerton

**Location:** 142 BURY NEW ROAD, WHITEFIELD, M45 6AD

**Proposal:** CHANGE OF USE FROM ART GALLERY TO DOG GROOMING AND PET ACCESSORIES

**Application Ref:** 48478/Full

**Target Date:** 01/10/2007

**Recommendation:** Approve with Conditions

### **Description**

The site is next to the end shop property in a terrace row within the Whitefield District Centre. It is also identified as a Secondary Shopping and Frontage Area in Bury UDP (Policy S2/3). Of the fourteen properties in the secondary shopping frontage all but one are currently Class A1 (Retail). The immediate uses either side of the site is a music shop and funeral directors.

The proposal is for the change of use of the premises from Class A1 (Retail) to Dog Grooming and pet accessories (Sui Generis). There are no proposed changes to the shop frontage or access arrangements.

### **Relevant Planning History**

None

### **Publicity**

Immediate neighbours were written to on the 9<sup>th</sup> August 2007. A letter of objection has been received from Spectrum Music Ltd, 144 Bury New Road which has raised the following issues:

- The dividing wall is of studded construction and noise from dogs barking, howling etc will be heard.
- If this use is allowed does this mean they can sell other pets? This is of concern due to smell and the attraction of pests.
- There is already a problem of dog fouling on the street which is walked into the carpet in his shop.

### **Consultations**

Highways Team - No objection

Drainage Team - No objection

Environmental Health - No objection subject to noise condition.

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

PPG24 PPG24 - Planning and Noise

S1/3 Shopping in District Centres

S2/3 Secondary Shopping Areas and Frontages

EN1/2 Townscape and Built Design

EN7/2 Noise Pollution

### **Issues and Analysis**

**Principle** – The site is identified as forming part of the Secondary Shopping Area within Whitefield District Centre. As such, any proposal involving a change of use from a Class

A1 (Retail) to Sui Generis is subject to Bury UDP Policy S2/3 – Secondary Shopping Areas and Frontages.

Policy S2/3 seeks to maintain Class A1(Retail) as the predominant land use at ground floor level. It is considered that the loss of this one A1 use out of the remaining thirteen A1 uses of the fourteen properties on the shopping frontage would not have a seriously detrimental impact on this part of Whitefield District Centre.

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. The use of a Dog Grooming Parlour with ancillary sales of pet accessories is considered to be bringing another type of use to the centre that will add to its viability and vitality.

Disabled Access – There is no proposed changes to the shop front. However a note is to be added to the decision notice that draws to the attention of the applicant the requirements of the Disability Discrimination Act 1995 that the owners of businesses, that serve the public, have to make sure, as far as possible, that disabled customers are treated in the same way as non-disabled customers.

Noise and Disturbance – There is no residential accommodation above the shops on either side of the premises. However to protect the amenity of the customers of the adjacent shops a condition is to be applied that requires a soundproofing scheme to be installed prior to the use commencing.

Comments on Representations – The concerns of the objector regarding the noise has been addressed by the requirement to install soundproofing prior to the use commencing. A pet shop is a use within Class A1 (Retail), which is the current use of the site, therefore planning permission would not be required to use the premises as such. With regard to dog fouling it is the responsibility of any dog owner who uses any pavement to remove the waste material and this is controlled under legislation controlled by Environmental Health.

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

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any representations and consultation responses, in particular Unitary Development Plan Policies S1/3-Shopping in District Centres and S2/3-Secondary Shopping Areas and Frontages, it is considered that the proposed development would not effect the character of the area nor cause harm to the occupiers of the adjacent shops. It would not cause demonstrable harm to other interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings received on 6<sup>th</sup> August 2007 and the development shall not be carried out except in accordance with the drawings

hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to Bury UDP Policy EN1/2 - Townscape and Built Design.

3. No development shall take place unless and until a scheme to provide and install appropriate sound insulation has been submitted to and approved in writing by the Local Planning Authority. The levels of acoustic insulation to be provided shall be, as a minimum, those deemed to be acceptable and specified as standards of construction in current Building Regulations. Such works that form the approved scheme shall be completed before the proposed dog grooming parlour is brought into use.

Reason. To reduce nuisance from noise to the occupiers of the adjoining properties pursuant to Bury UDP Policy EN7/2 - Noise Pollution.

