

**Ward:** Bury East

Item 01

**Applicant:** Thornfield Properties plc

**Location:** LAND AT THE ROCK AND ROCHDALE ROAD, (KNOWN AS THE ROCK TRIANGLE), BURY

**Proposal:** MIXED USE DEVELOPMENT COMPRISING SHOPPING, FINANCIAL AND PROFESSIONAL SERVICES AND FOOD AND DRINK USES WITHIN THE A1, A2, A3, A4 AND A5 USE CLASSES; RESIDENTIAL USE WITHIN USE CLASS C3 COMPRISING 397 UNITS; ASSEMBLY AND LEISURE USES WITHIN THE D1 AND D2 USE CLASSES; NIGHTCLUB USE; MULTI-STOREY AND OTHER CAR PARKING; NEW STREETS, HIGHWAYS AND OTHER MEANS OF CIRCULATION AND OTHER ASSOCIATED WORKS AND FACILITIES

**Application Ref:** 48384/Full

**Target Date:** 07/11/2007

**Recommendation:** Minded to Approve

**The Recommendation is minded to approve subject to referral to the Secretary of State under the Shopping Directive and Departures Regulations**

#### **Description**

**Background** - The context of the development is the Council's aim for the regeneration of Bury town centre. Commissioned in Autumn 2002, the "Bury but Better" - Town Centre Vision and Development Strategy was prepared by a group of consultants led by the Urban and Economic Group (URBED). The strategy updates the Bury Unitary Development Plan by establishing a development strategy for the principal town centre in the Borough. This was approved, after extensive consultation, by Bury Council's Executive Committee, in November 2003. By approving the Bury Town Centre Vision the underlying development strategy formed the basis for detailed implementation and assessing future planning applications.

The Strategy is based on a thorough assessment of Bury as it is today. It looks at the urban form of Bury, market demand for development in and around the town centre, a town centre health check and looks at access and other transportation issues affecting the town centre. In its illustrative Masterplan, it identifies seven primary areas that make up the town centre.

The Rock Triangle is a major development site on the eastern gateway of Bury town centre. The site was identified as a potential extension to the town centre and proposals for retail development on the site were supported in the Bury But Better – Bury Town Centre Vision and Development Strategy (Urbed 2003)

In 2002 The Rock Triangle Development Framework was produced and approved by Bury Council's Executive Committee in Feb 2003. Further proposed changes to integrate the site into the town centre, with part closure of the Rock and a new link road between Rochdale Road and Moorgate, resulted in The Amended Rock Triangle Development Framework (2005). This was approved by the Council's Executive Committee in September 2005.

Outline planning permission has already been granted for the site and the subsequent reserved matters application was minded to approve (Nov 2006) subject to a s106 Agreement.

The application has arisen through redesigns and the introduction of new multi national retailers being interested in the site. This led to an increase in the amount of development within the site, which has gone beyond the levels set out in the approved outline planning permission for the site.

The application is one of several applications affecting the site and the nearby Hornby

Buildings site involving major regeneration schemes for the town centre. A planning history of the site is described below.

**Proposals** - The application site comprises an area of 7.9ha in the easterly part of the town centre and is bounded by Rochdale Road to the southwest and The Rock to the northwest. The Moorgate retail park is located to the north and the Firstbus depot to the east of the site. The land includes The Rock car park, the former Kwiksave store site and its car park, the Vantage Vauxhall dealership, the former Dixon's Ford dealership, the Shell garage on Rochdale Road, Derby House, Halford's and other property fronting The Rock, Rochdale Road and Butcher Lane. The site is now substantially cleared with the exception of Minden Medical Centre and St John's garden.

The applicant is seeking full planning permission for a mixed use development scheme comprising -

- Uses within classes A1 (shops), A2 (Financial and professional services), A3 (restaurants and cafes), A4 (Drinking Establishments) and A5 (hot food takeaways);
- Residential development comprising 397 apartments;
- Assembly and leisure uses, Nightclub within Class D2 (Assembly and Leisure);
- Multi storey car park;
- New streets and highways.

The development would consist of 7 blocks; B to I (excluding buildings A - Hornby Buildings approved January 2006 ref: 45426 and building G which is a development for PCT approved July 2006 ref 46134). The Rock pedestrianised area would continue through the centre of the site creating an axial walkway/mall. New buildings would be formed on either side of this mall. At the easterly end of the site, large department stores would be located together, with the assembly and leisure uses sited along a north-south axis. A connecting footway from the main mall through to the PCT building would be formed between blocks D and E.

The buildings comprise a varying range of heights from single storey kiosk buildings (H, J and I) up to 9 storeys in height (block B).

A breakdown of buildings would be as follows (the numbers refer to gross external areas in square metres):

Block	Retail	Food and Drink	Residential	Leisure	Common Areas	Internal Plant areas	Car Parking	Service Yards
B 2-9 storeys	5754		23385		1219	798		262
C 2-8 storeys	7925		7355		543	71		759
D 3 storeys	9903					162		
E 5 storeys	10202	358	2988	2257	665	487	40032	1001
F 4 storeys	10290	2313		7421	1238	427		1563
H single storey		111						
I single storey		235						

J single storey		150						
<b>TOTAL</b>	<b>44074</b>	<b>3167</b>	<b>(397 units) 33728</b>	<b>9678</b>	<b>2823*</b>	<b>1945</b>	<b>40032</b>	<b>3585</b>

*\*total include 377m<sup>2</sup> shopmobility management*

Construction has commenced on the site to implement the main through-road to the east of the site itself, approved as a detailed matter under a previous outline planning permission.

The already approved outline planning permission and 'minded to approve' reserved matters applications comprised:

<b>Land Use</b>	<b>2006 Outline application (45424)</b>	<b>2006 Reserved Matters application (46702)</b>	<b>2007 – current planning application (48384)</b>
Residential	197 units (29 affordable)	197 units	397 units (60 affordable)
Retail floorspace (gross inc. food and drink uses)	41,997m <sup>2</sup>	41,997 m <sup>2</sup>	47,241m <sup>2</sup>
Parking	1,000 spaces	1,003 spaces	1,250 spaces

Members will remember that the reserved matters application comprised the details of the outline application and broadly included within 5 blocks:

- Block B - 6 storeys in height; 120 car parking spaces; 136 apartments & retail floorspace;
- Block C - 5 Storeys in height; 61 apartments and retail floorspace;
- Block D - 3 storeys in height; all retail floorspace;
- Block E - 6 storeys in height; 1003 car parking spaces;
- Block F - 3 storeys in height; food, retail and cinema space.

The current planning application is submitted with an Environmental Statement (EIA), Technical Appendices, Non-Technical Summary, Planning and Retail Statement, Transport Assessment and Planning Agreement, all required due to the scale of the proposals under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as an Urban Development Project (category 10b). The EIA is a means of drawing together, in a systematic way, an assessment of the likely significant environmental effects of the project.

### **Relevant Planning History**

There have been a number of planning applications associated with the redevelopment of the Rock Triangle including

- 41730/03 - Application from a different developer covering the same site area with the addition of the site of the Firstbus garage was recommended for refusal but was withdrawn before the application was considered by Planning Control Committee.
- 40730/03 - Application from the same applicant for mixed use development, including food supermarket, approved on 14th July 2004
- 45424 - Outline - Mixed use development comprising: shopping; financial and professional services; food and drink within the A1, A2, A3, A4 and A5 use classes; residential uses; community, health, nursery, education, cultural, assembly, and leisure uses within the D1, and D2 use classes; nightclub uses; multi-storey and other car

parking; new streets; highways and other means of access and circulation; and other associated works and facilities. - Approved 12/4/06

- 45691 - Planning permission was granted on 1/3/06 for a replacement car showroom and associated facilities for Vantage Vauxhall to be sited on Crostons Road next to the Dixon Ford dealership.
- 45426 - Planning permission was granted for the redevelopment of Hornby Buildings at the meeting on 24 January 2006.
- 46702 - Reserved matters application - Minded to approve - 21/11/06 but as yet undecided due to not finalising the affordable housing and scheme redesign.
- 45026 - Replacement church following demolition of old church - Approved - 6/1/06
- 46134 - Planning permission was granted on 3rd July 2006 for a new medical centre and pharmacy with associate access and car parking. This would replace the existing Minden Medical Centre.

### **Publicity**

The application was publicised by site notice on 16/8/07, press notice on 23/8/07 and by direct letters to 359 surrounding properties and interested parties on 16/8/07. A full list of addresses can be read on the file.

As a result of this publicity, there have been two objections from Scottish Widows the owners of the Millgate and First Bus.

Scottish Widows - As the owners of the existing Milgate centre in Bury, Scottish Widdows have engaged planning consultants to provide a considered response to the proposals. An executive summary of their response to the scheme, carried out by Turley Associates, is provided in full at the end of this report.

Firstbus - Re-iterate several issues raised in relation to the original outline planning application (45424). Firstbus state that the current proposals and discussions between Thornfield have not formally confirmed that the new access onto the new road would be funded at Thornfield's cost. Firstbus also state that there are deficiencies in the traffic modelling which leads them to having no confidence in the predicted traffic queues and reserve capacity of the highway network. This would, in turn, have effects on all bus services within the town. Firstbus maintain that the current proposals have not considered their previous concerns.

**Update** - A drawing has been submitted following discussions with Firstbus indicating the level of detail that their objections discuss. A confirmation of the withdrawal of their objection is now expected.

Town Centre Management - They have provided comments upon the proposals, but not objections. They wish to comment that there should be good ease of movement within the scheme and choice of routes, that connect somewhere. Wider masterplanning opportunities are presented by the proposals. All these points are referred to within the report and the s106 agreement commentary below.

### **Consultations**

Traffic Engineers - Their response shall be reported.

Drainage Engineers - No objections

Environmental Services -

- Pollution Control Issues - Some clarification of various points have been discussed and agreement has been made. Planning conditions should be imposed to ensure that there would be no detrimental impact from noise to any noise sensitive uses within the scheme.
- Air quality - No objections
- Land contamination - No objections. Attach conditions to any grant of planning permission to ensure appropriate measures are taken to ensure that contamination

matters are appropriately dealt with.

GM Police - On-going discussions are taking place following the receipt of some concerns raised by the Police on the need to minimise the potential for loitering outside doorways, CCTV security and the levels of car parking to be provided for residential users.

BADDAC - See comments below in the "Issues and Analysis" section.

Environment Agency - No objections and attach conditions to ensure that surface water drainage is appropriately dealt with.

Natural England - No objections.

GMPTE - No objections to the scheme. Bus priority measures are important on a scheme of this nature. These are included within the scheme.

GONW - Have acknowledged the receipt of the application and look forward to receiving any referral application.

Surrounding Local Authorities -

- Bolton MBC - No response.
- Wigan MBC - No response.
- Rochdale MBC - No response.
- Salford City Council - No response.
- Oldham MBC - No objections but request conditions are attached to fix the gross floorspace, sales area floorspace and any retail floorspace split to the details requested within the planning application.
- Stockport MBC - No objections received.
- Trafford MBC - No response.
- Tameside MBC - No response.
- Manchester CC - No response.

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

Area	The Rock/Moorgate
BY8	
S1/1	Shopping in Bury Town Centre
S2/1	All New Retail Proposals: Assessment Criteria
S2/3	Secondary Shopping Areas and Frontages
S3/1	New Retail Dev Opportunities Within or Adj Town Centres
S3/3	Improvement and Enhancement (All Centres)
S2/6	Food and Drink
HT2/5	Public Car Parks
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
RT2/2	Recreation Provision in New Housing Development
EN1/6	Public Art
RT1/1	Protection of Recreation Provision in the Urban Area
PPG1	PPG1 - General Policy and Principles
PPG6	PPG 6 - Town Centres and Retail Developments
PPG13	PPG13 - Transport
RSS 13	Regional Spatial Strategy for the North West
S1	Existing Shopping Centres
S2	Control of New Retail and Non-Retail Development
S3	New Retail Dev and Env Improvements
S3	New Retail Dev and Env Improvements

TC1	Town Centres
TC2	Town Centre Enhancement and Development
TC2/2	Mixed Use Development
TC3	Bury Town Centre
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN4/2	Energy Efficiency
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6	Pedestrians and Cyclists

## **Issues and Analysis**

**Principle** - The site has the benefit of outline planning permission (45424) for mixed use development comprising residential development of some 197 units, health-related PCT development, leisure uses and retail development. The approved levels of retail floor space comprised up to 41,997m<sup>2</sup>. The key considerations for the current application are:

- the wider environmental and sustainability impacts from this major scheme;
- the additional retail floorspace 5,244m<sup>2</sup> and the impacts of this upon the existing town centre and surrounding areas;
- increased scale of residential development from 197 apartments to 397;
- impact upon the townscape in visual terms;
- traffic matters.

**Retail matters** - Planning Policy Guidance Note 6 sets out the national framework for the consideration of retail proposals and aims to ensure that town centres promote vitality and viability through planned growth and development of existing centres and ensuring a good, accessible environment. Customer choice, improved access, social inclusion, encouraged investment, sustainability and high quality design should all be integral considerations of significant retail proposals. Competition between operators, however is not a key consideration. The guidance requires Local Planning Authorities to actively promote growth and manage change within its town centres.

The Bury Retail Study 2007 is an update of previous retail studies. The last update was in 2003. The study assesses the retail situation in the Borough, including retail expenditure coming into the Borough and that which leaks out to other centres. The study also provides 'health checks' of the Borough's four main centres of Bury, Ramsbottom, Radcliffe and Prestwich and advises the Council on the capacity for future retail development both in terms of convenience shopping (essentially food retailing) and comparison shopping (non-food retailing). The findings and recommendations of the study were:

- Highlight the need for a continued emphasis on sustaining and enhancing the town and other centres of the Borough. Particularly to ensure that Bury's centres can compete with neighbouring centres, many of which are currently expanding or improving their retail offer.
- In terms of convenience shopping the study identifies capacity for some 3,500 sq m of new space by 2012 (in addition to the current proposal for a foodstore in Whitefield) and suggests there might be a case for further provision for a convenience store in the retail core of Bury town centre to serve shopper and worker needs.
- In relation to **comparison shopping** the study recognises and supports the need to enhance the retail offer of Bury town centre, particularly the need for a department store, to help it compete more effectively with alternative shopping destinations, many of which already have enhanced facilities. Bury has been suffering declining 'footfall' as it does not have the larger floorplate units required by many

operators, typified through a lack of both men and womens quality fashion stores. Development opportunities should be progressed to sustain and enhance vitality and viability of the town centre thus enabling it to compete more effectively.

