

**Ward:** Bury East

Item 01

**Applicant:** Property Alliance Group Ltd

**Location:** LAND OFF DUMERS LANE AND MORRIS STREET, RADCLIFFE

**Proposal:** OUTLINE FOR MIXED USE DEVELOPMENT CONSISTING OF 8500 SQ METRES OF EMPLOYMENT FLOORSPACE (CLASSES B1 & B8); 310 DWELLINGS AND RIVERSIDE PARK INCLUDING ASSOCIATED LAND RAISING, CREATION OF NEW ACCESSES AND LANDSCAPING

**Application Ref:** 48578/Outline Planning  
Permission

**Target Date:** 28/11/2007

**Recommendation:** Refuse

### **Description**

The site that is the subject of the application comprises an area of 10.5ha situated on the south-easterly side of Dumers Lane in Radcliffe and constitutes part of a wider area of predominantly employment uses in the Dumers Lane Area. The north easterly, south easterly and southerly boundary of the land is formed by the River Irwell and its embankments and there is a river meander surrounding a large portion of the land. Terraced houses are adjacent to the site on the north-westerly side. There is a back street here adjoining the site boundary, with the rear of houses on the opposite side. Morris Street, with terraced houses on both sides, is a cul-de-sac off Dumers Lane and terminates just within the site. To the south west of Morris Street there is a 0.2ha square unused open area within the site. Beyond this to the south west there is an electricity sub-station and a small industrial estate.

Land on the opposite side of the River Irwell includes the large Blackford Bridge Sewage Works to the south. On the opposite side of Dumers Lane to the north and north west of the application site are significant areas of industrial and office developments sitting within the wider area of employment uses. To the west of the application site lies an area of residential uses.

The site is currently in industrial use and prior to its closure, was primarily occupied by the Hall's confectionery works together with other industrial users, including a joinery workshop. The former industrial users have vacated their premises some time ago and the site is now occupied by the applicant who is operating an unauthorised activity, involving the importation and deposit of waste materials. This matter is currently the subject of enforcement action against which an appeal has been lodged. The industrial buildings are concentrated on the central and southerly sections with the north easterly portion largely open. A 0.2ha area near to Morris Street was originally a bowling green but has been disused for some years.

Vehicular access is at two locations. There is a main entrance on Dumers Lane next to the northernmost point on the site, adjacent to Hardy's Gate Bridge where Dumers Lane crosses the River Irwell. Morris Street provides vehicular access into the southerly part of the site.

The application is for outline planning permission for a mixed development including residential, employment (Classes B1 and B8) and a riverside park including associated land raising, creation of new accesses and landscaping with all matters of detail to be reserved for subsequent approval. All of the current buildings would be removed. However, the application does stipulate a specific number of dwellings (which is 310) and specifies the total employment use floorspace (about 8,500sq m). The supporting documents accompanying the application include the following:

Planning Supporting Statement  
Design and Access Statement  
Supporting statement concerning employment land and viability issues  
Transport Assessment  
Crime Impact Statement  
Flood Risk Assessment  
Ecological Position Statement  
Breeding Birds Statement  
Bat Survey  
Noise Assessment  
Consultations Assessment Report  
Geo-environmental Desk Study  
Site Investigation/Geo-environmental Assessment and Outline Remedial Plan

The Design and Access Statement includes a Proposed Indicative Masterplan that shows distinct zones of development with the commercial floorspace on the northerly side of the area to be developed and residential units on the majority of the land (5.7ha), including the central and southerly areas. A generalised layout is shown for these developments. The indicative design also shows that a lowered riverside zone up to 30m wide would be created where the existing land would be excavated to just above normal river level. The excavated material would be used to help raise the areas to carry built development above the 100 year flood level, together with other material from the demolition of the existing buildings and to be imported. The indicative plan shows a road pattern, including a main vehicular access point from Dumers Lane, at the northerly most point of the site close to Hardy's Gate Bridge. This would serve all of the employment development and most of the residential development. Morris Street is shown as providing vehicular access to a minority of the residential units.

The indicative plan shows a 2.5ha zone of employment uses in the north-easterly part of the site comprising 1438 sq m (gross) office floorspace situated close to the main access point between the access road and the riverside area. together with four blocks of single storey Class B1(C) and B8 industrial units totalling 7061 sq m (gross) also next to the riverside area and to the southeast of the offices development. A landscaped and acoustic buffer zone is shown as separating the employment and residential zones.

In terms of the residential zone, the indicative scheme shows that the majority of the development would be two storeys. However, on the southerly edge next to the riverside area there would be a number of three, four and five storey blocks, also with a three storey block at Dumers Lane on the westerly side of the main site entrance. The 310 units would comprise a range of dwelling types, including houses and one and two bedroom apartments as well as specialist accommodation. There would be a residential density of about 54 units per hectare and 25% of the proposed units would be affordable housing in line with current planning policy.

The riverside zone described as being 2.78ha would become public open space and would provide a footpath route with a range of natural/ecological areas created along its length for community use as well as providing habitat generation.

It should be emphasised that the Proposed Indicative Masterplan is provided for illustrative purposes only and not for the purpose of requiring detailed consideration as all details are to be reserved for future submissions.

### **Relevant Planning History**

31609/95 - 12 Dwellings on land rear of 1-12 Morris Street. Refused on 16th April 1996 for reasons that there would be overdevelopment of the site, conflict with UDP Deposit Plan policies EC2/1 - Employment Generating Areas, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, RT1/1 - Protection of Recreation Provision in the Urban Area and RT2/2 - Recreation Provision in New Housing

Development, unacceptable loss of a boundary hedge, the applicant does not control and is unlikely to achieve control of a required visibility splay on Dumers Lane and the access design is substandard.

33354/95 - Outline for residential development on land at the rear of 2-21 Morris Street. Refused on 16th October 1997 for the reason of conflict with UDP policies EC2/1 - Employment Generating Areas and H1/2 - Further Housing Development. The subsequent appeal was dismissed.

33719/97 - Outline for Class B1 (Business) use on land at the rear of 2-12 Morris Street, Radcliffe. Approved on 18th March 1998.