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

**Ward:** Whitefield + Unsworth - Unsworth

Item 08

**Applicant:** Anthony M Alex

**Location:** 304-306 HOLLINS LANE, UNSWORTH, BURY, BL9 8AY

**Proposal:** REINSTATEMENT OF SINGLE DWELLING INTO TWO DWELLINGS; SINGLE STOREY EXTENSIONS AT REAR

**Application Ref:** 48381/Full

**Target Date:** 10/09/2007

**Recommendation:** Approve with Conditions

### **Description**

The application site is located centrally within a row of rendered terraced properties. Two properties within this row have off-road parking within the front curtilage, with the rest of the dwellings parking on the road. Directly opposite the site are a bus stop and a row of red brick terraced dwellings with two commercial properties.

The proposal involves the conversion of a single dwelling to two separate properties, with associated parking in the front curtilage and a single storey extension at the rear of the property. The single storey extension subject to the application is almost completed and is some 7.5 metres wide and would project 1.8 metres from the rear elevation. The rear extension would be set in by 0.6 metres to the boundaries with Nos. 302 and 308 Hollins Lane.

### **Relevant Planning History**

32194 – Proposed vehicular crossing at 306 Hollins Lane, Bury. Refused 27 November 1996

47396 – Conversion of one dwelling into two dwellings; single storey extension at rear of 306 Hollins Lane, Bury. Withdrawn – 12 February 2007.

The application was withdrawn due to a private disagreement between the applicant and the land owner.

### **Publicity**

The neighbouring properties were notified by means of a letter on 28 June 2007. One letter has been received from the occupiers of No. 308 Hollins Lane, which has raised the following points:

- Impact of the proposed extension upon the privacy of the adjacent properties.
- Impact of the proposed extension on the right of way at the rear of the property

### **Consultations**

Highways Team - No objections to the proposed development.

Drainage Team – No objections to the proposed development.

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

H1/2	Further Housing Development
H2/3	Extensions and Alterations
H2/4	Conversions
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing

## **Issues and Analysis**

Principle - The proposed development involves the conversion of one dwelling to two dwellings, which is located centrally within a row of terraced properties on Hollins Lane. It can be seen from the appearance of the other residential properties within this row of terraced properties that the existing dwelling, now known as 306 Hollins Lane, was built and used as 2 dwellings until the conversion to a single dwelling some time ago. The building has been used as two dwellings historically and would not impact adversely upon the density and character of the surrounding area. Therefore, it is considered that the proposed development is in accordance with Policy H1/2 of the adopted Unitary Development Plan and the DCPGN 7.

Design and impact upon surrounding area - The proposed development involves the conversion of one dwelling to two dwellings, including elevational alterations. It is considered that the elevational alterations associated with the proposal would not have an adverse impact upon the surrounding residential properties, in terms of loss of privacy. The proposed alterations and layout has been designed so as to reflect the character and appearance of the other properties within the terraced row. Therefore, it is considered that the proposed development is in accordance with Policy EN1/2 of the adopted Unitary Development Plan.

The single storey rear extension is almost complete and projects 1.8 metres from the rear elevation of the existing dwellings and would comply with the 45 degree rule. It is considered that the extension complements the existing dwelling in terms of height, form and scale. The development complies with the aspect distances as set out in DCPGN6. The extension would normally be permitted development under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Therefore, it is considered that the rear extension does not have an adverse impact upon the amenity of the neighbouring properties and is in accordance with Policy H2/3 of the adopted Unitary Development Plan and DCPGN6.

Highway issues - The development involves the conversion of one dwelling into two and the provision of off-road parking for the two properties. It is noted that an application for the provision of a vehicular crossing at this address was refused in 1996, but as a result of the site inspection, it is evident that there are existing vehicular crossings in the locality. It is considered that the proposed development would create off-road parking for the proposed dwellings and would not impact adversely upon highway safety. The highways section has no objections to the proposal. Therefore, it is considered that the proposed development is in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

Objection - There is no public right of way present at the rear of the application site. It is acknowledged that there may be a covenant which grants access along the rear of the row of terraced properties. However, this would be a private legal matter between the occupiers of the properties.

## **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-  
The proposed development is acceptable in principle and the proposed external alterations are appropriate in terms of design, scale and layout. The proposed development would not be detrimental to highway safety.  
There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

## Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered A2227/01, A2227/02, A2227/03 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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