- In relation to specific centres, the study supports the adoption of the town centre strategy approach which is already in place for Bury ("Bury but Better") and Radcliffe ("Re-Inventing Radcliffe") and for this to be rolled out to other centres. For Bury the study also recognises the importance of the Market and the need to maintain close linkage with the Mill Gate Centre. The need to improve pedestrian linkages and circulation is also highlighted in relation to all centres, particularly between core areas and edge of centre retail attractions.

The study was reported to Executive Committee on 12 September 2007 and has subsequently been adopted and sets out the approach of the Council over the next 5 years.

The application proposes a quantity of development of 47241m<sup>2</sup> exceeding an approved level of 41997m<sup>2</sup> floorspace. Issues of quantitative need and qualitative need therefore must be considered and set against the capacities highlighted within the Council's own study.

Quantitative Need - The Council's 2007 study provided for four scenarios of growth, ranging from 'A' - anticipating no change of market share or growth through to scenario 'D' assuming a high level of market share, inflow and high expenditure growth rate. The Council's report and the application proposals have looked towards scenario 'C', which assumes an increase in market share to 70% and inflow to 25%. Option 'C' reflects decisions made on the extant outline planning permission for The Rock scheme (ref:45424). This further qualified through referral of the 45424 application to GONW and the findings of the CPO inquiry involving the acquisition of lands within the Rock Triangle site. The current planning application would provide for a level of retailing, together with adjustments for food uses, population changes, future rates of growth and current annual expenditure rates, that would be within projected growth rates identified within the Council's study consequently, the case for quantitative need for the development is considered to be acceptable.

Qualitative Need - The Council's 2007 study concludes that the town lacks higher order department store facilities and there is a shortage of larger floorplate retail units. The report also considers the approved outline planning permission for The Rock Triangle site. The under-performance of Bury, by way of comparison with surrounding towns, is acknowledged and discussed at length within the Council's 2007 study. The vitality and viability of the existing town, given existing and approved representation of retail floorspace is considered to be strong. However, it is clear that the existing built facilities do limit the scope for qualitative improvements. The town does need to demonstrate an improved representation of high-end retailers to ensure a balanced provision. The current scheme would further provide a key additional facility of a department store, which is seen as highly desirable in the Council's study. Additionally, the scheme would also provide for comparison shopping. Through a high quality range of improved pedestrian linkages to other areas of the town centre (to be secured through the s106 agreement) and good linkages within the site, the application would provide for the qualitative improvement that the Council are seeking to deliver. As such, it is considered that the proposals would help to meet the qualitative need identified in the Council's retail study.

New Housing/Additional Housing - The scheme seeks to provide a total of 397 residential units. The previously approved outline permission and reserved matters application stood at 197 units. In response to the North West Regional Spatial Strategy (RSS), the Council's housing land supply demonstrated that a 15 years oversupply of housing existed. In response to this, the Council has adopted Supplementary Planning Document 7 - Managing the Supply of Housing Land in Bury (SPD7). Broadly, the document put a restraint on the release of housing land within the borough unless particular exceptions could be demonstrated by a scheme. Amongst some of the exceptions are replacement housing, the support of schemes where an extant planning permission stood or if the redevelopment of a

site was within a specifically allocated area for regeneration. Other Planning Guidance (Planning Policy Guidance Note 3 - Housing (PPG3)) directed housing to brownfield sites.

The approved scheme represented not only the development of a brownfield site but also within an area identified for regeneration.

The current application has set out the case for increasing residential numbers, in the context of PPG3, adopted UDP policies, SPD7 and the emerging approach of the RSS.

The case put forward states that the current RSS report provides for an annual housing supply within Bury for some 500 dwellings, which is potentially the lower end of housing supply that the Borough could be allocated. The Council had stated in representation to the January 2006 RSS Inquiry that a previously considered higher figure of 600 dwellings per year, towards the end of the Local Development Plan period, would lead to an increased risk of Green Belt encroachment, a position which could be avoided through a lower yearly allocation.

Set against this backdrop and overall housing supply, the studies accompanying the application suggest that:

- The Council's forward land supply will be just ahead of the 5 year minimum supply figure on adoption of the minimum likely RSS figure of 500 dwellings/pa in early 2008. The Council is likely to come under increasing pressure to release additional housing land as supply diminishes in the period, through to the approval of the appropriate LDF/DPD documents in 2010. It would be advantageous therefore to maximise the use of sustainable brownfield windfall sites such as The Rock which are able to deliver in the short/medium term.
- The Council has stated that the diminishing supply of brownfield land may trigger a need for Green Belt release in the latter stages of the RSS plan period. Maximising the return on brownfield sites such as The Rock therefore can only assist in defending against Green Belt or greenfield release.
- The figure of 500 units is not an upper limit or maximum, it is simply an annualized representation of the total figure which provides a benchmark for monitoring purposes. An excess of provision in one particular year is not in itself a matter for material concern.
- Of the 397 dwellings proposed in the application, 197 (as approved in the 2006 Thornfield scheme for The Rock) are already provided for in the Council's forward supply assumptions. As such the actual uplift in supply generated by the proposals is only 200 units.
- The apartments in the Thornfield scheme are likely to be built over a 3 year period, representing a net additional of c70 dwellings/pa. This rate of addition, when assessed against an annual requirement of a minimum of 500 units, and would only constitute a minor additional element of the annual provision.

It is considered that the scheme has presented an appropriate case to justify the uplift of housing within the development of this site. Coupled with the provisions of the existing SPD7, which is proving to be operating successfully and controlling the release of housing, the uplift of new housing would not prejudice the Council's ability to maintain appropriate levels of housing over the ensuing plan periods.

#### Design/Urban Design Assessment

*Urban Form:* The application scheme builds on the urban design principles established by the adopted Development Framework and takes a similar form to the previously 'minded to approve' reserved matters scheme. The scheme provides a series of distinctive buildings arranged around a series of open streets and public spaces. Each building achieves its

distinctive appearance in relation to each other through the use of different materials and detailing. This means that the development as a whole will have a varied appearance which will help it appear as a natural extension to the town centre, rather than a monotonous, monolithic block typical of many earlier retail developments.

The increased residential provision will increase levels of overlooking/natural surveillance of the public realm, compared to the previous reserved matters scheme. This together with the evening economy uses focused on 'Angouleme Place' should ensure that the development provides a vibrant, new mixed use quarter to the town centre.

*Scale and Layout:* The footprint of the proposed buildings (B, C, D, E, F) are equivalent to the largest blocks in the existing Millgate shopping centre and significantly larger than the tradition town centre block sizes found in the conservation area. However, the principal public spaces within the proposal 'St Johns Square' and 'Angouleme Place' are of a similar size to Market Place and Kay Gardens. The length of the new pedestrian streets connecting 'St Johns Square' and 'Angouleme Place' are similar to the Market Street connection between Market Place and Kay Gardens. In this sense the scale and layout of the development will have a strong relationship with the urban form of the existing town centre.

*Height and Massing:* The increased residential provision has resulted in a significant increase in the overall height of the development - particularly blocks B and C which have increased to a maximum height of 9 storeys. This will create the tallest and largest buildings within the town centre. However, the massing of the buildings steps down to a 6 storey equivalent where they front onto 'Hornby Square' and 'Angouleme Place'. The height and massing relationship at the interface with the existing town centre (the pedestrianised Rock and Mill Gate multi-storey car park) therefore remains broadly similar to the previous reserved matters scheme.

*Landmarks and Gateways:* Block D (Debenham's store) was originally envisaged has a distinctive new architectural landmark for the town centre. This role has been partially diminished, particularly on the approaches to the town centre along the new link road, due to height increases to block C (proposed M&S store) and block E (multi-storey car park). Nevertheless, the main frontage to the Debenham's store remains a distinctive high quality focal point to the pedestrian routes within the scheme.

As indicated above, the landmark role of block B has been partially supplanted by block C (M&S) which sits on the Moorgate gateway to the scheme and the town centre. From the Moorgate approach the M&S store is dominated by facades formed by large areas of translucent cladding, partially broken up by shop display frontages to the new link road. The applicant has indicated that this cladding will be a plain white, with a retailer-applied night time colour scheme achieved through back lighting. However, the submitted drawings suggest a varied colour scheme of various shades of green to this cladding. Such a colour scheme would add considerable visual interest to this building and would help achieve an appropriate level of design quality in its key gateway location.

The gateway to the Rock Triangle, and the town centre, from Rochdale Road/Angouleme Way is created by 'Angouleme Place' and the main facades of blocks E and F. This is largely unaltered from the previous scheme.

*Permeability and Connectivity:* There is a high degree of permeability within the development due to the configuration of the pedestrian streets and public spaces, which is specifically design to encourage pedestrian circuits between the retailing in each block. There is also a clear primary connection to the town centre via The Rock, and it is anticipated that this connection will stimulate a revival of The Rock as the town's traditional high street. Further work is required to improve connectivity between the Rock Triangle and Mill Gate and Bury Market. These will be secured through the s106 agreement.

There has been some reduction in the legibility of the connections between the scheme and the new Primary Care building and bus stops on the new link road due to a reliance on

access through the M&S store as the primary pedestrian route. In comparison the previous reserved matters scheme made provision for a direct open street connection.

*Active Frontages:* A high level of active frontage will be created within the scheme through the use of continuous glazed double height retail frontages to the main pedestrian streets and public spaces ('St Johns Square', St Johns Gardens, 'Hornby Square'). The provision of restaurants and leisure use entrance foyers will also create a high level of active frontage to 'Angouleme Place'.

However, an area of concern is the poor provision of active frontage on to The Rock from block B and C. At street level, less than 50% of the frontage to block B is given over to active uses (small retail unit frontages and residential entrance lobbies). The remainder of the frontage is dominated by the servicing access facilities for the retailing and residential. For block C the frontage is wholly dominated by the enclosed service yard to the M&S store. This is a key aspect the scheme that does not fulfil the urban design principles of the Development Frame and where consequently there is a significant reduction in design quality compared to the previous reserved matters scheme, which had a higher level of retail frontage onto The Rock within both block B and C. The applicant has improved the elevation to address this matter by the insertion of glazing at ground floor and also above the servicing area, trying to minimise the impact of essentially a service access point. This has been done sufficiently to be considered to be acceptable.

Another area of potential concern with regard to active frontage is the relationship of blocks E, D and C with the new link road. In the absence of active frontage, the Development Framework requires buildings fronting onto the new link road to present attractive frontages and contribute to the streetscene. The elevational treatment of the multi-storey car park (block E) makes use of coloured vertical fins and clearly expressed glazed staircase cores which should provide a highly animated facade to the link road. The back of house accommodation for the Debenham's store has been arranged to provide a high degree of modelling and articulation to block D in its relation to the link road. Block C provides active frontage to the link road through the provision of an entrance to the M&S store and retail displays.

*Public Realm:* The design approach presented in the Design & Access Statement is generally well thought out in terms of the different roles and uses of each of the pedestrian streets and public spaces within the scheme. However, the design is based on these areas being exclusively for pedestrian use. Some redesign would be required should cyclists be permitted access to some areas of this public realm (such as The Rock).

Further information is required to be able to assess the suitability of the siting and specification of street furniture elements (seating, bollards, bins, wayfinders, street lighting etc) and the specification of landscape features. This can be secured through a planning condition.

Proposed kiosk buildings (H,I,J) play a key role in generating activity and animating the main public spaces of 'Angouleme Place', 'St Johns Square/Gardens' and 'Hornby Square'. They will have a very high level of visual prominence relative to their modest size. Whilst the plans do fix the height and scale the information provided in the application is too sketchy to be able to determine the acceptability of the design of these buildings. As such it is proposed to attach a planning condition to finalise the details of the end product.

Design and Security - The scheme has been examined for security with the Police. The scheme proposes CCTV coverage of the whole of the site, controlled entry points into the residential buildings and a high degree of natural surveillance from the uses within the scheme. The Police raised some concerns of specific design which have since been addressed. The final consultation with the Police on the latest drawings was that they had no further comments to make.

Inclusive Design Comments - BADDAC have been consulted on the application and are generally supportive of the inclusive design approach to the proposals. The scheme does

provide some pinch points such as level changes between blocks D and E and also the need for a platform lift to address the level change from the main disabled parking areas and the adjoining store floor level. The scheme has provided for both of these issues and details contained within the submission can be ensured through the imposition of planning conditions.

The siting and specification of street furniture will have a significant affect on the accessibility of the public realm. From the information provided so far it would appear that provision of benches or other resting opportunities within the main pedestrian streets within the scheme is limited. The possible use of stainless steel street furniture (bollards in particular) would have poor colour/tonal contrast with the proposed paving materials making them potential hazards of visually impaired pedestrians. Also, the siting of cycle stands within footways does not appear to be well considered with regard to conflicts with visually impaired pedestrians. A planning condition requiring the approval of these details can be imposed to mitigate potential issues associated with these matters.

*Shopfronts:* The buildings within the development will be dominated at street level by large plate glass shopfronts. The way in which these shopfronts incorporate glazing, the way in which entrance doors are designed and expressed, and the way in which signs or other projecting features are incorporated into shopfronts is crucial to achieving inclusive access. A planning condition requiring the approval of these details can be imposed to mitigate potential issues associated with these matters.

*Disabled Parking:* A total of 1250 spaces are provided within the multi-storey car park (block E). A minimum of 54 dedicated disabled parking spaces must be provided (4%+4 to meet Dept of Transport guidelines). Some of this provision is shown as shared disabled/parent & child spaces. Any shared spaces should be in addition to the minimum requirement for dedicated spaces. The Design & Access Statement also indicated that clearances within the car park are not sufficient to accommodate high top conversion vehicles used by some wheelchair users. The statement suggests that appropriate parking spaces will be accommodated elsewhere within the scheme. A planning condition requiring the need to submit drawings of these spaces can be attached.

*Lifetime Homes:* The Design & Access Statement suggests that all the residential apartments will be designed to lifetime homes standards and this is welcomed by BADDAC. *Residents car parking* - there should be some provision for parking spaces suitable for disabled use within the proposed secure residents parking level of the multi-storey car park. Currently the only disabled parking spaces are within the public parking areas (on level 5). Further provision can be sought through the use of a planning condition.