33744/97 - Outline for residential development on land rear of 2-12 Morris street. Refused on 5th February 1998 for the same reasons as 33354/95 above.

### **Publicity**

574 properties were notified on 17th September 2007 about the application. These were with addresses in the following roads: Barlow Fold Close, Nuttall Square, Manchester Road, Crossfield Street, Britain Street, Dumers Lane, Hardy's Gate, Bracken Trade Park, York street, Morris Street, Borough Avenue, Thorpe Avenue, Seddon Avenue, Whewell Avenue, Bealey Avenue, Birch Street and New Bridge Gardens. Site notices were displayed from 21st September and a press notice was published.

Two objections have been received which are from residents in Manchester Road and Dumers Lane. The following concerns are expressed:

- Increased traffic
- The junction of Dumers Lane and Manchester Road is already hazardous for pedestrians
- Air quality has declined rapidly
- The whole purpose of buying their house was the free land behind it.

An e-mail in support has been received from a local resident whose postal address is not given. The points raised are as follows:

- Why is a mixed use development contrary to policy as it has worked well on Salford Docks, Royal Albert Dock and on various other mixed use developments?
- The Dumers Lane area and Radcliffe in general would benefit from this type of development particularly in terms of employment and affordable accommodation.
- The modifications to the river can only lower the risk of flooding in the area and residents living in Dumers Lane are already being penalised by insurance companies for living so close to the river.
- A refusal would not be in the best interests of the area.

### **Consultations**

Highways Team - Any response will be reported

Drainage Team - No objections

Environmental Health - Recommend conditions concerning contaminated land and landfill gas contamination. To mitigate any potential problems of noise pollution the hours of operation for the commercial development should be restricted. A scheme should be submitted of detailed measures to ensure compliance with Class B1 usage and a survey of noise emissions should be undertaken not less than once every three years to identify the level of compliance with conditions

GM Fire and Rescue Service - No objections subject to compliance with current requirements, fire appliance access and specified water supply arrangements being provided.

Environment Agency - Objects on the grounds that the model used for the Flood Risk Assessment has recently been updated and the site is at a greater risk of flooding. A revised FRA is required based on the latest model.

GM Ecological Unit - Originally expressed concern that a bat roost has been identified in a

small building but that there was no detailed information concerning the bat species and size of the roost. However, the situation has since been clarified by the applicant's ecological consultant and the unit is now satisfied that building is not used as a maternity roost site but most probably for foraging by bats in summer. Recommends an additional survey of the building for bats and, if consent were to be granted, that there should be condition imposed requiring approval to a method statement for the demolition of the building in question and the demolition to take place in accordance with the statement. A condition is also recommended requiring a method statement to be approved and implemented for the inspection and felling of any tree with any potential to support bats. Have expressed concerns about using of non-locally native species for the flood channel on the Proposed Indicative Masterplan. The unit is concerned about the loss of an area of woodland and dense scrub which, whilst generally of low ecological value, is still an important habitat within the wildlife corridor. The planting indicated as a screen between the commercial and residential developments on the Masterplan should be of native species to compensate for the loss of existing habitat. Any lighting scheme at the detailed stage should ensure that there would be no light pollution of the river corridor and/or flood channel. A detailed management plan should be agreed with the Local Planning Authority for the ecological works and be the subject of either conditions or a s106 Agreement. There should also be an ecological master plan for the whole scheme and not just the river corridor with biodiversity enhancements to be included.

United Utilities - The development should be drained to the nearby watercourse. They refer to existing sewers, private water mains and electricity installations within the site and requirements in connection with these.

GM Police Liaison - The police have prepared a Crime Impact Statement that has accompanied the application. In the document they list a set of good points and contentious ones. These are summarised in the crime impact part of the issues and analysis section of the report.

GMPTE - Any response will be reported.

Waste Management - Any response will be reported.

National Grid Transco - Any response will be reported.

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

EC1	Employment Land Provision
EC1/1	Land for Business (B1) (B2) (B8)
EC2	Existing Industrial Areas and Premises
EC2/1	Employment Generating Areas
EC5/3	Other Office Locations
EC6/1	New Business, Industrial and Commercial
H1	Housing Land Provision
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
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/6	Public Art
EN5/1	New Development and Flood Risk
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN9	Landscape
OL5/3	Riverside and Canalside Development in Urban Areas
RT1/1	Protection of Recreation Provision in the Urban Area
RT2	New Provision for Recreation in the Urban Area
RT2/1	Provision of New Recreation Sites

RT2/2	Recreation Provision in New Housing Development
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
RSS 13	Regional Spatial Strategy for the North West
PPG3	PPS3 - Housing
PPG4	PPG4 - Industrial and Commercial development
PPS9	PPS9 Biodiversity and Geological Conservation
PPG13	PPG13 - Transport
PPG25	PPG 25 - Development and Flood Risk

## **Issues and Analysis**

**Employment Policy Issues:** In recognition of the industrial use of the site and its function within the wider concentration of employment uses in the Dumers Lane area, the site falls within an Employment Generating Area (EGA) as identified under UDP Policy EC2/1. In particular, the Dumers Lane EGA is specifically recognised as being suitable for Business (B1), General Industrial (B2) and Warehousing (B8) Uses under EC2/1/9. In addition, 2.74 hectares of the site is specifically allocated for B1, B2 and B8 development under UDP Policy EC1/1 (Proposal EC1/1/19).

In the context of Policies EC2/1 and EC1/1, the employment element of the mixed use proposal is clearly in accordance with both policies. However, it is the introduction of residential uses into the EGA and encroaching into the specific EC1/1/19 allocation that offers conflict with both employment policies.

The residential element encroaches into 0.23 hectares of the employment allocation (EC1/1/19) and this element of the proposal is, therefore, in conflict with policy EC1/1 which specifically identifies this part of the site for B1, B2 and B8 development.

In terms of EGA policy, EC2/1 specifies that in the defined EGAs, development will only be allowed for the uses specified (i.e. B1, B2 and B8). Other uses will only be permitted where they constitute limited development or do not substantially detract from the area's value as an EGA. In this context, the residential element would result in the loss of 5.7 hectares of the EGA. This cannot be construed as 'limited development'.