*Shopmobility:* The scheme incorporates an provision for Shopmobility to operate a furnished satellite premises from the scheme. However, as Shopmobility assessing their current commitments, their finalised decision has not been made. The planning legal agreement therefore provides for both the option to stay or receive a commuted sum.

Traffic Matters, Car Parking and Access - The scheme has been submitted with a Transport Assessment (TA). The nature of the TA aims to respond to the demands of the scheme against National and Local policy including "A New Deal for Transport" White Paper, Planning Policy Guidance Note 13 - Transport and Good Working Guidelines for Travel Plans.

The pre-existing uses have been considered and then compared with the demands placed upon the highway network as a result of the new scheme in terms of sustainability , pedestrian and cyclist movement and vehicular. The Greater Manchester Transportation Unit has assessed the TA and its respective models to determine the acceptability of the proposals in terms of transport matters.

The scheme would provide both new and additional facilities as follows:  
New crossings

- Lord Street/Rochdale Road/York Street;
- George Street/Rochdale Road/new link road;
- Rochdale Road/multistorey access.

#### Public transport and alternatives

- 4 double bus stops;
- Maintain access and provide an alternative access for Firstbus into and out from their depot;
- Advanced stop lanes at signalised junctions for cycle lanes along main roads;
- New pedestrianised area providing connectivity into the existing centres;
- Cycle parking at the 5 entry points into the scheme and cycle parking in blocks B,C and F;
- Contribution to provide a pavement along Angouleme Way to the market;
- Separate service areas for each of the commercial blocks outside from the main pedestrian areas;
- Residential and commercial travel plan objectives and targets.

The TA seeks to ensure that the development is as sustainable as possible. The scheme would provide parking provision of 1250 spaces and the TA has based its analysis upon this figure. The proposed level of parking is within the maximum limits for each of the specified uses within the scheme specified within PPG13, taking the benefit of being a centrally located site within the town and thus benefiting from being a readily accessible site. Bus priority signalling is also included.

The TA and supporting documentation covers all main uses together with travel plans. These can only go so far at this stage because each end user should adopt the approach and create tailor-made schemes to suit their needs. Travel plan co-ordinators are advocated, which is a readily accepted way of securing sustainable travel plan initiatives. In terms of traffic generation and highway capacity, GMTU have yet to respond to the TA and Members will be updated with their response.

Travel Plans - A planning condition should be imposed to secure the implementation of the plans as described within the supporting TA. This would ensure optimal achievement towards sustainable development of this site and uses within it.

Servicing access to the main stores would be through specifically created service yards. The main store fronting onto the Rock would be enclosed within the building and thus would not be visible from outside of the site. The other main servicing area would be accessed off the new main through road but would be enclosed in a well design and highly specified contemporary designed wall feature. The Traffic Engineers have been consulted on these two aspects and their response shall be reported to Members.

Cycling - As described above, along the main highways, the scheme accommodates cycling provision. Cycle storage would be provided for at the main entry points into the centre, although cycling would not be allowed through the scheme itself. The Council still have the control over cycling along The Rock through its existing regulation orders. The scheme does not seek to change this position.

Planning and Noise - The scheme would be introducing residential development into areas of the site that would be subject to potential noise generation. The submitted ES has provided an assessment of impacts together with methods of mitigation. Following consultation with the Pollution Team of Environmental Services agreement has been reached a planning condition(s) should be used to ensure mitigation measures are appropriately implemented.

Archaeology - The ES includes a section on the current archaeology situation. The site has been extensively assessed through intrusive investigation and much has been found and is in the process being reported and archived. As this is a continuing process, a planning condition should be imposed to ensure continual assessment and recording takes

place.

Wind - The ES has provided an assessment of the wind conditions likely to prevail once the development be completed. It demonstrates that the proposed heights of the buildings are not normally considered to be of sufficient height to create wind downwash. This is usually 20 storeys and is dependant upon local characteristics. Some areas would be subject to wind funelling. The scheme proposes mitigation measures of additional and carefully located landscaping. Shrubs and trees can successfully mitigate and diffuse wind. The scheme is submitted with a landscaping scheme which has been designed to ensure appropriate levels of wind diffusion.

TV reception - The ES accompanying the application has carried out a desk-based review of the potential impact upon TV reception. It demonstrates that there may potentially be some impact upon analogue services to the east of the site although without on-the-ground testing it is difficult to be precise. Importantly, the Bury area is intended to switch over to digital in 2009, which would, according to the ES, further reduce impact potential or otherwise from the scheme. A planning condition is suggested to deal with any potential issues that may arise.

### **Response to Objections**

Firstbus - Meetings have taken place between Firstbus and the applicants. Agreement is largely reached on all matters, with a final outstanding issue regarding white line marking in the bus depot and the installation of a barrier into the bus depot. It is understood from the objectors that they will be willing to withdraw their objections when a scheme is finally agreed between the two parties. The applicants are in the process of finalising the outstanding issues with Firstbus.

Scottish Widows - The views of Scottish Widows are set out by their own executive summary found as an appendix to this report. The applicants at the time of writing, have been asked to respond to the objections made by Scottish Widows dealing with linkages, sequential approach issues, impacts upon relocations retailer demand and retail impact. Members will be updated upon any response.

**s106 issues** - The s106 agreement relating to the previous reserved matters application never got so far as to dealing with affordable housing. This was due to changes in the scheme which meant a fresh application would need to be submitted.

The current planning application is accompanied with a s106 agreement which will secure the various issues described below. The document is nearing completion and should be finalised for signing before Members meet on 23 October 2007. Members shall be updated on its status.

Affordable Housing - The scheme would provide in total 397 dwellings. The agreement seeks to provide a provision of 60 affordable units which equates to 15%. The Council's SPD7 - Managing the Supply of Housing Land in Bury would normally seek a provision of 25%. The applicant has provided detailed information to support this reduced provision from the policy requirement of 25%. This information included full details of land acquisition/assembly costs, site abnormal costs, development value and all other costs associated with bringing forward the residential element as part of this regeneration development. This has been assessed by appropriate consultants, including an independant Quantity Surveyor, and it has been confirmed that there are considerable abnormal costs that have been associated with bringing this site forward.

In particular, site acquisition and land assembly costs have been quite unique for a site coming forward in Bury, given the considerable number of land owners and those with an interest. The applicant has had to go through the CPO process in order to assemble the site and has had to pay for relocation of some of the previous occupants of the land. In addition, there have been significant infrastructure requirements across the site, including new link roads, that again are considered unique in Bury given the comprehensive nature of

the redevelopment proposals.

The values of the proposed residential units are comparable to today's prices and when compared with the disproportionate costs associated with bringing this sites forward, the reduced affordable housing provision is acceptable in this unique instance. However, whilst the suggested prices are acceptable at todays values, it is likely that prices will have increased by the time the residential units are actually built. Therefore, the reduced provision is only acceptable on the basis that an "overage" agreement is entered into to ensure that if house prices did increase that further contributions to affordable housing would be required. It is quite possible that house prices could increase to ensure that the full 25% would effectively be secured (albeit the overage would come in a commuted sum to provide for affordable housing off-site). The agreement has incorporated provisions to ensure that the overage arrangement delivers what is expected.

It should be noted that the recommendation to accept the reduced provision from 25% to 15% has only been taken due to the unique circumstances associated with this site. The characteristics associated with this proposal would not normally be associated with other town centre developments or 'normal' development sites, where the land assembly, abnormals and infrastructure costs would be considerably less. It is also unlikely that a scheme of this scale and nature would be repeated locally in the foreseeable future, so the affordable housing policy should not be weakened in any way by approving this scheme, particularly as there is a possibility that full provision could be provided over time.

The agreement provides for the normal approach to occupancy of affordable units to take place through Council nominations through discounted market sales. It also provides the opportunity for the applicant to renegotiate the tenure of the affordable housing provision, should the use of a registered social landlord become involved at a later date, if agreeable to the Council.

Recreational Enhancement - The agreement provides for the developer to produce a scheme to be approved by the Council for the modification of St Johns Gardens pursuant to on site recreation provision. The sum value of the works shall be no less than £155,894. The scheme should be implemented prior to the first occupation of the residential units or as otherwise agreed with the Council.

Shopmobility - The agreement provides for the provision of a Shopmobility Satellite scheme within the development, which must be approved by the Council, prior to the commencement date of the development. The scheme must be implemented prior to the first occupation of the development or such other date that is agreed between the Council and the developer. The scheme provides for new floorspace, utilities supply, heating, general facilities, internal fit out of the unit and furniture. Should a scheme not be agreed within six months of the commencement date, the developer shall be able to occupy the development. Shopmobility have until 31 January 2008 to decide whether they require the satellite facility or accept a sum of £82,000. The agreement seeks to obtain contributions from tenants to assist the funding of the shopmobility facility, which would be paid quarterly for the facility.

Percent for Art - The agreement provides for the applicant to produce a brief for the artist and proposed artwork . The requirement is for the art to be on site before the first occupation of the development. Should the Council and the developer not agree a brief, then the provisions are that a commuted sum be paid to the Council of no less than £108,558.00 for the provision of art within the site or within the town centre.

Car Parking Strategy - The agreement provides for the applicant to produce a strategy that makes provision for shoppers' and workers' parking, should demand require. The approval of the strategy must be sought prior to commencement of the development or unless otherwise agreed with the Council. Currently, a site off Castlecroft Road is proposed for contractors' provisions and Bury College would provide additional parking for Saturday shoppers, if required.

Pedestrian Link to the Market - The agreement provides for the applicant to pay a contribution towards the implementation of a new pedestrian link from the scheme to Bury Market, along Angouleme Way. The payment currently stands at £16,000. It is seen as a third contribution towards such a scheme, which would require Scottish Widows and the Council to also contribute to the scheme. Feasibility studies and draft proposals require the three land owners to form a joint team to carry out this work. The payment is programmed to be paid within fifteen working days of the commencement.

Clerke Street Study - The agreement provides for the applicant to pay a sum of £16,600 to the Council to carry out an urban design scheme seeking to improve the urban grain and pedestrian interrelationship in the area around the existing multi storey car park and the current servicing area to the rear of Marks & Spencer. This would be seen as a one-third contribution towards such a scheme, which would require Scottish Widows and the Council to also contribute towards it.

Town Centre Management - The agreement requires the Council to produce a scheme and be approved by the developer, for the creation of a town centre management body, the appointment of a town centre manager and the creation of town centre management measures and initiatives relating to the scheme. A sum of £120,000 is to be provided for this scheme, payable in three installments.

Pedestrian Improvement Strategy - The agreement provides for physical upgrade improvements to the site from The Rock, including the areas from the Hornby building and along The Rock to include The Tithebarn and up to the entrance into the Millgate. The purpose of this scheme is to enhance the pedestrian connectivity through the town centre into the site. A scheme is required to be submitted and implemented following agreement with the Council, within six months of the commencement date. The agreement currently provides for a scheme to the value of £663,000.00 for these works. Should the Council and the developer not reach agreement for a scheme, then the sum shall become payable to the Council within twelve months of the commencement.

CCTV - The agreement provides for the developer to pay a commuted sum to the Council of £85,000 within fifteen working days of commencement for the provision of Public area CCTV. Its purpose is to provide for the relocating of optical fibre cabling and displaced CCTV cameras as a result of the development. The relocated system shall be implemented no later than 12 months prior to the first occupation of the development. Any unspent monies together with any interest accrued would be returned to the developer.

### **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 a town centre development in accordance with Unitary Development Plan policies and government guidance. It will bring significant benefits to the town centre, contributing to its vitality and improving its character, with no significant disbenefits. There is an acceptable highway scheme including provision for pedestrians and public transport. There are no other material considerations that outweigh this finding.

**Recommendation:** Minded to Approve

### **Conditions/ Reasons**

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

2. The development shall be carried out in accordance with the provisions of the sustainability report carried out by Waterman Environmental and details relating to the achievement of BREEAM ratings shall be submitted to the Local Planning Authority through an approved timetable including pre, during and post construction.

Reason - Pursuant to the provisions of PPS1 - Delivering Sustainable Development and Associated Supplement on Climate Change to secure the sustainability principles of the development of the site.

3. **SPECIFIED FLOOR SPACES**

The development shall not be carried out otherwise than in accordance within Grimley Report dated June 2007 and received 10 July 2007 hereby approved and the accompanying composite schedule of floorspace and as set out below unless otherwise agreed in writing by the Local Planning Authority.

Block B	Retail (Classes A1-A5) Residential	5,754m <sup>2</sup> maximum 23,385m <sup>2</sup> maximum
Block C	Retail (Classes A1-A5) Residential	7,925m <sup>2</sup> maximum 7,355m <sup>2</sup> maximum
Block D	Retail (Classes A1-A5) Shop mobility	9903m <sup>2</sup> maximum 377m <sup>2</sup>
Block E	Retail (Classes A1-A5) Leisure Uses (including nightclub) Residential Car Parking	10,560m <sup>2</sup> maximum 2,257m <sup>2</sup> maximum 2,988m <sup>2</sup> maximum 40,032m <sup>2</sup> maximum
Block F	Retail (Classes A1-A5) Leisure	12,603m <sup>2</sup> maximum 744m <sup>2</sup> maximum
Block H	Retail (Classes A1, A3, A5)	111m <sup>2</sup>
Block I	Retail (Classes A1, A3, A5)	235m <sup>2</sup> maximum
Block J	Retail (Classes A1, A3, A5) maximum	150m <sup>2</sup>

Reason For the avoidance of doubt and to ensure that floorspace figures are not exceeded pursuant to PPS6 - Town Centres.

4. Within the 47,241m<sup>2</sup> of Class A retail floorspace hereby created, no individual unit of more than 2,000 m<sup>2</sup> will be given over to a primary convenience retail use unless otherwise agreed in writing by the Local Planning Authority.

Reason For the avoidance of doubt and to ensure that floor space figures are not exceeded pursuant to PPS6 - Town Centres.

5. Notwithstanding Condition 4, no more than 47,241m<sup>2</sup> of Class A1 retail floorspace shall be formed at any time within the buildings hereby permitted without the prior written consent of the Local Planning Authority. Within that 47,241m<sup>2</sup>, no more than [ ]m<sup>2</sup> of Class A3, A4 or A5 floorspace shall be formed at any time within

the buildings hereby permitted without the prior written consent of the Local Planning Authority.