The question is then whether the loss of this part of the EGA to residential use would substantially detract from the area's value for generating employment. In this respect, the application site lies within a wider area of employment uses that has been specifically recognised by King Sturge in the Bury Employment Opportunities Study as being one of only four locations within the Borough (along with Pilsworth, Bury Ground and Townside) that offer the most significant opportunities for future employment growth. Specifically, the wider Dumers Lane area is considered to be of strategic economic importance and particularly appropriate for accommodating new and indigenous industrial growth. The loss of such a significant portion of this key employment location could set a dangerous precedent and undermine the future objectives for the Borough's local economy. On this basis, the loss of a significant part of this area to residential would detract from the area's value for generating employment. The King Sturge report has been approved by the Council's Executive Committee as a material consideration in the determination of planning applications.

In addition to the site being a constituent part of the wider strategic employment area, there is also the issue of employment land supply. The supporting statement concerning employment land and viability issues report does make reference to this issue but in doing so refers to figures from 2005. An update of the situation to April 2007 shows that the Borough has a total supply of 45.07 hectares of employment land. With an average 5 year

take-up of 4.62 hectares, this equates to a 9.75 year supply which in itself represents a limited supply. However, with 31.74 hectares of this land suffering from constraints, the supply of immediately available land is reduced to just 2.88 years. This supply is extremely limited and adds importance to the need to protect all employment land.

On the basis of the above, there are fundamental policy concerns regarding the introduction of residential uses into a recognised employment area. In particular, this element of the mixed use is considered to be in conflict with UDP Policies EC1/1 and EC2/1.

Housing Policy Issues: In terms of the current housing restrictions in the Borough set down in SPD7, the site is not within any of the identified regeneration and town centre areas where the restrictions do not apply. The submitted Planning Supporting Statement refers to one of the exclusions to the policy which includes "Other Urban Regeneration Initiatives" where "The Council will consider proposals for residential developments outside the identified areas "only in exceptional circumstances and where it can be clearly demonstrated that the scheme would have significant and strategic (Boroughwide) economic, environmental or regenerative benefits." The supporting statement indicates that this exception applies to the proposed scheme and that, therefore, the restrictions do not apply in this case. Responding to this assertion it is considered that any regenerative benefits from the development would be localised and could not reasonably be described as being significant or strategic and Boroughwide and that, therefore, the application should be refused on the basis of being contrary to SPD7.

The applicant has argued that SPD7 can be given little weight as it neither reflects current national planning guidance nor is it properly based on policies of the adopted UDP. However, SPD7 seeks to supplement Policy H1 of the UDP (as a saved policy) and it is considered to have been prepared in accordance with relevant national and regional guidance and should be treated as a significant material planning consideration with substantial weight.

Policy H1 seeks to manage the supply of housing land in the Borough and although it refers to provision up to the period 2001, it is still the main local development planning policy that relates to local housing supply. An important point to note is that SPD7 does not simply 'restrict' housing but rather seeks to manage the supply of housing land, which is entirely in line with Policy H1 (i.e. ensuring that there is a sufficient supply is a form of management, ensuring that enough land is coming forward to meet housing requirements without having a substantial housing oversupply). This is a fundamental element of both PPS3 and RSS under the plan, monitor and manage approach.

The SBD7 that supplements UDP Policy H1 takes account of up-to-date housing requirements in RSS and follows national advice that requires SPDs to be consistent with national planning policy and the RSS.

The residential density achieved on the Proposed Indicative Masterplan of 54 dwellings per hectare would be in line with the objective within PPS3 for achieving an efficient use of land,

In the Design and Access Statement it is proposed that 25% of the units would be affordable housing. This will include a range of dwelling types and sizes and fully integrated within the scheme. This is in line with the current requirements of SBD5. However, should planning permission be granted a condition should be attached to ensure that the appropriate contribution would be required in line with planning policy for affordable housing.

Recreation Policy Issues: Part of the site includes an area that was formerly a bowling green off Hassall Street. This is specifically identified as Protected Recreation in the Urban Area under UDP Policy RT1/1. However, this recreational facility has been disused for many years and the site then became used as allotments. In 1996 planning permission was refused for residential development on this land and conflict with Policy RT1/1 was included in the reasons for the decision. However, in responding to an appeal against the refusal of a

similar application the Council indicated that it considered that it was no longer appropriate to apply the policy on the site and the Inspector concurred with this and dismissed the appeal for other reasons. The issue of the Protected Recreation designation has not been raised in regard to the subsequent two applications for development on this area including the approval of Class B1 (Business) development in 1998. Consequently, it is considered that this allocation ought not to be raised as an issue in regard to this current application.

The applicant would be required to provide a suitably located and usable area for recreational purposes in accordance with UDP Policy RT2/2 in order to meet the recreational needs of the prospective residents. Should this application receive permission, it should be conditioned to ensure that any subsequent reserved matters application is in accordance with this Policy.

The Indicative Master Plan: The application is submitted for outline planning permission with all matters of detail to be reserved for subsequent approval. However, consent is requested to a specific number of residential units and a specified amount of Class B1 and B2 employment floorspace. The proposal is supported by a Design and Access Statement Proposed Indicative Master Plan showing the intended zones for the intended uses with a sketch layout of roads and buildings, including access points.

The indicative details are considered to include sufficient information to demonstrate that the site would be capable of accommodating the number of residential units and employment floorspace together with the concept of the creation of a low lying parkland for flood relief.

The layout presented is an indicative illustration only and if outline permission is granted it would be at the reserved matters stage that proper consideration would be given to issues such as the extent to which the development would be integrated with the existing neighbourhood, the main access arrangements, the highway pattern within the development, the relationship of the built form to the riverside setting, the built appearance of the development, the inter-relationship between buildings both within the scheme and existing development, details of landscaping including the extent and treatment to buffer areas, public open space provision including the treatment to the riverside area, crime impact mitigation and inclusive design.