Reason For the avoidance of doubt and to ensure that floor space figures are not exceeded pursuant to PPS6 - Town Centres.

6. **SHOPFRONTS** Before the development hereby permitted is commenced, unless otherwise agreed in writing by the Local Planning Authority, details of the location of customer and visitor entrance doors, areas of glazing and shopfront display areas, and the location and design of shutters for each block shall be submitted to and approved by the Local Planning Authority. The details to be submitted to the Local Planning Authority shall clearly indicate how the entrances and shop fronts to the individual buildings forming that phase relate to the principal pedestrian routes through that phase. The approved details shall be implemented before the phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of visual amenity and the free movement of pedestrians pursuant to UDP Policies EN1/2 - Townscape and Built Design and HT5/1 - Access for those with Social Needs.

7. Before development of the multi storey car parking is commenced, details of any ventilation (including details of sound attenuation for any necessary mechanical plants and standard of dilution expected) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the multi storey car park is first used and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason To ensure a satisfactory standard of air quality and pursuant to PPG23 - Planning and Pollution Control and PPG24 - Noise.

8. Before any phase of the development is commenced, a detailed scheme of landscaping shall be submitted to and approved by the Local Planning Authority. The submitted scheme shall include; indications of all existing trees and shrubs and details of any to be retained ; existing and proposed levels and contours of circulation areas; street furniture, hard surfacing materials; minor artefacts and structures; refuse collection; planting plans, specifications maintenance thereof and schedules; and location of site cabins and compounds.

Reason To ensure the satisfactory development of the site and in the interests of visual amenity pursuant to UDP Policies EN1/2 - Townscape and Built Design and HT5/1 - Access for those with Special Needs.

9. A landscape management plan shall be submitted to and approved by the Local Planning Authority prior to occupation of the relevant phase of the development or in accordance with the programme agreed with the Local Planning Authority. The approved scheme shall be implemented before the phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority prior to that phase of development being brought forward into use or in accordance with a programme agreed with the Local Planning Authority. The landscape management plan shall include a schedule of landscape maintenance for a minimum period of five years.

Reason To ensure the satisfactory development of the site and in the interests of visual amenity pursuant to UDP Policy EN1/2 - Townscape and Built Design.

9. The use of any food and drink unit (Class A3, A4 and A5) shall not commence until details of the opening hours for each unit have been submitted to and agreed in writing by the Local Planning Authority.

Reason To safeguard the amenities of adjacent occupiers pursuant to PPG24 - Noise and UDP Policy S2/6 - Food and Drink.

10. The use of any food and drink unit (Class A3, A4 and A5) shall not commence until details of a scheme for the control of fumes and odours (and details of sound

attenuation for any necessary plant) for that unit has been submitted to and approved by the Local Planning Authority. The scheme once approved shall be implemented before any food and drink unit is brought into use and must be retained in full working order thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of amenity and pursuant to PPG24 - Noise and UDP Policy S2/6 - Food and Drink.

11. Before each phase of the development is commenced, if relevant, details of the design and siting of all hoardings and fencing to be erected around the site during that phase of construction shall be submitted to and approved by the Local Planning Authority. The scheme once approved shall be implemented and maintained during the period of construction of that phase unless otherwise agreed in writing by the Local Planning Authority.  
Reason In the interests of amenity.
12. Before each phase of the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover the following matters: measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site; and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction of that phase unless otherwise agreed in writing by the Local Planning Authority.  
Reason In the interests of amenity and in the interests of road safety.
13. Before the development of the approved Blocks B and/or C and/or E is commenced, a scheme for protecting residential accommodation from excessive external noise shall be submitted to and approved by the Local Planning Authority and any works which form part of such a scheme shall be completed before that part of such a scheme shall be completed before that part of the development is first occupied unless otherwise agreed in writing by the Local Planning Authority.  
Reason To protect the amenities of residents and pursuant to PPG24 - Noise.
14. Before the commencement of each block of the development is commenced, details of the arrangements for storage of refuse and waste for that block shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented as approved and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.  
Reason To ensure the satisfactory storage, recycling and collection of waste.
15. Details of lux levels, direction and screening of the external and street lighting for the scheme shall be submitted to and approved in writing by the Local Planning Authority. All lighting works shall be carried out in accordance with the approved details.  
Reason In the interests of visual amenity and pursuant to UDP Policy EN1/2 - Townscape and Built Design.
16. The development shall be carried out in accordance with the provisions of the "Under Construction Archaeology" Report - Mitigation Strategy within the proposal areas described within section 4 - Fieldwork. The implementation of the works identified shall incorporate the proposed methodology including the watching brief, excavations, archiving and reporting unless otherwise agreed in writing with the Local Planning Authority.  
Reason To make a record of buildings for archive and research purposes and to identify buried remains of archaeological interest pursuant to PPG16 - Archaeology and UDP Policies EN3/2 - Development Affecting Archaeological Sites and EN3/1 - Impact of Development on Archaeological Sites.
17. 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.

18. Following the provisions of Condition 17 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.

19. 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.

20. 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.

21. 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.
22. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.  
Reason To ensure the satisfactory drainage of the site and pursuant to PPS25 - Development and Flood Risk.
23. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from vehicle parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.  
Reason To ensure the satisfactory drainage of the site and pursuant to PPS25 - Development and Flood Risk.
24. Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.  
Reason To ensure the satisfactory drainage of the site and to prevent pollution pursuant to PPS25 - Development and Flood Risk..
25. Provision shall be made within the curtilage of the site to the written satisfaction of the Local Planning Authority for the loading and unloading of vehicles and the parking of cars which visit the site in connection with the uses hereby approved.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety.
27. Provision shall be made within the site to the written satisfaction of the Local Planning Authority to enable vehicles to enter and leave the site in forward gear, and shall subsequently be maintained free of obstruction.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety.
28. The foundations for any part of the proposed development shall not encroach under the adjacent existing or future adopted highway at any point.  
Reason To ensure good highway design and to maintain the integrity of the

adopted highway.

29. A construction phase environmental management plan shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the commencement of the development and implemented in accordance with the agreed plan as the development proceeds.  
Reason To mitigate the effects of the development during demolition and construction
30. The applicant shall, with regard to television reception in the area containing the application site, provide the Local Planning Authority with studies that:
- a) Measure the existing television signal reception within the potential impact area, as identified in the Waterman Environmental "Environmental Assessment Statement" dated July 2007, and within an area of 500 metres radius surrounding the development boundary, before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Independent Television Commission, and shall include an assessment of the survey results obtained.
- b) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the Local Planning Authority in response to identified television signal reception problems within the potential impact area. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (a) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the Local Planning Authority, whichever is the earlier.  
Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications.
31. 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 and notwithstanding the details and provisions indicated within the plans for the materials of Block C - cladding system and permanent colour system, details shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
32. Notwithstanding the provisions of the approved plans, details of design and materials relating to the kiosk buildings I, K and J details shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
33. 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.

34. Prior to the commencement of development, details relating to the provision of disabled car parking provision for the residential elements of the scheme, provision for separate disabled parking provision above that provided for parent and child provision and also the provision of parking facilities for high top disabled vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies EN1/2 - Townscape and Built Design and HT5/1 - Access for those with Special Needs of Bury Unitary Development Plan.

35. Notwithstanding the details already submitted, prior to the commencement of development, details relating to the provision of lifetime Homes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing.

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 **Dave Marno** on **0161 253 5291**

**Ward:** Bury East

Item 02

**Applicant:** Lynne & Richard Burbery

**Location:** LAND AT CHADWICK STREET, BURY, BL9 7TG

**Proposal:** DETACHED SINGLE GARAGE TO BE USED AS STORAGE BUILDING  
(RETROSPECTIVE)

**Application Ref:** 48534/Full

**Target Date:** 18/10/2007

**Recommendation:** Approve with Conditions

### **Description**

The site is directly adjacent to an existing garage on a small colony of 7 garages on Chadwick Street. The proposal is for a detached 4.9m long x 2.4m wide pebble dashed concrete section garage to be used as a storage building for domestic items such as bikes and tools. The application is for retrospective permission as the garage has already been erected. There is a minimum 4.2m wide unmade access way at the side of the garage to 1 & 3 Chadwick Street and to the back gardens of the properties on New Hall Road.

### **Relevant Planning History**

This application has been received after Planning Enforcement Team investigated a complaint from a local resident.

### **Publicity**

10 immediate neighbours on Chadwick Street, Rochdale Old Road and New Hall Road, including the complainant, were written to on the 30<sup>th</sup> August 2007. A site notice was displayed in the immediate vicinity on the 6<sup>th</sup> September 2007.

A letter of objection has been received from 3 Chadwick Street which has raised the following issues:

- Services pass under the site and where damaged during site preparation.
- Her son is registered as disabled and an ambulance cannot reach their house.
- Why is parking on both sides of Chadwick Street allowed when there are only 2 houses on Chadwick Street.
- An ambulance is unable to turn around in the street and would be forced to reverse out on to Rochdale Old Road, which is an offence.

### **Consultations**

Highways Team – No objection

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

EN1/2 Townscape and Built Design  
HT2/4 Car Parking and New Development  
H2/3 Extensions and Alterations

### **Issues and Analysis**

The garage, which is already on site, is for residential storage use. The applicant states that a car cannot be housed in the garage and will be used for domestic items such as bikes and tools. The garage appears to be of a size that only a smaller car can be exited easily from once parked inside. Notwithstanding this the proposed use of the garage is as a

domestic storage and as such can be used to house anything in relation to the nearby residential unit be that bikes, tools or family car. Therefore the main considerations of this application are the impact of the proposal on highway safety, visual and residential amenity.

Highway Safety – The garage is located clear of the adopted section of Chadwick Street to the south and abuts the unadopted section to the east that serves as a private access to 1 & 3 Chadwick Street and the garages to the rear of the properties on New Hall Road. The position of the garage maintains an access width of 4.2m suitable for use by commercial vehicles to 1 & 3 Chadwick Street and to the garages in the gardens at the rear of the properties on New Hall Road. The position of the garage means there is no alteration to the amount of room available for vehicles to manoeuvre in front of its door and the other garages, to the backs of the houses on Rochdale Old Road and on the adopted section of Chadwick Street. Therefore the proposal is considered to comply with the requirements of Bury UDP Policy Nos. EN1/2-Townscape and Built Design, HT2/4-Car Parking and New Development and H2/3-Extensions and Alterations

Visual Amenity - The design and material of the proposal is considered acceptable in this location given the adjacent garages. As such the proposal conforms to Bury UDP Policies EN1/2 - Townscape and Built Design, HT2/4-Car Parking and New Development and H2/3-Extensions and Alterations

Residential Amenity - The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties. There are no other considerations to outweigh this finding.

#### Comments on Representation

- The position of services are not a consideration for the planning decision making process.
- There is sufficient room for a commercial vehicle to reach the properties on Chadwick Street. The width of the road in front of the garage and to the properties on Chadwick Street at the side of the garage has been maintained. Therefore the ability for an ambulance to turnaround has not been altered.
- The parking on vehicles on both sides of the tarmaced part of Chadwick Street is not a consideration for this planning application but a separate issue to be addressed via the highways authority.

#### Summary of reasons for Recommendation

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

The garage hereby approved is of an acceptable standard which would not adversely affect the character of the area nor the amenities of neighbouring residents. The scheme will not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. This decision relates to drawings and photographs received on 13<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.

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

**Ward:** Bury East - Redvales

Item 03

**Applicant:** Alliance & Leicester

**Location:** BURY FOOTBALL CLUB CO LTD, GIGG LANE, BURY, BL9 9HR

**Proposal:** INSTALLATION OF ATM CASH MACHINE ON FRONT ELEVATION OF SOCIAL CLUB

**Application Ref:** 48605/Full

**Target Date:** 14/11/2007

**Recommendation:** Approve with Conditions

### **Description**

The proposed ATM would be located within the wall on the front of the existing single storey social club fronting Gigg Lane. Immediately in front of the ATM is the unmarked hardstanding/ car park. There are residential properties along Gigg Lane to the north and east of the club.

The ATM would be positioned to the left of the 'Allen Suite' entrance and would measure 1220mm square. The cash machine would be protected by 2 anti-ram raid bollards in front. A bulkhead light would be positioned 600mm above the machine.

### **Relevant Planning History**

Non relevant.

### **Publicity**

Immediate neighbours at 21 - 41 Gigg Lane (odds) and 62 Gigg Lane. Objection received from the occupiers of 41 and 62 Gigg Lane are summarised below:

- The ATM would encourage more vehicular traffic along Gigg Lane and reduce highway safety.
- There are other cash machines in the area.
- Youths in the area would congregate around the machine giving rise to disturbance and anti-social behaviour.
- The ATM should be within the club itself.
- The ATM will cause extra noise and traffic at all hours of the day and night.
- There is the possible threat of theft which could be a worry for the customers and staff locking up late at night.

### **Consultations**

Traffic - No objection.

GM Police - No objection but states that as the ATM is fairly remote and would tend to mostly serve visitors to the club, it may be preferable to see the machine located inside the club building.

BADDAC - No Comment.

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

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

H3/1 Assessing Non-Conforming Uses

### **Issues and Analysis**

Design and appearance - The ATM position in the wall of the social club should not have a seriously detrimental impact on the existing building or street scene. The cash dispenser would be viewed from residential properties across Gigg Lane however it would not be

prominent at a distance of approximately 30m across the car park and Gigg Lane itself and would accord with UDP Policy EN1/2 - Townscape and Built Design.

Residential amenity - Given the location of the ATM machine some 30m from the nearest residential property, it should not cause undue disturbance to the surrounding neighbours. Consequently it would not be contrary to UDP Policy H3/1 Assessing Non-conforming Uses.

Security - The ATM would be positioned in an area that would have natural surveillance and would also be covered by CCTV which is in situ at the ground already. Amended plans are awaited that indicate a marked out 'secure zone' around the machine. The ATM accords with UDP Policy EN1/5 relating to Crime Prevention.

Police - Whilst the Police have no objection to the ATM they do suggest that the machine would be better located inside the club building as it appears to be aimed at visitors to the club. Whilst this may be true, it would be difficult to refuse the application in its present form.

Objection - The ATM is aimed at users of facilities at the football club but may at other times increase traffic along Gigg Lane. It is not considered that the additional traffic would be significant. The presence of other cash machines in the area is not considered to be a valid reason to refuse the application. The objectors do refer to anti-social behaviour occurring in the vicinity. It is not considered that the presence of an ATM alone would encourage significantly more disturbance around it. Indeed the presence of the ATM would allow CCTV coverage of the car park to be extended over a 24 hr period as opposed to the current situation when coverage is limited to times when the football club is open. There is also natural surveillance from houses along Gigg Lane and customers coming and going from the social club.

It is considered that the proposal complies with UDP policies listed and other general guidelines available.

### **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 ATM would not be seriously harmful to the amenity of the street scene or residential amenity of neighbours and therefore complies with UDP policies listed. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered J10358 and received 19th September 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 ATM shall be protected by a closed circuit television system that should view the area and the users of the ATM, but not the ATM keypad itself over a 24 hour period.  
Reason: In the interests of security pursuant to UDP Policy EN1/5 Crime

Protection.

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

**Applicant:**

**Location:** HOLLY MOUNT SCHOOL, HOLLYMOUNT LANE, GREENMOUNT, BL8 4HS

**Proposal:** REMEDIATION OF PLAYING FIELD LEVELS, PLAYGROUND EXTENSION AND MULTI-USE GAMES AREA

**Application Ref:** 48308/Full

**Target Date:** 12/11/2007

**Recommendation:** Approve with Conditions

**Description**

The application concerns work intended to be carried out on the playing field area of Holly Mount School at Greenmount.

The school and its two car parks front onto Holly Mount Lane with a number of residential properties opposite. The playing field is at the rear extending out over 200m from the buildings. Its easterly boundary is with Whipney Lane where there are two houses and a day nursery on the opposite side.

The proposals consist of three main elements. The most significant of these is a scheme to alter the levels of the playing field. The field has a significant slope from the westerly side down to the easterly side with an overall fall of about 5m. It is intended through a cut and fill operation to form a level youth (U11 - U12) soccer pitch. Thus, the levels at the north easterly corner would be reduced and the excavated material would be transferred to the south easterly corner and graded out to the boundary of the field. On the raised side of the field there would be a wide (13m to 37m) marginal area between the new pitch and the Whipney Lane boundary where the proposals include the planting of six silver birch trees.

The second main element of the proposals is the construction of a tarmac surfaced multi-use games area of dimensions 35m x 17.8m on the section of the playing field nearest to the school and car park next to Whipney Lane. The plan shows that a limited amount of land raising would occur at the easterly end of the site for this element to render the area level. The games area would be enclosed by 2.8m high chain link fencing.

The third main element is an extension of the main playground by about 26m onto an area of grass and shrubs close to the westerly boundary of the school. This extension would, on average, be about 15m wide.

An additional feature of the development would be a perimeter jogging track almost circling the soccer pitch from the multi-use games area to the existing playground. This would have a link to the existing gate onto Whipney Lane at the north-easterly corner of the playing field. The track would be constructed in grass filled Geoblock.

The application is supported by a design statement. This refers to the difficulties being encountered by the school in the use of the existing playing field because of the slope and poor drainage. The submitted plans include details of a land drainage and rainfall attenuation systems that would regulate the run-off from the playing field to avoid overburdening the existing drainage in Whipney Lane.

The proposals do not include any floodlighting and the submitted statement indicates that a reason for the cut and fill method is to avoid the importing of extra material to the site.

Following the objections from local residents a supporting letter has been received from the

headmaster explaining the background of need at the school that has led to the proposals. The main points of the letter are as follows:

- The playing field has no working drainage system and water stands on its surface for months which severely limits its use for sport. This problem would be resolved by the levelling and drainage proposals.
- Regarding the playground provision there are currently two small playgrounds each about the size of a netball court. The timetable has to operate to ensure that all of the 300 pupils are not in the playground at the same time. This requires the division of staff and pupils into two groups.
- The overcrowded and cramped nature of both playgrounds requires a large number of staff (10 lunchtime supervisors) to ensure the safety of the children. Even so the number of accidents and incidents is growing alarmingly.
- A solution is to enlarge the playing facilities to allow the children to spread out, allow the young boys to play football at break time and enable the same break for all in the morning and afternoon sessions, thus bringing the staff together as a single group and reducing the number of accidents and incidents.
- The school has a proud record of promoting love of the environment and has received prestigious awards, it has planted 1000 trees and its environment group meets weekly to undertake litter picking, bulb planting and gardening. The school would not want to do anything that would damage the ecosystem and wildlife that exist there.
- The proposal is a perfectly reasonable scheme that is visually acceptable that has mutual impact on the green belt. The fencing would make their building more secure.

#### **Relevant Planning History**

21303/88 - Car parking facilities. Approved on 28th July 1988.

29798/94 - Provision of car park. Approved on 2nd June 1994.

35810/97 - Alterations to form car park and to playground boundary fence to allow vehicle access. Approved on 16th November 1999.

41811/03 - Construction of external passenger lift enclosure. Approved on th February 2004.

46462 - Staff room extension and covered play area. Approved on 31st July 2006.

#### **Publicity**

33 properties were notified on 17th and 24th August 2007 followed by a notification to all about a revised description (multi-use games area added to description) on 18th September. Site notices were posted on Hollymount Lane and Whipney Lane from 29th August 2007. Five letters of objection have been received. These are from Church Walk, Chapel Gardens, Orchard Cottage, Chestnut Cottage and Long Barn all of which are addresses in Hollymount Lane. The main concerns are as follows:

- Whilst the levelling of the field would appear to be appropriate development in the Green Belt, this would not be the case with the multi-use games area as it contravenes criteria for appropriate development including having to be essential, maintaining openness, not injuring the amenities of the Green Belt and enhancing the area near to where people live.
- The remediation of the playing field would be sufficient to satisfy the school's needs for sport activity and would negate the need for an additional games area such as the multi-use games area. This facility would severely compromise the current open aspect, its size would render it extremely obtrusive and its siting would be on one of the most prominent locations within the entire development. Also, the raising of the area would render it even more prominent.
- Regarding the playground extension the school's concerns regarding overcapacity within the current playground facilities and suggestions that the health and safety of children is somehow "at risk" is tenuous. This problem, if it exists, can easily be solved by the proposal to swap usage of the upper and lower areas. As such a swap

would serve to extend the current playground capacity, it is questionable as to whether the proposed additional playground at the side of the school can be justified in the context of PPG2 and it is not essential.

### **Consultations**

Highways Team - No objections.

Drainage Team - No objections.

Environmental Health - Contaminated land mitigation conditions recommended.

Environment Agency - No objections but with the advice that in creating a more efficient drainage system flooding problems are not created or made worse downstream of the discharge point.

United Utilities - No response.

Sport England - No response.

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

OL1	Green Belt
OL1/5	Mineral Extraction and Other Dev in the Green Belt
OL7/2	West Pennine Moors
EN1/1	Visual Amenity
EN8/2	Woodland and Tree Planting
EN9/1	Special Landscape Areas
RT1/1	Protection of Recreation Provision in the Urban Area
CF2	Education Land and Buildings

### **Issues and Analysis**

Green Belt - Policy OL1/5 states that a development proposal in the green belt not involving the erection of buildings will be inappropriate unless "it maintains the openness and does not conflict with the purposes of including land within Green Belt." This proposal would maintain the openness of the external recreational area of the school. The chain link fencing to the multi use games area would be the only raised structure but it is not considered to be a sufficiently significant feature to adversely affect the openness of the land such as to be in conflict with the policy.

Visual Amenity - One of the intentions of Policy EN1/1 is to ensure that all new proposals should be carefully sited and designed so as not to have a serious detrimental effects on surrounding areas of environmental value such as Green Belt, Areas of Special Landscape Value, designated river valleys and the West Pennine Moors. The site is next to a designated river valley and is within the other specially protected areas referred to. However, the proposals would have a low level of visibility from surrounding land and thus they would have very little impact on the appearance of the surrounding area. It should be noted that the development would be visually enhanced by the planting of six silver birch trees on the Whipney Lane side of the pitch.

Education Facilities - The use of the existing playing field at the school is restricted by its slope and poor drainage. The development would resolve this problem and also provide additional recreational facilities thereby enhancing the education service being provided.

Residential Amenity - The cut and fill operation is likely to create a significant degree of disturbance locally while it lasts but this would be temporary. The multi-use games area would be about 30m from the nearest residential curtilage. This distance is the same as the amount of buffer zone recommended in the National Playing Fields Association standards between a neighbourhood equipped area for play (NEAP) which has similar characteristics to the proposed facility and the nearest dwelling. However, a NEAP would be for general public use usually by older children whereas the proposed facility would normally be used only during school hours by primary school children and its use would have relatively less impact on nearby residents. The playground extension would be remote from any dwellings.

The Objections - The objectors state that the multi-use games is not essential as a facility for sport and recreation and argue that it is, therefore, not appropriate in the Green Belt also referring to its visual impact. The essential need for the extra playground/games facilities at the school is adequately covered in the letter from the headmaster and the acceptability of the development within the Green Belt and the impacts on visual and residential amenity are covered in the appropriate sections 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 development would not be inappropriate in the Green Belt. There would be only a limited impact on the visual and residential amenities of the area. The development would result in a marked improvement to an educational sports 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. 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.
3. 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.
4. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This scheme shall include full particulars of the tree planting shown in indicative form only on the approved drawing no. AL(0)03. It shall be implemented not later than 12 months

from the date the remediated playing field is first brought into use and any trees removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

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

5. The chain link fencing surrounding the multi-use games area shall be coloured dark green.

Reason: In order to ensure that the fencing would blend in with its surroundings in accordance with Policies OL1/5 - Mineral Extraction and Other Development in the Green Belt, OL7/2 - Pennine Moors, EN9/1 - Special Landscape Area and EN1/1 - Visual Amenity of the Bury Unitary Development Plan.

6. This decision relates to drawings numbered AS(0)00, AS(0)01, AL(0)03, AS(0)02, AL(0)02, 06-1654-01 Rev C, 06-1654-02 Rev A and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

**Ward:** Prestwich - Holyrood

Item 05

**Applicant:** Prestwich Heys FC

**Location:** PRESTWICH HEYS F C, SANDGATE ROAD, WHITEFIELD, M25 5WG

**Proposal:** RETENTION OF CHANGING ROOMS, STORE, TOILETS, CLUBHOUSE AND FENCING; INSTALLATION OF SIX FLOODLIGHTING UNITS INCLUDING RESURFACING AND LANDSCAPING OF CAR PARK

**Application Ref:** 48290/Full

**Target Date:** 27/11/2007

**Recommendation:** Approve with Conditions

**Description**

The application concerns developments at the Prestwich Heys FC ground situated on the easterly side of Sandgate Road between the M60 Motorway to the north and residential properties in St Joseph's Avenue to the south. There are houses on the opposite side of Sandgate Road some of which face the site and others have their rear elevations facing towards it.

The main elements of the application are, in turn, as follows:

At the north-westerly side of the pitch there is a set of temporary structures consisting of two large sea containers linked together for the changing room/toilets facility, one smaller steel container for storage and a large portacabin for the clubroom. They are set in a row alongside the pitch with the changing room/toilet unit coloured dark red and the store black. The changing room/toilets unit has signage facing the pitch. Because of the fencing that is also subject of the application the buildings are not prominently seen at ground level from outside the ground but without the fence they would be noticeable in the public domain but as a relatively small scale feature set well away from the frontage. These units have been in place for several years but the temporary planning permission expired in 2003 as the club did not apply to have it renewed. The application includes a request for a consent to retain these temporary structures.

The development includes the retention of fencing. An unauthorised plain concrete panel fence was erected in 2005. The panels were measured as being just below 2m high but the cranked posts extend to over this height and, therefore, planning permission should have been obtained. The club expressed an intention to remove the cranked tops to the posts to bring the fence within the "permitted development" limit but this did not occur. The details submitted indicate that the cranked tops to the fence posts would be removed and the outer face of the fence would be clad in soft wood rough sawn boards with stain finish. The details also include details of screen planting against the fence of shrubs, including evergreen species within the planting mix.

The third main element of the application is for the installation of new floodlights. The details show six 15m high galvanised masts with two 2kW lighting units on each mast. The masts would be arranged with three on each side of the pitch and these are the sides that are opposite the motorway boundary on the north and opposite the rear of houses in St Joseph's Avenue on the southerly side. The lighting diagram accompanying the application shows that the 10 lux contour would affect the back portion of four rear gardens of the St Joseph's Avenue houses and a small section of one front garden where the house is side on to the ground. The 5 lux contour would intrude into seven of the house and, in three cases, it would reach the elevation of the houses. Regarding the distance from the floodlights to the houses the nearest house on Sandgate Road to a unit would be about 60m (to edge of curtilage). In the case of St Joseph's Avenue the nearest equivalent

distance would be about 22m.

The application also shows changes to the main frontage car park. This currently occupies almost all of the 25m to 35m wide area between Sandgate Road and the ground enclosure and has a surface in crushed stone with individual spaces not marked out. The proposal includes the creation of a landscaped area between 7m and 21m wide on the frontage with the remainder next to the enclosure and turnstile entrance to be macadam surfaced with 79 marked out spaces including 8 for disabled parking. There is no change proposed to the existing vehicular access on Sandgate Road.

The application is accompanied by a supporting design statement. Within this it is explained that the team has been champions of the Manchester Premier League for the past three years but to be able to progress to the next division of the Northern Counties League the club is required to install floodlighting at the ground. It is also understood that it is a requirement of the Football Association that the ground enclosure must be a solid type and not see through such as paladin fencing, hence the installation of the concrete panel fencing around the ground.

Concerning the floodlights, the statement indicated that it is intended that they would be utilised for a maximum of two evenings a week until 2200 hours on match nights and until 1830 hours on Saturdays or Sundays. Verbally it has been indicated that the club could manage satisfactorily with a limit of 2130 hours on weekdays.

### **Relevant Planning History**

C/26087/91 - Proposed football field with associated car parking, changing and ancillary buildings. Approved on 5th September 1991.

29971/94 - Renewal of consent - portable buildings to house changing facilities, clubroom and store. Approved 5th March 1997.

36415/00 - Renewal of consent for portable buildings. Approved on 18th May 2000.

46044 - Retrospective application for temporary developments including car park, portable contractors office units and holding compound. Approved on 26th July 2006.