Flood Risk: All of the site is affected by either flood risk zone 2 or zone 3 with a large section of the land on the easterly side within zone 3 as well as the southerly fringe next to the river. The application is supported by a Flood Risk Assessment (FRA) and this supports the concept that a substantial riverside area would be excavated to form an amenity area acting also as a flood water retention area. Material from this riverside zone and other material would be used to raise the area for built development out of the 100 year flood extent but without creating a negative effect on flooding up or downstream of the site.

The FRA has been considered by the Environment Agency which, in response, has raised an objection to the application. This is on the basis that the model used in the FRA has recently been updated and, as a result, the proposed development is at a greater risk of flooding.

Ecology: The application is accompanied by an Ecological Position Statement, a Bat Survey and a Breeding Bird Survey. These reports have been considered by GMEU and, whilst the unit was originally concerned that a bat roost may be present in one of the buildings, this matter has now been clarified and it is evident that the presence of bats there does not amount to a roost. The unit has recommended that there should be a further survey of the building and that any consent should be subject to conditions concerning the method of demolition of the building and the method of felling of any trees identified as having any potential to support bats.

GMEU has also raised concerns about the loss of a woodland and dense scrub, the issue of compensating for this loss, the inclusion of non native species in indicative landscaping

information and the need for an ecological master plan and a detailed management plan. The indicative details of landscaping presented with the application are not for consideration at this stage and the full details, including the ecological function of planting work would be the subject of a reserved matters application. However, if outline permission were to be granted, it should be subject to conditions dealing with ecological concerns such as the provision of an ecological master plan and a detailed management plan.

Public Art - It is a requirement through Policy EN1/6 and SBD4 that a development of the scale proposed would include an element of public artwork. Such a provision is referred to within the landscaping objectives of the Design and Access Statement as "Public art in the form of provision at the entrance to the development and building features such as gates, piers, railings, fences, lighting or seating as well as possible links to the Irwell Sculpture Trail". Any consent would need to be subject to a condition requiring this provision to be fulfilled in accordance with the UDP policy.

Pollution Control - The development proposals include a sensitive end use and the site has had a history of industrial activity. In addition, the proposals would include the importation of material to raise the level of the area to contain buildings. The application is supported by geo-environmental information including an outline remedial plan. Given the intended juxtaposition of employment and residential uses within the development and the presence of both types of use in the vicinity of the application, a Noise Assessment has also been submitted.

In order to ensure that any risk from land contamination is adequately mitigated any consent should be subject to the conditions recommended by Environmental Health concerning contaminated land and landfill gas. The Proposed Indicative Masterplan shows a significant planted buffer zone between the employment and residential uses and such a feature ought to be included on any acceptable detailed scheme.

Crime Impact Issues - The application is supported by a Crime Impact Statement (CIS) that has been prepared by the Greater Manchester Police Architectural Liaison Unit. This sets out general principles that should be applied in a potential development for the site to mitigate the impact of crime. The CIS also sets out a series of good and contentious points based in the indicative layout but points out that this layout is not detailed enough to provide specific risk assessment of the buildings.

As the application is for outline planning permission with Proposed Indicative Masterplan not for detailed consideration and all details to be reserved for subsequent approval the crime impact aspect would need to be considered more fully at the reserved matters stage. The principles and more detailed points raised in the CIS and any similar report supporting a reserved matters application would then need to be considered in the context of other planning objectives.

Highways Issues - The application includes a Transport Assessment (TA) but details of access are not the subject of the application. However, the scale of the development is set down and there are places along the adjacent highways where access could be gained. The TA includes a Framework Travel Plan. The comments of the Highways Team on these matters are currently awaited and these will be reported.

## **Summary of reasons for Recommendation**

**Recommendation:** Refuse

### **Conditions/ Reasons**

1. The proposed development would result in the loss of a significant amount of land



identified as being within the Dumers Lane Employment Generating Area to a non-employment use contrary to the following policies of the Bury Unitary Development Plan:

EC2 - Existing Industrial Areas and Premises; and  
EC2/1 - Employment Generating Areas.

2. The proposed development would lead to the loss of land allocated for Business (B1), General Industrial (B2) and Warehousing (B8) uses to a non-employment use contrary to the following policies of the Bury Unitary Development Plan:

EC1 - Employment Land Provision; and  
EC1/1 - Land for Business (B1), General Industrial (B2) and Warehousing Uses.

3. Sufficient sites have been identified within the Borough to meet the Regional Spatial Strategy for the North West housing requirements and to release this site would add to the oversupply of housing in Bury to the detriment of local and regional regeneration priorities. Therefore, the release of this site for residential development would be contrary to Policy H1- Housing Land Provision of the Bury Unitary Development Plan, Development Control Policy Guidance Note 7: Managing the Supply of Housing Land in Bury, and the Regional Spatial Strategy for the North West.
4. The site is affected by Flood Risk Zones 2 and 3 and the application contains insufficient information to demonstrate that the development would not be at an undue risk from flooding. The proposals would, therefore, conflict with the advice in PPS25 Development and Floodrisk and with Policy EN5/1 - New Development and Flood Risk.

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

**Ward:** Bury East - Redvales

Item 02

**Applicant:** Mr B Kotecha

**Location:** 703 MANCHESTER ROAD, BURY, BL9 9SS

**Proposal:** RE-CLADDING/ ALTERATIONS TO FACADE/SIDE ELEVATION OF BUILDING

**Application Ref:** 48708/Full

**Target Date:** 29/11/2007

**Recommendation:** Approve with Conditions

### **Description**

The site comprises a vacant restaurant on the eastern side of Manchester Road to the south of its junction with Lawrence Street. The area is a semi-commercial along this side of Manchester Road but is predominantly residential on the western side. The premises is a detached two storey white rendered building with a protruding glazed bay across its Manchester Road frontage. The site is bounded to the north and south by Fiat and Chrysler car showrooms respectively. To the rear (east) is the private car park of the restaurant across which is the gable of the first house (No.2) on this side of Lawrence Street. Across Manchester Road are terraces houses.

The proposal involves:

- Replacing existing the red tiles on the mono-pitched roof of the front bay with grey slate.
- Cladding a section of the frontage at first floor and the low level planter wall with Cedar panelling.
- Cladding sections of the side elevation fronting Lawrence Street with inset lighting.
- Four fabric canopies would be position over the four remaining first floor windows on the front elevation.