47511 - Retention of changing rooms, store, clubhouse and fencing and installation of six floodlighting units. Refused on 31st May 2007 because of insufficient and inconsistent information provided.

### **Publicity**

57 properties in Sandgate Road, St Joseph's Avenue, Peveril Close and Warwick Avenue were notified on 5th September 2007. A further letter notifying about an amended description to include the car park proposals was forwarded on 25th September to all those notified originally on. A site notice was displayed from 14th September 2007 and a press notice was published. 171 objections have been received from residents in St Joseph's Avenue, Sandgate Road, Simister Green, Billberry Close, Harlech Avenue, Mount Road, Raglan Avenue, Warwick Avenue, Cuckoo Lane, Parrenthorn Road, Langley Gardens, Thornley Road, Ferndene Road, Polefield Circle, Oldfield Road, Heywood Road, Polefield Road, St Margarets Road, Daneshill, Peveril Close, Brooklawn Drive, Spodden Walk, Carlisel Close, Usk Close, Simister Lane, Wilton Court and Warwick Avenue. The main concerns raised include the following:

- The unauthorised concrete fence is unsightly and is attracting graffiti.
- The floodlighting will keep children in nearby houses awake at night. This would also be a problem for some elderly residents and persons who need to retire for the night early due to starting work very early.
- The pitch is used for guard dog training on five evenings a week and the floodlights will also be used on dark evenings for this activity.
- Recent developments at the club have been carried out by stealth and with complete disregard for planning rules and with complete disregard for people living in the area.
- The wall was erected illegally and should be taken down.

- The lighting will extend the duration over which the field can be used for sport and guard dog training which will increase the extraneous noise to the detriment of surrounding residential properties.
- The development would detract from the built environmental character of the area and this would be contrary to UDP Policy EN1/2.
- The degree of light pollution created by the floodlighting and the consequent extension of the activity period with attendant noise pollution would be contrary to UDP Policy EN7/2 and PPS23.
- In regard to the Human Rights Act the balance must, in this case, must be against the public rights of the developer and in favour of protecting the environment and the rights of other people other people, given the impact of the lighting on the character of the residential area.
- Loss of value to nearby houses caused by the development.
- The fence has prevented local children from playing on the field.
- The presence of the football club already causes the residents sufficient disturbance without the proposed floodlighting.
- Additional noise will be caused by activity associated with the clubhouse including people drinking alcohol, loud music, fireworks, starting cars. These activities are already a problem.
- The club has taken away what was a pleasant outlook when they purchased their house.
- There would be extra noise and air pollution from engines of fans cars as well as dust on the parking area.
- If permission is granted the next stage would be a stand thus evolving the development towards a fully fledged football stadium.
- Increased activity from traffic and youths after a match has finished.
- Previous attempts at landscaping are a disgrace. In this regard the proposed scheme involves idle promises.
- The fence provides screening for anti-social activity.

### **Consultations**

Highways Team - No objections.

Drainage Team - No objections.

Environmental Health - Recommend contaminated land mitigation conditions and a condition seeking to prevent excessive glare from the floodlights at nearby dwellings.

GMP Architectural Liaison - No response.

United Utilities - No response.

BADDAC - Welcome provision of disabled parking spaces and ramped access to the clubhouse. Are concerned that there should be adequate lighting for the access path from the car park and access path when the floodlights are not in use.

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

RT1/1 Protection of Recreation Provision in the Urban Area

RT1/2 Improvement of Recreation Facilities

EN1/2 Townscape and Built Design

EN7 Pollution Control

EN1/5 Crime Prevention

H3/1 Assessing Non-Conforming Uses

HT5/1 Access For Those with Special Needs

### **Issues and Analysis**

Principle - Policy RT1/2 supports, in principle, the improvement of recreational facilities in the Borough. This would include the refurbishment of existing facilities and the provision of floodlighting to increase the hours during which sports facilities may be used. However, actual proposals need to be considered also in terms of the nature of the submitted details and the actual likely impact on the local environment, including taking into consideration

other policies of the UDP. This particular site is not one of those allocated through the policy for improved recreation provision but the policy is, nevertheless, relevant.

Visual Amenity - The ground is a highly visible development within the urban area being on the frontage of Sandgate Road, an important local through road, and in a position where it is directly faced by residential properties on two sides. The appearance of the concrete panel fencing installed in 2005 has been of concern to local residents and the club has been very slow to seek to regularise the matter. However, through this application it is seeking a resolution to the matter by the removal of the cranked tops and the application of treated soft wood cladding to mitigate the problem of the harsh industrial appearance of the fencing. In addition, the landscaping scheme to establish shrub planting in a 1.5m wide bed against the fencing would provide an additional screening effect. It is considered that the measure would secure sufficient mitigation of what is currently a local eyesore.

The floodlighting would be supported by slim galvanised masts rather than less visually acceptable lattice type towers. Although unavoidably prominent, none of the units would be immediately next to a residential boundary with the nearest separation distance being about 22m. In regard to the visual impact of the floodlighting structures it is considered that, given their slim design, height and position in relation to houses and Sandgate Road this would be acceptable.

The existing buildings for which consent has expired and is now being sought retrospectively are temporary structures but have been well maintained and are in an acceptable condition. They are of a single storey height and are shielded from general view by the ground enclosure. Also, they are distant from residential property at 55m from houses in Sandgate Road and 97m from the nearest St Joseph's Avenue houses. Their current condition and appearance does not give rise to such a degree of concern as to justify a refusal of consent.

The frontage area with its poorly surfaced and unmarked out car park is unattractive. However, the proposed replacement of the car park surfacing by landscaping next to Sandgate Road and the proper surfacing and marking out of the remaining car park area would help considerably to improve the appearance of the football club as viewed from Sandgate Road.

The details of the landscaping proposals include plant combinations that are not likely to be prove successful and any consent should, therefore, include a condition requiring the submission and approval of a detailed landscaping scheme prior to any development taking place. The timber cladding to the fencing needs to be of an appropriate appearance and quality and any consent needs to include a condition requiring a sample of the cladding material to be submitted for approval.

The scheme includes elements that would improve the appearance of the site and it should be ensured that these are implemented and not just the floodlighting. Therefore, a condition would be appropriate that would require these works to be carried out prior to the installation of the floodlights.

Residential Amenity - Concerns have been expressed by local residents about the adverse impact on their amenities of activity at the ground and that the occurrence of this would be extended due to the use of floodlighting. They are also very concerned about the impact of light pollution.

The floodlights, whilst in the general proximity of residential properties, would not be immediately next to any of them. The submitted lighting diagram indicates that excessive glare would not occur at the houses. However, the lighting should be subject to control if permission is granted. Thus conditions should be imposed to ensure that the degree of illumination outside the ground conforms with the information provided in the lighting diagram which shows only a very low degree of illumination within residential plots. Furthermore, it should be ensured that the floodlighting is not used on more occasions or at

a later time than indicated by the club as satisfying its needs for football use. This would be for a maximum of two occasions per week and not later than 2130 hours on weekdays and 1830 hours at weekends. These requirements should help balance the reasonable needs of the club with those of the nearby residents.

A concern has also been expressed by a resident about activity associated with the clubhouse. As this is a small basic facility situated remotely from residential properties it is unlikely to regularly generate such activity as to regularly cause a serious impact to residents. Its use as a licensed premises would be subject to control through the license.

Disabled Access - Any permission should ensure that the car parking provision with disabled spaces is implemented in accordance with the approved drawing and that level access would be achieved to the clubhouse. Whilst the club has indicated that there is existing external lighting within the enclosure for the path between the entrance and the clubhouse this also needs to be provided for the route from the car park where the disabled parking spaces would be located to the ground entrance.

Crime Prevention - The fence is an important crime prevention measure protecting the main assets of the club. Policy EN1/5 encourages development with design features aimed at discouraging crime and the policy describes these as being environmentally sensitive design features and the appearance of the current fence is visually obtrusive. However, the proposals within the application include changes to the fence aimed at improving its appearance as discussed in the section of this report on visual amenity.

Car Parking - Current car parking standards for specified types of development set down a maximum provision but in the case of outdoor sports facilities the provision an appropriate maximum level would need to be determined on the basis of individual consideration. The revised car parking arrangements with 79 marked out spaces should be sufficient for the normal needs of a football club within the local leagues the Prestwich Heys FC is within in and aspires to qualify for but without overprovision.

The Objections - The concerns of residents about the visual impact of the development and the effect on residential amenity, particularly due to the floodlighting proposal, are covered in the above sections. The concern expressed in the objections about the possible loss of property values is not a relevant planning consideration. This also applies to the concern about any other future developments at the club. Those would need to be the subject of planning applications that would be considered individually on their merits. A conversation with the agent who is associated with the club about the concerns expressed in some of the objections concerning use of the football pitch for dog training has elicited the response that he has no knowledge of this activity which would, in fact, be undesirable as it would be harmful for health and safety reasons to the use of the field for football. The concern from a resident that the fence prevents the use of the pitch by local children is not a legitimate planning concern as this is essentially a private facility. There is an extensive area of public open space available for this purpose to the rear of the ground.

### **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 secure improvements to the standard of an existing recreation facility. The impact of any light pollution to residential properties would be limited and the floodlighting installations would not have an excessively overbearing impact on residential properties or seriously harm the visual amenities of the area. The alterations to the car park and fencing would sufficiently mitigate the visual impact of these elements and would improve the overall appearance of the football ground. The temporary buildings are in an acceptable condition. The clubhouse is of a minor scale and is distant from residential

properties and this would limit the impact on residential amenity from any activity associated with this building.

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 floodlighting units shall not be installed unless and until the football ground alterations including the car park works, fencing cladding with removal of cranked post tops and all associated landscaping works have been completed to the written satisfaction of the Local Planning Authority.  
Reason: In order to safeguard the visual amenities of the area.
3. The floodlights shall not be illuminated on more than two occasions per calendar week and they shall not be illuminated after 2130 hours on any day from Monday to Friday and not after 1830 hours on Saturdays or Sundays.  
Reason: In order to protect the residential amenities of the area.
4. The proposed floodlighting shall be carried out and operated fully in accordance with the submitted particulars by Abacus Lighting Ltd.  
Reason: In order to protect the residential amenities of the area.
5. Samples of the timber cladding to be used on the fencing shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The development 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 pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
6. The permission hereby granted for the retention of the changing rooms, store, toilets and clubhouse is for a limited period only, namely for a period expiring on 23rd October 2012, and these buildings are required to be removed at the expiration of the said period and the land reinstated within one month of their removal to its former condition to the written satisfaction of the Local Planning Authority.  
Reason: The buildings are of a temporary nature only.
7. Notwithstanding the details shown on drawing ref. C1369-P03, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. In the case of the landscaping strip around the fencing it shall be implemented not later than 12 months from the date the fence cladding development has been carried out and in the case of the car park landscaping not later than 12 months from the date that the resurfaced car park has first been brought into use; 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.

8. Any soil or soil forming materials brought to site for use in 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.
9. 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.
10. External lighting shall be installed in order to illuminate the route from the disabled parking spaces to the ground entrance and no development of the car park shall take place unless and until the details of this lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.  
Reason: In order to ensure that the development would facilitate ease of access for those with special needs in accordance with Policy HT5/1 of the Bury Unitary Development Plan.
11. The ramped access to the clubroom shall be carried out fully in accordance with the details shown on the submitted plan ref. C1369-P05.  
Reason: In order to ensure that the development would facilitate ease of access for those with special needs in accordance with Policy HT5/1 of the Bury Unitary Development Plan.
12. The car parking indicated on the approved plans C1369-P02 shall be demarcated as shown on the drawing prior to coming into use to the written satisfaction of the Local Planning Authority and shall thereafter be maintained as such at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety, amenity and of those with special needs pursuant to policies HT2/4 - Car Parking and New Development and HT5/1 - Access for Those with Special Needs of the Bury Unitary Development Plan.
13. This decision relates to drawings numbered C1369-P01, C1369-P02, C1369-P03, C1369-P04, C1369-P05, UKS4119 and, subject to condition 7, the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

**Ward:** Prestwich - Sedgley

Item 06

**Applicant:** Shefa Mehadrw Ltd

**Location:** 49 BURY NEW ROAD, PRESTWICH

**Proposal:** TEMPORARY CONSENT FOR 18 MONTHS FOR 2 STORAGE CONTAINERS AT REAR (REFRIGERATION UNITS TO BE DISABLED)

**Application Ref:** 48650/Full

**Target Date:** 05/11/2007

**Recommendation:** Approve with Conditions

### **Description**

The site is an established convenience shop within Sedgley Park District shopping centre. It is currently undergoing a shop refurbishment and the business is having another establishment refurbished in Cheetham Hill. Whilst these are being carried out two storage containers have been sited in the service area at the rear of the shop in Prestwich since mid 2006. These currently have refrigeration units attached and have been the subject of noise complaints to Environmental Health and a planning application was subsequently received after investigation by the Planning Enforcement Team which was refused (see Relevant Planning History below). There is also a portable generator in the service yard whilst United Utilities upgrade the power supply to the shop.

This application is for temporary permission to retain the containers (both 2.4m wide, 2.6m high and 6.5m long) for a period of 18 months without the refrigeration units. The application states the containers are to be used for the storage of food.

### **Relevant Planning History**

48298 Temporary consent for 2 refrigerated containers at the rear for a period of 4 months – Refused 06/08/2007. This application was received after investigation by the Planning Enforcement Team and was refused for lack of information and effect on residential amenity due to noise pollution.

### **Publicity**

Immediate neighbours in Buckingham Road and Bury New Road were written to on the 18/09/2007. Four objections have been received from 2, 4 & 6 Buckingham Road which have raised the following issues:

- The noise from the containers is a nuisance and wakes them up. It also means they are not able to use their garden.
- The containers are unsightly.
- The noise from stacker trucks between 6.30am and 10pm is very annoying
- Buckingham Road is congested most of the time and the extra congestion by delivery vans and trucks is not welcome.
- The applicant is using part of his property to service these units and is seeking legal advice about trespassing.
- The value of his property will suffer when he comes to sell.
- Object to the use of the land for storage/refrigeration when it is so close to homes of so many local families.
- There is no indication when the refrigeration units are to be turned off.
- Since the containers have been in place there has been an increase in commercial vehicle activity associated with the premises.

### **Consultations**

Highways Team – No objections

Environmental Services -

GM Police – No objection subject to the siting being away from any boundary.

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

S1/3 Shopping in District Centres  
S2/3 Secondary Shopping Areas and Frontages  
EN1/2 Townscape and Built Design  
S2/1 All New Retail Proposals: Assessment Criteria

### **Issues and Analysis**

**Principle** - The use of the land for storage of food on this land is considered acceptable in principle as it is in connection with the existing shop use and contained within a secured yard area at the side of the shop. Therefore the main considerations of this application are the impact of the proposal on visual and residential amenity.

**Visual Amenity** – The containers are of a typical design and whilst cream and blue in colour are showing signs of rusting. This can be controlled by a condition for the applicant to re-paint them within a certain time scale of decision. Subject to this condition the containers (without refrigeration units) are considered acceptable for a temporary period pursuant to Bury UDP Policy No. EN1/2 – Townscape and Built Design

**Residential Amenity** – The containers are situated in tandem in the service yard area behind and to the side of the shop, which is surrounded by either a 1.8m high wall or concrete panel fence. They are on the side of the service yard area closest the shop. The containers meet the separation distance from the windows on the rear elevation of the nearest residential property on Buckingham Road set down in Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties.

The additional noise associated with accessing or using the containers (without refrigeration units) although greater than without the containers is considered to be within acceptable limits given the use of the area is a service yard to a retail store that is within Sedgley Park District shopping centre. As such it is not considered that they would be of detriment to the residential amenity of the neighbours and they would accord with UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.

**Objections** - The application is for the retention of the containers with the refrigeration units removed and as such noise from these units is not a consideration. The land upon which the containers is located is within the main shopping area and some disturbance can be expected from living so close to a shopping centre. It is not considered that the retention of the containers would increase the disturbance to such a level that the proposal would contravene UPD Policy S2/1 and as such is acceptable. The issue over the appearance of the containers has been dealt with in the main report. The issue over the loss of residential property value and land ownership are not material planning considerations.

### **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 positioning of two storage containers for temporary period of 12 months, with no refrigeration units, on land adjacent to a retail unit and located within a District Shopping Centre will accord with the Policies of the Unitary Development Plan and should not cause a detriment to adjacent residential properties sufficient to warrant refusal.

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 581/1 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. Permission is hereby granted for a limited period only, namely for a period expiring on 1st November 2008, and the containers and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its retention.  
Reason. The development is of a temporary nature only.
4. There shall be no means of refrigeration or mechanical ventilation fitted to the containers at any time.  
Reason - To protect the residential amenities of the neighbours and pursuant to Unitary Development Plan Policy S2/1 - All New Retail Proposals: Assessment Criteria.

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

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

Item 07

**Applicant:** Childrens Services

**Location:** BUTTERSTILE COUNTY PRIMARY SCHOOL, SCHOOL GROVE, PRESTWICH,  
M25 9RJ

**Proposal:** 2 NEW CLASSROOMS ON SOUTH ELEVATION; HEADTEACHERS COURTYARD;  
CONVERSION OF PART OF SCHOOL TO CHILDRENS CENTRE WITH NEW  
ENTRANCE ON WEST ELEVATION

**Application Ref:** 48669/Full

**Target Date:** 08/11/2007

**Recommendation:** Approve with Conditions

### **Description**

Butterstile Lane Primary School, a 1930's flat roofed building, is constructed in an 'L' shaped footprint and is elevated from School Grove by approximately 4.5m.

The school has along its frontage, two single storey classrooms that project out from the main body of the school.

The scheme comprises the conversion of part of the existing school buildings to form a Children's centre and to replace the lost internal school space, two single storey extensions would be built between existing classrooms at the front of the school.

The entrance to the children's centre would be from the westerly side of the school through the existing car parking area through a newly formed entrance. A new flat roofed canopy would be formed over the entrance 2.8m above the ground level.

The scheme also includes two single storey flat roofed extensions to the front of the school to accommodate displaced school space. The extensions would be 7.8m wide and 3.1m to the eaves. They would project from the main school building as far as the existing classrooms.

A play area would be formed between at the immediate front of the school between two of the existing outriggers.

Three car parking spaces would be created to service the staff of the centre and would be located parallel to the existing school driveway.

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

The boundaries of the front of the school with properties on Agecroft Road West and Sandy Lane are heavily planted with mature trees and dense shrubbery.

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 Children's' 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.

### **Relevant Planning History**

Planning application 48132 was submitted on 18/5/07 for a detached children's centre. However the application was withdrawn on 8/8/07 due to prohibitive construction costs.

### **Publicity**

Letters were sent to properties on 20/9/07 including School Grove, Agecroft Road West, Barnhill Road and Sandy Lane. As a result of this publicity, 4 individual letters of objection have been received from 113 Butterstile Lane 18 & 20 Agecroft Road West and 35 Sandy Lane as well as a compiled letter from 2 addresses including 21 Sandy Lane and 8 Agecroft Road West. Issues from the objectors include -

- There does not seem to be provision for parent parking whilst attending courses at the centre and there would be additional traffic. The current situation is difficult in terms of parking.
- Rear boundaries of properties are troubled through litter and waste blowing in from the school site.
- Concerns that structural damage may occur through construction and the development would lead to additional water run off from the scheme into the gardens which are at a lower level to the floor level of the school.
- There has been no consultation with the Police concerning the building of this centre.
- There would be increased noise from the site with the centre operating upto 10pm at night.
- The school suffers from youths unlawfully entering the site. The development would attract more youths and thus create the need for more security and lighting.
- The removal of two trees should be resisted in times when more traffic and congestion occurs and their loss would impact upon wildlife.

### **Consultations**

Traffic Team - No objections.

Drainage Team - No objections.

Environmental Health - No objections. Add standard conditions to ensure appropriate measures are taken to deal with any potential contamination that may be present within the site.

GM police - No objections.

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

EN1/2	Townscape and Built Design
EN7	Pollution Control
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
PPS23	PPS23 Planning and Pollution Control
EN8/2	Woodland and Tree Planting

### **Issues and Analysis**

Principle - The proposal seeks to provide local family services development utilising an existing education facility and its grounds. UDP Policy CF1/1 - Location of New Community Facilities considers that issues such as -

- 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.

Siting, Height, Scale and Design - The scheme has been submitted with a design and access statement. The proposed buildings involve conservatively sized single storey extensions and the conversion of existing school space. A small extension to the headmaster's office would be located within an existing open air quad enclosure centrally located within the school. As such this element would not be visible outside the site.

The extensions would be some 70m and 90m respectively from the turning head of School Grove and there are many mature trees/shrubs separating the developments from the street, which would screen the development effectively. None of the trees are proposed to be removed as a result of the development. As such the scheme would comply with UDP Policies EN1/2 and EN8/2.

Access and Car Parking - The design and access statement confirms that there would be level access into the building. The scheme would comply with UDP Policy HT5/1 – Access for those with Special Needs.

There is an existing car park within the school at the end of the access road. It has a capacity of approximately 10 to 12 vehicles, which is a typical for a primary school. The area is not however marked out and as such, it is likely that parking problems arise through not making the best use of the space available. As the existing car parking area is within the application site, it is not unreasonable to attach a condition requiring the existing car park to be demarcated. Children's Services are agreeable to this condition.

The staffing numbers are limited within the development with four full time staff proposed and three part time. It is understood that not all staff are there at the same time. It is considered to be appropriate for the scheme and this approach has been taken on other similar schemes at St Stephens, Woodbank and Sedgley Park Schools. The scheme does not preclude parking for clients in the new car parking area, but as the intention of these proposals are that the centres are to be located within the heart of the area that they serve, its users are likely to be pedestrian. This is a consistent approach that has been adopted on other recently approved schemes. Given the above, it is considered that the proposals have adopted an approach to resolve existing parking issues and also provided for the new development. As such the scheme would comply with UDP Policies HT2/4 and HT5/1.

Residential Amenity - The development would be a low profiled development and given the existing tree cover, differences in levels and siting, the development would not have a significant impact upon residential amenity or outlook to properties to the south of the development. No other residential properties would have any view of the development due to the tree and shrub screening around and within the site. The scheme would also have an external play area where children with visiting parents would be able to use at the front of the building. The separation distances between the play area and the nearest residential properties is such that it is unlikely that there would be any significant impact from children playing. As such it is considered that noise or privacy would be affected to any significant degree. No objections have been raised to the proposals from Environmental Health on this

matter.

Trees - The site is not subject to a tree preservation order however there are many trees in the frontage area of the school. The scheme would require two trees to be lost as a result of the development which are both very close to the main school building frontage on the south easterly elevation. These trees are considered to have a low priority in terms of visual amenity and the existing dense tree cover around the site would not be affected. Therefore the loss of these two trees are considered to be acceptable. The parking bays would be constructed close to five trees, which are proposed to be retained. The arboricultural report confirms that the trees would stay even with this work. As such a planning condition should be imposed to ensure that tree protection measures are carried out to ensure protection of trees.

Response To Objectors - The objections received raise concerns over parking, litter and impacts from construction.

Parking is a recognised issue with the site. However in line with other similar proposals, the scheme would provide three parking spaces dedicated to the use. This has from experience proved to be sufficient. Callers are likely to be on foot as the centres are located within the heart of the area and catchment that they serve. There would not be any courses run from the centre. It is intended to be a place for providing advice. The plans do indicate potential for a detached car park, roughly where the previous children's centre was proposed. This is not being sought at this time but subject to funding, it offers possibilities to resolve many of the parking issues raised at the access into the site. Furthermore, the existing car park does have a reasonable capacity for existing staff. However, as the area is not marked out, the users are not making the best of the available space for parking. As such, a planning condition is proposed requiring the existing car parking space to be demarcated and be available prior to the children's centre use commencing. This should improve the efficiency of the existing facility and reduce on street car parking demand and in turn, improve residential amenity.

Litter - This is not a planning issue and is a matter for the school and its management to resolve. The proposed use would not generate additional waste beyond typical office waste, which is collected from the site by the Council.

Impacts from construction are not generally planning concerns. However, Environmental Health do issue construction Control of Pollution Act (COPA) notices where construction may have a possibility of impacting upon surrounding sensitive uses, particularly where piling may be used. The notice provides guidance to developers that sensitive methods of construction can prevent possible damage to surrounding properties. In terms of water run off, the development would be connected into the existing water drainage system and as such, it is likely to reduce the levels of water run off when compared to an undeveloped site.

Trees - There would be no loss of amenity value of the site through the removal of two trees following the implementation of the development. Indeed, tree protection measures are advocated as a condition should planning permission be granted. The objector is referring to an arboricultural report submitted with the scheme, where for maintenance purposes two trees are highlighted to be removed. The site is not subject to a tree preservation order and thus permission would not be required to work or remove the trees.

Youths and Security - The Greater Manchester Police Architectural Liaison Officer has been consulted and has raised no objections to the scheme. Ongoing security is a matter for the school to consider.

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

Permission should be granted having regard to the policies and proposals listed and the

reason(s) for granting permissions can be summarised as follows:-

The proposed development is acceptable in principle and would not have an adverse impact upon the amenity of the neighbouring residents. The proposed development would be appropriate in terms of design, scale and layout and the proposed development would not be detrimental to highway safety. The scheme would comply with Policies of the UDP 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 5967: PL01, PL02, PL03, PL05 and PL06 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations including the colouration of such materials shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;  
The approved contamination testing shall then be carried out and validity evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.  
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.  
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. The extended 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 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.

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. The existing car parking area shall be demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the childrens centre use hereby approved commencing.  
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 **Dave Marno** on **0161 253 5291**

**Ward:** Radcliffe - East

Item 08

**Applicant:** Mr F M Khanfur

**Location:** LAND AT ENTRANCE TO & UNITS 1A, B, THE GATEHOUSE, BEALEY INDUSTRIAL ESTATE, DUMERS LANE, RADCLIFFE, M26 2BD

**Proposal:** CHANGE OF USE OF LAND AND BUILDING TO HAND CAR WASH

**Application Ref:** 48544/Full

**Target Date:** 15/11/2007

**Recommendation:** Approve with Conditions

### **Description**

The site is a tarmac area currently used as a car park fronting onto Dumers Lane. To the immediate north is a steel container lock up store and a parking area for the industrial units, beyond which are bungalows behind a wooden fence. To the south are residential properties on Wild Street and the corner of Dumers Lane which are approximately 15m away, and to the west is a cafe and industrial units which form part of Bealey Industrial Estate. A small brick wall edges the site adjacent to the footpath on Dumers Lane.

The proposed development relates to the change of use of the car park to a hand car wash service. The existing store room that forms part of the cafe would be used as a secure store for the equipment associated with the car wash operation with basic facilities for staff. A mobile toilet facility would be located at the northern corner of the site. There are proposed timber bollards along the Wild Street frontage to control vehicular movement into and out of the application site. No external lighting would be provided as the car wash would be closed at dusk. The proposed opening hours would be 9am to 5pm Monday to Sunday.

### **Relevant Planning History**

Non Applicable

### **Publicity**

Immediate neighbours notified on 22nd August 2007. Letter received from No 3 Wild Street with the following comments:

- the proposal would result in more disturbance to the local residents.

### **Consultations**

Highways Team - No objection subject to conditions

Drainage Team - No objections

Environmental Services - Contaminated Land - No objections subject to conditions

Pollution Control - Water- No objection subject to mitigation measures to control water pollution

Pollution control - Noise - No objections. Recommends temporary permission and provision of acoustic fence or barrier

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

H3/1 Assessing Non-Conforming Uses  
EN7/2 Noise Pollution  
EN1/2 Townscape and Built Design  
EC6/1 New Business, Industrial and Commercial  
EN7 Pollution Control  
PPS23 PPS23 Planning and Pollution Control

## **Issues and Analysis**

**Principle** - The proposal would be located to the east of the Industrial Estate, immediately adjacent to Dumers Lane. Although there are residential properties to the south of the site and along Dumers Lane, the area is adjacent to an Employment Generating Area and Industrial Estate where there are regular comings and goings of commercial vehicles. Currently a car park, the proposed change of use is considered not to adversely change the character of the area and in principle would be acceptable. It would conform with Unitary Development Plan Policy EC6/1 - Assessing New Business, Industrial and Commercial Development.