The southern and eastern elevations will remain unaltered. The signage on the elevations is not part of the proposal and would be subject to a seperate advertisement application.

### **Relevant Planning History**

Various applications relating to alterations in recent years but non of direct relevance to this application.

### **Publicity**

Immediate neighbours notified at 658 to 682 (Evens) Manchester Road, Richard Cort Ltd, Knowsley Mill, Hatfield's and 2 and 21 Lawrence Street - One objection from the occupier of 668 Manchester Road. He is concerned that the proposal would not be in keeping with the surrounding buildings and look like a 'giant red shed'.

### **Consultations**

Environmental Health - Comments awaited.

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

EN1/2 Townscape and Built Design  
EN1/7 Throughroutes and Gateways  
EN1/8 Shop Fronts  
S2/6 Food and Drink

**Issues and Analysis**

Policy - UDP Policy EN1/8 Shop Fronts states that proposals for new and altered shopfronts should respect the architectural elements of the building and character of the surrounding street scene.

Policy EN1/2 Townscape and Built Design also states that proposals should be assessed amongst other factors, on there design and scale, the relationship with the surrounding area and materials.

Policy EC4 Small and Growing Businesses indicates that the needs of small businesses should be met by looking favourably on proposals where these do not conflict with other policies of the development plan.

Design and appearance - Most of the elevations will remain as existing and for this reason the sections to be clad in Cedar panelling would not appear to significantly affect the overall character of the building or locality. Indeed as the existing plain render looks rather flat and featureless it is considered that the proposed face lift would improve its overall appearance. A condition would be attached to any approval that samples of the cedar panelling would be submitted to and approved prior to commencement of works. As such it is considered that the proposal complies with UDP Policy EN1/2 Townscape and Built Design.

Residential amenity - Given the modest scale of the alterations to the front and side elevations, it is not considered that the amenity of immediate neighbours would be seriously harmed. The lighting on the front elevation would be at the same level as existing and the new lights on the side, inset into the new sections of panelling and small and would not shine directly into neighbouring houses.

Objection - Given that there will only be modest sections affected and the majority of the elevations remain as existing, the comments of the objector are not supported in this case. Given also that the materials would need to be approved, it should not take on the appearance of a 'red shed'.

The proposal is considered to comply with UDP policies listed 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 proposed alterations are considered to be modest in scale and would not be out of keeping with the existing building or street scene. The amenity of the neighbours would not be detrimentally affected. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered APM-FLAV 05/A and the development shall not be carried out except in accordance with the drawings hereby approved.

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

3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

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

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

**Ward:** Prestwich - Holyrood

Item 03

**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

**The application was deferred at the last meeting of the Committee to allow a site visit to take place**

### **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. 173 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, Carlisle 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.
- The submitted lighting diagram cannot be accurate in regard to the impact on houses in St. Joseph's Avenue by light spillage as the houses are at a lower level than the football ground.
- Light trespass at the rear elevations of 19, 21 and 41 St. Joseph's Avenue would exceed the level recommended by the Institution of Lighting Engineers.
- Light trespass in the rear gardens of 19, 21, 23, 41 and 44 St. Joseph's Avenue would be excessive with no explanation given about the impact of this on the enjoyment of the gardens while the floodlights are operating.
- Environmental Health advises that the lighting should be positioned to ensure that the filament of a light bulb is not visible from dwellings or their gardens. However, the three floodlights on the north side of the playing field would have bulbs clearly visible to local residents.
- A survey should be carried out regarding the impact of noise in the intended periods of use.
- The recommended conditions 3 and 4 need to be amended to prevent any ambiguity and insufficient precision.

One e-mail message has been received in support from a resident in Oldfield Road who states that all the complaints have come from one woman who has drafted a letter and got her customers to sign it at her newsagents. This looks, he states, like a personal vendetta by this person.

### **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.

Highways Agency - No objections subject to conditions to prevent any lighting source being directly visible to drivers on the M60 motorway and that the lighting shall not cause a glare problem to motorists on the motorway.

### **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 in 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 his 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 over provision.

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. Should any alteration to these times be proposed, details shall be submitted to and approved in writing by the Local Planning Authority prior to that alteration being carried out.  
Reason: In order to protect the residential amenities of the area.
4. The position and angle of the floodlights shall at all times accord with the lighting contour and lighting details as indicated on drawing UKS4119 prepared by Abacus Lighting Ltd. Should any alteration to the lighting be proposed, details shall be submitted to and approved by the Local Planning Authority prior to that alteration being carried out.  
Reason: In order to prevent light pollution in accordance with Policy EN7 of the

Bury UNitary Development Plan 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. No lighting source shall be directly visible to drivers on the M60 Motorway.  
Reason: In the interests of highway safety and to ensure that the M60 continues to operate effectively as part of the national system of routes for through traffic as set out in Section 10(2) of the Highways Act 1980.
14. The lighting proposed shall not cause a glare problem to motorists on the M60 motorway.  
Reason: In the interests of highway safety and to ensure that the M60 continues to operate effectively as part of the national system of routes for through traffic as set out in Section 10(2) of the Highways Act 1980.
15. 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 04

**Applicant:** Joseph Holt Ltd

**Location:** OSTRICH INN, 163 BURY OLD ROAD, PRESTWICH, M25 5JF

**Proposal:** RETROSPECTIVE SMOKING SHELTER TO REAR OF PUBLIC HOUSE

**Application Ref:** 48730/Full

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

**Recommendation:** Approve with Conditions

### **Description**

The Ostrich Hotel is a large fronted public house fronting Bury Old Road. To the north and west of the site are residential properties on Bury Old Road, Ostrich Lane and Ogden Street and to the south is St Monica's High School. The pub has a large beer garden to the rear and side (to the south) with existing tables and umbrellas. Access to the beer garden is from the main building at the rear or via a gated opening off Ostrich Lane.

The application is retrospective for a smoking shelter at the rear. It has a monopitch polycarbonate roof supported by black powder coated columns.

### **Relevant Planning History**

Not Applicable

### **Publicity**

Immediate neighbours notified on Bury Old Road, Ogden Street, Ostrich Lane and St Monica's High School.

Site notice posted on 6/10/2007

3 letters of objection received from 27 Ogden Street (2 letters) and 163a Bury Old Road with the following comments:

- have to keep windows closed due to smell of the smoke
- danger that sparks from cigarettes may set fire to trees along garden boundary
- disturbance created by loud music played at night
- why can the shelter not be moved to the other side of the pub where there are no houses
- the structure has been erected without planning permission
- subject to breathing in second hand smoke
- the gates are left open and people drink in the street
- male patrons urinate in the street rather than use indoor facilities
- have also put up canopy in rear garden area

### **Consultations**

Highways Team - no objections

Environmental Health - no objections subject to conditions

GMP Architectural Liaison Unit - no objections

BADDAC - no objections subject to level access from pub to shelter

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

S2/6 Food and Drink

EN1/2 Townscape and Built Design

### **Issues and Analysis**

Appearance and siting - The shelter is an unobtrusive structure at the rear of the pub which is partly hidden from view of the public highway by the entrance gates at the side adjacent to Ostrich Lane. It would not be visible from the properties opposite, i.e. 27 Ogden Street is 20m away and has a row of Leylandi along their side boundary and a blank gable wall, and 163a Bury Old Road which also has a blank gable wall. As such it is considered to comply with 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 given the proximity of the surrounding residential properties and their gardens. However, there is already an existing beer garden to the pub which has a number of trestle tables which can be used by people during licensing hours, and although the shelter is likely to encourage people to be outside, there are a number of factors which would mitigate any potential negative effects on the local residents in the form of conditions restricting the hours of use of the shelter until 10pm and prohibiting the installation of loud speakers and screens. As such, the shelter although within a residential area is considered not to detrimentally effect the amenities of the local residents and would comply with UDP Policy S2/6 - Food and Drink.

Access - Access would be from the main building through the rear door (confirmed as being made level by the agent) and also by the gates at the side adjacent to Ostrich Lane.

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

- this application addresses the issue of the shelter being constructed without planning permission
- conditions would restrict use until 10pm, with no speakers/screen to be allowed
- drinking and urinating in the street is not a planning issue
- the portable canopy in the rear garden is of a temporary nature and not included as part of this application

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

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

The proposal is considered to be in keeping with the existing Public House and should not seriously harm the residential amenities of the immediate neighbours or adversely effect the character of the area.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. This decision relates to the drawings received on 2/10/2007 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.
2. 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

3. There shall be no loud speakers, amplified music or screens 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.
  
4. The paving to the shelter will be raised as necessary to form level access from the bar area within 4 weeks of the granting of this planning permission.  
Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.

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

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

Item 05

**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

**Re-issue of Consultation Letters following the Issuing of Planning Permission**

This application was reported to the Planning Control Committee on 23rd October 2007 and was subsequently approved and planning permission granted. However, since then it has become clear that only two properties on School Grove were consulted (18 and 31), who immediately adjoin the site. Whilst this consultation meets with legislative requirements, it is considered that more properties along School Grove should have been consulted, to allow a greater understanding of resident's concerns as the main vehicular entrance into the site would use School Grove. This view is also expressed by other residents along School Grove.

To address this concern, the Council has issued letters to all properties on School Grove, which were not originally informed of the application, allowing them an opportunity to make representations on the proposals. The addresses are 1 to 29 (odds) and 2 to 16 (evens) and the three ward Members. The notification letter was issued by first class post on 6th November 2007. Any observations and responses are requested to be submitted by 19th November 2007. Any responses received will be reported to the Planning Control Committee at the meeting on 20th November 2007.

It is critical to point out that resident representations (relating to planning issues only) are one of a number of determining factors when considering a planning proposal.

Following this additional consultation process, the Planning Control Committee is invited to express whether the permission should stand in light of any additional comments received or whether the permission should be revoked.

Revocation of planning decisions are few and far between and should only be used where a clearly errant decision has been reached. Procedures for this process would involve confirmation of the action with the Secretary of State and potential costs claims by the applicant (Childrens Services).

The development proposals described are the same in all respects to the scheme presented on 23rd October 2007 and the officer recommendation is unchanged.

**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 Polices 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 childrens 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.

**Response from Applicant/Agent** - A detailed response has been received from the applicant and their agent regarding the comments made by the objections.

Rainwater run-off - The rainwater that hits the roofs of the development would be collected and would discharge into the rainwater and sewer system. This should decrease the water run off from the site, not increase it. Children's Services have checked back through the school file and can find no reference to surface water comments or complaints from local residents since the last extension to the school was built approximately 10 years ago.

Increase of Cars on School Grove - Children's Services do not expect any additional traffic to be generated as a result of the new centre. A study has been carried out and a decision made to seek permission for the development to be located within the catchment area it would serve, thus minimising the need for car borne visitors.

Security - The centre would have its own entrance separate but adjacent to the main entrance of the school with a secure reception facility. Inside the building there would be a secure door between the Children's Centre and the school premises, which will ensure no unauthorised ingress into the school by users of the proposed centre. Furthermore, the local authority security officers and wardens are in regular contact with GM Police and take all security matters very seriously. The centre is intended to form part of the security provision provided for by this security service.

Noise and Centre Users - The centre would operate between 8am and 6pm. The creche can only accommodate up to 10 children at a time and would be within a school environment.

Concerns regarding Youths - The Sure Start vision is to provide for the community providing all families with young children access to high quality early years provision and other health and family support services. The centres are not designed for older children and are intended to be for those with children under 5 years old.

Removal of Trees and Wildlife - The trees to be removed have been subject to extensive pruning. Whilst the trees are quite large, their retention would be impractical due to the increasing and on-going maintenance cycle. The removal of the trees would not be detrimental to the site as a whole. nor would their removal impact upon the wildlife of the area.

**Planning Authority Comments** - These reasons are considered to be acceptable means of supporting the proposals as they stand and compliment the Officer's report to Committee.