**Siting and Access** - The site fronts onto Dumers Lane with existing access off Wild Street and currently has no structured entrance/exit area. The car wash would also be accessed off Wild Street with the entrance and exit signed and controlled by bollards and a security chain. A gap of 4m would be maintained between the car wash entrance and the cafe for access into the car park fronting the industrial units. There are no objections from the Highways Team subject to details of road marking and signage details. As such it would comply with UDP Policy EC6/1.

**Residential amenity** - UDP Policy H3/1 - Assessing Non-Conforming Uses seeks to assess proposals for uses within residential areas and takes into account factors such as noise, vibration, visual intrusion, traffic generation, parking arrangements and hours of operation. The concerns of the objector with regards to additional disturbance are relevant and material considerations given the proximity of the site to the residential properties. The applicant states there would be approximately 30 cars a day using the service which would generate a certain amount of traffic and therefore additional disturbance to the local residents. However, given the site is currently used as a car park and there is constant traffic to and from the Industrial Estate it is considered the proposed change of use is unlikely to create any additional disturbance to the area and the immediate neighbours, due to the scale of the operation. However, in this situation it may be prudent to grant a temporary permission for one year in order to assess and consider whether there have been any harmful effects in terms of impact on residential amenity in the area, and if additional means are needed to be taken to protect their residential amenity, to which the applicant has agreed.

**Hours of operation** - It is proposed to open the car wash between 9am and 5pm Monday to Sunday which would coincide with the weekday operations of the Industrial Estate. It would be the weekend activity which would probably be the most disruptive to the nearby residents. However, given the car wash would only be open during normal working hours and daylight hours during the winter months, the nearest houses would be 15m away across Wild Street, and that there permission would be temporary for a year, the hours are considered acceptable and would comply with UDP Policy H3/1 - Assessing Non-Conforming Uses.

**Visual amenity** - There would be no equipment installed on site as part of the car wash facility. The washers would be hand held power washers which would be stored in the secure lock up store overnight. The car wash area is finished in tarmac and gently slopes towards the surface water gulley trap located at the centre of the site. The only other addition would be the proposed boundary treatment of 11 No. 0.6m high bollards which would not normally require planning permission. There would be no external lighting and no requirement for a power generator for the operation of the car wash. As such, there is considered not be a detrimental impact on the character of the area and the proposal would therefore comply with UDP Policy EN1/2 - Townscape and Built Design.

**Objections** - It is considered that the restricted hours would minimise any detriment to the amenity of the local residents. However, it would be sensible to grant approval for a temporary period of one year to be able to assess any negative impact on the surrounding area.

## **Summary of reasons for Recommendation**

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

The proposed development is of an acceptable standard which would not adversely affect the character of the area nor the amenities of neighbouring residents. The scheme will not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

- . No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works  
  
has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.  
Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
1. Permission is hereby granted for a limited period only, namely for a period expiring on 23rd October 2008, and the works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its retention.  
Reason. The development is of a temporary nature only pursuant to policies of the Unitary Development Plan listed below.
2. This decision relates to drawings numbered 727/1A; 727/2; 727/3 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 approved shall not be commenced unless and until full signing road marking details for the proposed access and egress arrangements indicated on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The details subsequently approved shall be implemented to the written satisfaction of the local Planning Authority prior to the use commencing.  
Reason - To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety.
4. An acoustic screen fence shall be erected in accordance with a scheme to be agreed, submitted to and approved in writing prior to development commencing and the fence shall be erected in full accordance with the approved details and remain in situ in perpetuity.  
Reason. To protect the amenity of neighbouring residents pursuant to Unitary Development Plan Policy H3/1 - Assessing Non-Conforming Uses.
5. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works showing how the waste water would be treated and disposed of on site has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the

approved plans.

Reason: To ensure the provision of a satisfactory means of surface water disposal.

6. There shall be no operations in association with the car wash outside the following times: 09.00 to 17.00 hours Monday to Saturday and 10.00 to 16.00 hours Sunday and Bank Holidays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy H3/1 - Assessing Non-Conforming Uses 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 09

**Applicant:** Daniel Thwaites plc

**Location:** DUNGEON HOTEL, 9 TURTON ROAD, TOTTINGTON, BL8 4AW

**Proposal:** PROPOSED SMOKING CANOPY AT GROUND FLOOR, AT REAR (REVISED SCHEME)

**Application Ref:** 48568/Full

**Target Date:** 15/10/2007

**Recommendation:** Approve with Conditions

### **Description**

The Dungeon Public House is situated on Turton Road in the centre of Tottington. It is a red brick terrace property within a row of residential terrace properties. The front of the building overlooks Whitehead Gardens with Harwood Road at the rear, beyond which is a car park. To the rear of the pub the land steps down to create a split level property with access to the basement obtained directly from the yard which is accessed from the pub using some steep stone steps. The site is close to the listed former town dungeon.

The application is a resubmission following two previous refusals. It is proposed to construct a smoking shelter in the form of a canopy at the rear of the building. It would be attached to the rear elevation and project 2m in depth, 4.3m wide and 3.2m above ground level with timber purlins and rafters supporting a slate roof over to match the existing building. The shelter would be fitted with a high level electric heater and light fitting. Access to the shelter would be via the existing side door at the rear of the pub down a new external steel staircase to replace the existing unsafe stone steps.

### **Relevant Planning History**

48318 - 2 retractable smoking canopies to front elevation - refused 2/8/2007 for the following reasons - obstruction of footpath and its reduction in available width to a sub standard level; detrimental to residential amenity in terms of privacy and increase in noise and disturbance; the associated lighting and heating units would be a prominent and intrusive feature to the building and street scene.

47783 - 1st floor terrace and covered area at rear - refused 22/5/2007 for the following reasons - detrimental to residential amenity in terms of noise and disturbance; detrimental to the visual amenity of the area and the adjacent Listed Building.

### **Publicity**

Immediate neighbours on Turton Road, Harwood Road and Worsley Street were written to on 30/8/2007.

A press advert was posted on the 6th September 2007 in the Bury Times.

A site notice was posted 3rd September 2007 and 14th September 2007 following the initial notice being taken down.

2 letters of objection have been received from 12 Worsley Street and 16 Harwood Road which raised the following issues:

- impinge on the visual amenity of the local environment
- detrimentally affect the residential amenity of their family in terms of privacy, noise and disturbance
- the congregation of people would generate noise and public nuisance
- the metallic walking surface would generate noise
- the proposed light source would be intrusive to their property
- the noise protection measures, as part of the extended license agreement, would be impossible to maintain and control

- the authority is under no obligation to facilitate the provision of outdoor smoking shelters
- controls should be placed on the hours of use of the shelter should it be approved.

### **Consultations**

Highways Team - No objection

Environmental Health - No objections subject to conditions on residential amenity grounds

Listed Buildings Officer - No objections on design grounds

GM Architectural Liaison Officer - No objection. Comment received with regards to the securing of the shelter out of hours.

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

EN1/2 Townscape and Built Design

S2/6 Food and Drink

EN2/3 Listed Buildings

### **Issues and Analysis**

Appearance and siting - The rear of the Dungeon Inn is in a relatively open and exposed area which is easily visible from a number of locations. However, this revised application with the proposed shelter on ground floor level will generally be well hidden from views from the south, east and west, due to the height of the yard wall and the position of the buildings around. Very little of the structure would be seen, even from the higher land to the south and what will be visible would be acceptable due largely to the use of a slate covering to the roof. The adjustment to the steel stair down from the upper floor would not be a significant feature. In design terms the shelter is considered to comply with the provisions of the Unitary Development Plan 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. The concerns of the objectors regarding noise and disturbance are relevant and material considerations particularly given the close proximity of the surrounding residential properties and their gardens. However, there is an existing rear yard/beer garden area which already has a couple of wooden trestle tables in place and which could be used by people who smoke. Although the provision of a shelter might encourage the use of the area and consequently result in an increase in noise, it would be considered reasonable to limit the use of the proposed shelter to 10pm given there are residential properties in the immediate vicinity. Additionally, this proposal would necessitate people to exit the pub and walk outside to the lower level which may discourage more activity outside, in comparison to the previously refused applications where a first floor terraced area or awning at the front of the pub would be more easily accessible. As such the proposed shelter, although within a residential area, is considered not to detrimentally affect the amenities of the residents given the restricted hours, its position at ground floor and the partial screening by the enclosed yard wall. It would comply with UDP policy S2/6 - Food and Drink

Access - Would be via the existing side door at the rear of the pub and down a set of external steps which would be steel covered to make safe. The proposal does not make provision for disabled access to the smoking shelter. However, the current situation is such that there is limited access within the pub and out to the yard at the rear for persons with a disability. The plans do not indicate any changes to this arrangement.

Objections - The issues with regards to the residential and visual amenity of the proposal have been covered in the report above.

Other objections -

Although there would be some additional noise created by the steel staircase, the applicant has agreed to coat the treads with a rubber cover which would reduce the amount of disturbance created by people using the staircase.

The license agreement is not a material planning consideration in this application and any noise created from the pub would be investigated by the pollution control section in Environmental Health Services Department.

Although the Council are not obliged to facilitate the provision of outdoor smoking shelters, this application is assessed on its own merits against the relevant policies contained in the Bury UDP. Given all due considerations, it is deemed to be acceptable in terms of residential and visual amenity and would be in accordance with EN1/2 - Townscape and Built Design and S2/6 - Food and Drink.

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

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

The proposed development is considered to be acceptable in that it will not harm the appearance of the adjacent Listed Building nor the character of the surrounding area. It will not adversely affect the residential amenities of the occupiers of the surrounding properties. 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 20/8/2007 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.
5. The steel staircase hereby approved shall have rubber treads attached.  
Reason - To safeguard the amenities of the occupiers of nearby residential properties pursuant to Policy S2/6 - Food and Drink.

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

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

Item 10

**Applicant:** Stockport Flooring

**Location:** 228 BURY NEW ROAD, WHITEFIELD, M45 8QN

**Proposal:** CHANGE OF USE FROM CLASS B1 (BUSINESS) TO CLASS A1 (RETAIL)

**Application Ref:** 48657/Full

**Target Date:** 07/11/2007

**Recommendation:** Approve with Conditions

### **Description**

The site comprises the former Whitefield Post Office located within the All Saints Conservation Area and Town Centre, adjacent to Whitefield Police station. The property is at the end of a terrace and the attached neighbour is in residential use.

The proposal is for a change of use from the B1 business use as a foreign property agency to an A1 use as a shop for the sale of flooring. The use will be on all 3 floors similar to the approved B1 use.

There are no external alterations and servicing and parking provision is as for the B1 use that is approved on the site. However, new signage has been erected and internal alterations are underway but the use has not started.

### **Relevant Planning History**

40863 - Change of use of ground floor from Post Office to B1 office use granted planning permission in July 2003.

43058 - Change of use from C3 residential to B1 use to the first and second floors granted planning permission in September 2004.

### **Publicity**

The site is located within the Whitefield All Saints Conservation Area and an Advertisement was placed in the Prestwich and Whitefield Guide on the 27th September and a site notice was erected on the 20th September 2007. Letters were written to residents in Bury New Road, including the immediately adjacent properties. One objection has been received to the application to date from 238 Bury New Road, the neighbour 5 properties away in the same terraced block. The objections can be summarised as follows:

- Increase in traffic may cause a disturbance to neighbours
- Increased traffic may block the access road to the rear of the properties adjacent to the detriment of residential amenity.

### **Consultations**

Highways Team - no objections

Drainage Team - no objections

Conservation Officer - no objections to the change of use but concerned about the new signage.

Environmental Health - comments awaited

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

EN2/2 Conservation Area Control

S1/3 Shopping in District Centres

S2/1 All New Retail Proposals: Assessment Criteria

### **Issues and Analysis**

Principal - The site is located within the Whitefield District Centre where retail activity is

welcomed. The site currently has the benefit of a B1 (Office) use as it was previously occupied by a property agency. Before that the ground floor was in retail activity as it was a Post Office. The proposal to change this use to an A1 shop type use as a sales area for flooring is in accord with the Unitary Development Plan Policy S1/3 - Shopping in District Centres.

Impact on Neighbours - All new Retail Uses need to be assessed against UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria. Whilst the ground floor of the site was traditionally a retail unit the upper floors were not and as such the application should be assessed against this Policy. In the terms of this application the proposal fully complies with the Criteria in that it is within an established centre, it is located close to public transport links, it will not generate increased noise or disturbance to neighbours and that there is adequate parking and servicing arrangements already existing.

Impact on Highways and Servicing - The site is located close to the main public transport links and as such as easy access for pedestrians. It has servicing via the access road to the rear of the site and whilst there is no off street parking there is unrestricted parking on Salisbury Road immediately to the side of the property. As such it is considered that these arrangements accord with UDP Policy S2/1 with regard to servicing and parking provision.

Impact on the All Saints Conservation Area - The application is for a change of use only from an office use to retail without any external alterations. As such this should not impact adversely on the character of the Conservation Area and should accord with UDP Policy EN2/2 - Conservation Area Control. However, the matter of the advertisements displayed on the premises has been passed to the Enforcement Team for their consideration.

Disabled access - The applicant has indicated that a full access audit to ensure that the relevant provisions of the Disability Discrimination Act are met. It is recommended that an advisory note be attached to any consent granted to this extent.

Objections - These centre around the highways issues related to a retail use of the premises. Given that the site currently enjoys permission for a B1 office with up to 7 staff, the proposed use will employ 2 staff full time with the main floors being used as display areas for flooring. Thus, the parking for 6 vehicles at the side of the premises should be sufficient for both staff and visitors. Additionally, the site is adjacent to Whitefield Police Station so the enforcement of parking and access arrangements should not be an issue and is located within the Whitefield District Centre with good public transport links and public car parks. The premises will be used as a show room for flooring and as such only 1 to 2 small delivery vehicles are anticipated each week. As such it is not considered that access and parking arrangements will cause a detriment to either residential amenity or public safety and as such it accord with Unitary Development Plan Policy S2/1 and is 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 change of use to retail is located within the Whitefield District Centre and in premises that were originally a Post Office. the use for retails is therefore acceptable in terms of the policies of the Unitary Development Plan. The change of use from the current use as an office to a retail premises will not impact adversely on the residential properties adjacent or conflict with the policies of the Unitary development Plan and as such the proposal is acceptable.

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 EV1108/1167 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 **John Cummins** on **0161 253 6089**