### **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 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.
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 06

**Applicant:** Viridor Waste Management Ltd

**Location:** HOUSEHOLD WASTE RECYCLING CENTRE, CEMETERY ROAD, RADCLIFFE

**Proposal:** REDEVELOPMENT AND EXTENSION OF EXISTING HOUSEHOLD WASTE RECYCLING CENTRE

**Application Ref:** 48519/Full

**Target Date:** 06/12/2007

**Recommendation:** Approve with Conditions

### **Description**

The application concerns the existing Household Waste Recycling Centre (HWRC) in Radcliffe at Cemetery Road. The 1 hectare site is situated on the south-easterly side of Cemetery Road next to the point where this road has been closed to traffic and is separated from the other part of the road that now leads from Greenbank Road to Radcliffe Cemetery and Crematorium. The part of Cemetery Road serving the site takes traffic from Ainsworth Road.

Currently the existing facilities of the HWRC are confined to an area of about 0.3ha set close to the entrance. This waste disposal facility was previously more extensive and was known as the DANO plant (an experimental refuse disposal plant). However, the buildings and other installations on the southerly section of the overall site were cleared early this year with this area being left vacant. A feature of this area is a 55m long and 2m high bund situated close to the southerly boundary.

The site adjoins an existing engineering works on the westerly side. Otherwise, the surroundings are predominantly residential. Thus there are houses on the opposite side of Cemetery Road in Meadowcroft that have back gardens opposite the HWRC entrance area. On the southerly side of the site there is further residential development in Mount Pleasant Walk and Belgrave Drive. To the east there is a linear pedestrian route within a 30m wide belt of open amenity land with trees and shrubs that was formerly the route of a dismantled railway line. Beyond this there is further housing in Greenbank Road and Shetland Way.

The proposal involves the redevelopment and extension of the existing HWRC. The current installations would be removed and would be replaced by an entirely new operational layout with the footprint of the operational area to be extended by about 0.1ha to 0.4ha. A main feature would be a new perimeter access road to create a clockwise one way traffic system for users of the facility. The waste containers would be located on the inner side of the road with their associated stopping areas. The south-easterly section of the road would be raised by about 2.5m to enable the public to deposit from above into 11 containers segregated bulky waste streams such as rubble, garden waste, scrap metal and timber. The raised roadway would be accessed by means of ramps. It would be screened from outside the site by means of a 2.4m high close boarded acoustic fence. At 4.9m above ground level the top of the fence would be the highest part of the development.

The inner area bounded by the perimeter roadway would be accessed by operational vehicles only and the access point on Cemetery Road would be segregated for different movements with in and out routes for the public on the flanks and with the access/egress for operational vehicles in the centre.

The only building within the development would be a single storey site cabin 2.9m wide x 9.1m long x 2.4m high located close to the public entrance.

The proposals include the creation of a deep landscaped buffer zone to augment the screening effect of existing planting on the site edges. Thus the development would be partly flanked on the westerly side by a 10m wide belt of existing trees next to the adjacent works. There would then be a zone of tree and shrub planting on the remaining sides of the installation between about 10 to 15m wide and this would also cover an embankment to be created immediately behind the raised roadway. In addition, a similar belt of planting would occur on the existing bund close to the southerly boundary. The 2m high bund itself would be extended at its westerly end by 15m to a total length of 70m. The area between the two zones of shrub and tree planting would be grass seeded. The planting would consist of a mixture of local native species of trees and shrubs.

In regard to the existing trees most of these are on the site perimeter and would be retained. However, there are seven trees within the area affected by the extension if the facility that would be removed. The submitted arboricultural report confirms that all of these trees are either in poor condition or of low quality

In order to facilitate the perimeter access road and the segregated public and operational areas the HWRC facility would be expanded by about 30m towards the south-east and about 20m to the south-west. However, on the north-easterly side it would be brought in by about 8m further in from the boundary. The nearest houses on this side are in Shetland Way and the nearest of these would be about 45m away from the facility. At present the active area of the HWRC is between about 80m and 100m away from the nearest houses in Mount Pleasant Walk and Belgrave Drive and this separation would be reduced to between about 47m and 69m ie. a reduction of about 32m. For comparison the buildings at the DANO plant were only about 27m away from this boundary and a service route behind the buildings only about 19m away. The nearest dwellings to the HWRC are currently the houses in Meadowcroft with rear garden boundaries on Cemetery Road and only about 9m away from the site boundary. The site boundary here would not alter in position. However, currently the most active areas are close to this boundary but with the redevelopment they would be moved further south by about 15m.

In the application it is stated that the hours of operation would be 0800hrs to 2000hrs BST and 0800hrs to 1800hrs GMT (current start time is 0730hrs) and that the redeveloped site would be capable of transferring up to 12,000 tonnes of waste per year which is generally in line with the current rate of throughput but taking into account the predicted improvement of recycle recovery and the anticipated growth in municipal solid wastes over the coming years. The scheme would enable the recovery of over 60% of the incoming household wastes for recycling.

The application is accompanied by a number of documents including the following:

- A supporting statement which, amongst other matters, covers the planning policy context, the need for the development, consideration of alternatives, an account of the pre - application consultations with community groups, local residents and Council Members and other stakeholders and a sustainability appraisal .
- A supplementary environmental information report covering an assessment of the visual impact, ecology and nature conservation, drainage and flood risk, traffic and transport, noise, amenity impact, ground conditions and air quality.
- An arboricultural report
- A design and access statement.
- Lighting layout information



### **Relevant Planning History**

C/13365/82 - Extension to refuse treatment plant. Approved on 16th June 1982.

C/25465/91 - Portal frame building. Approved on 4th April 1991.

### **Publicity**

390 properties were notified on 25th September 2007. These were in West Vale, Sycamore Drive, Greenbank Road, Hunter Drive, Shetland Way, Hackney Close, Martingale Close, Chestnut Fold, Belgrave Close, Mount Pleasant Walk, Lotown Street, Belgrave Drive, Belgrave Street, Knowles Street, Alma Street, Ainsworth Road, Cemetery Road, Meadowcroft and Meadowside Close. A site notice was displayed from 11th October and a press notice was published.

Eleven objections from individuals resident in Shetland Way, Meadowside Close, Meadowcroft, Belgrave Street, Belgrave Drive, Sunningdale Avenue and Mount Pleasant Walk have been received which express the following concerns:

- The facility should not be expanded as it is in the centre of a residential area.
- Was under the impression that the facility would be relocated elsewhere and the site redeveloped for housing.
- The access struggles to cope with existing traffic and there will be extra traffic and users.
- Concern about the impact on the general health and well being of the residents of family and private housing nearby.
- Rubbish is found around the outside of the site.
- The site is not sufficiently secure and the problem of rubbish in the surrounding area can only get worse if the tip is enlarged resulting in a health and fire hazard.
- The extra traffic would be detrimental to residents and road users, especially on Ainsworth Road and Cemetery Road which struggle to cope.
- There would be additional use but, according to the application, the same number of vehicle movements thus more waste would be left on site resulting in a health hazard.
- The raised roadway would encroach on the privacy of residents.
- This is an example of poor planning whereby the recycling centre was originally sited away from housing but then new housing was approved and built all round the facility.
- The proposal would further increase the adverse impact on the residents through dirt, vermin, small and traffic chaos.
- The development would destroy the work they have put into their house.
- The noise with 4 to 5 skips is unbearable already and another 11 would be added making weekends a nightmare (8 till 8 - 7 days a week)
- Whilst this is a good facility, it needs to be better managed and controlled with less skip moving and machine noise and an obligation to keep the periphery and surroundings debris free.
- Why did the idea many years ago of recycling the Council's waste at the Horwich Old Loco Works site not come into fruition?
- Cemetery Road is unable to withstand the weight carried.
- The site would be better used for housing and thus probably guarantee more revenue for the Council.
- Pilsworth would be much better site for this facility.

A petition against the development has been received containing 57 signatures of residents in Meadowcroft, Belgrave Drive, Plymouth Grove, Kirkstall, Meadowside Close, Stable Fold, Shetland Way, Gingham Park, Belgrave Close, Mount Pleasant Walk, Cardigan Drive, Richmond Street, Sefton Court and Sunny Avenue.

### **Consultations**

Highways Team - Recommend conditions to ensure the implementation of the access, turning facilities and car parking provision in accordance with approved details

Drainage Team -No objections.

Environmental Health - Recommend land contamination mitigation conditions. On the basis of the submitted air quality assessment they acknowledge that there would be no increase in annual mean concentrations of nitrogen dioxide due to traffic flow increases at the three receptor points in 2019 provided the traffic data figures provided are accurate. In regard to pollution due to noise, odour and dust they point out that the operation is subject to consent and regulation by the Environment Agency through waste management licensing and their duty includes the imposition of controls that are complementary to planning requirements. They advise that suitable and sufficient mitigation measures shall be introduced at the site in order to minimise the impact of noise upon the local noise sensitive receptors. Consideration should be given to the installation of "white noise" reversing alarms on operational vehicles.

Environment Agency - Recommend conditions concerning land contamination mitigation and requiring the provision of a surface water interceptor.

GMP Architectural Liaison - Suggest that there should be a 3m high site security fence set into concrete and an efficient CCTV system.

United Utilities - No objections.

Wildlife Officer - The site is sufficiently close to the ponds at Marl Pits in the Black Lane SBI to raise the possibility that great crested newts, a European protected species, may be present within the site. Recommends a condition requiring a search of the site for great crested newts in accordance with an approved method statement for great crested newts prior to any development taking place.

BADDAC - The site office entrance requires ramped access and the provision of a disabled WC.

Waste Management - No response

GMGU - No response.

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

C029	Cemetery Road, Radcliffe
EC6/1	New Business, Industrial and Commercial
H3/1	Assessing Non-Conforming Uses
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN6	Conservation of the Natural Environment
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
HT5/1	Access For Those with Special Needs
MW3/1	Derelict or Degraded Land (Waste)
MW3/2	Waste Recycling and Bulk Reduction
MW4/1	Assessing Waste Disposal Proposals
MW4/2	Development Control Conditions (Waste)
MW4/3	Household Waste Disposal Sites (Civic Amenity Sites)
MW4/5	Land Contamination

### **Issues and Analysis**

Operational Need: The proposal is part of a programme to provide improved HWRC sites within the Greater Manchester area and is an important part of achieving the necessary recycle recovery targets, whilst also overcoming current issues within the sites such as vehicles queuing during busy periods and site efficiency. Redevelopment of sites such as at Cemetery Road is also an opportunity to mitigate other potential environmental issues.

The applicants Viridor Waste Management Ltd are part of the consortium Viridor Laing that

is the Preferred Bidder for the Greater Manchester Waste Disposal Management PFI Contract which has developed proposals for the delivery of a fully integrated waste management service in Greater Manchester providing a range of new infrastructure and management services in order to deliver the targets set out under the contract. As part of the delivery of the contract there is a requirement to construct a network of waste management facilities to implement the reception, treatment, recovery and disposal of municipal waste collected by nine of the waste collection authorities in the Greater Manchester sub-region.

The redeveloped Cemetery Road site would serve the Radcliffe area as an integral component of the wider network of waste management facilities within the waste management contract for the reception and bulking of recyclable municipal waste. This network of HWRCs provides a crucial component in the system for the collection of recyclable material.

Policy MW4/3 recognises the importance of household waste disposal sites as a provision which within easy reach of local residents will help to reduce the incidence of fly tipping and provide important collection points for waste produces capable of being recycled. Thus, the policy states that the Council will give favourable consideration for this type of development without prejudice to other policies and proposals of the UDP. Policies MW4 and MW4/1 cover the detailed consideration of applications including criteria to be satisfied and the control of this type of development by conditions and the more detailed issues arising from the development are covered in the sections below.

The current site area and layout of the facility at Cemetery Road are not conducive to effective waste separation or recycle recovery. There are also issues associated with queuing during busy periods and in terms of environmental/amenity aspects. The proposed scheme would provide major improvements by segregating users vehicles from operational ones, by providing a clear circulation system for the users and a larger operational service area with room for HGV's to collect and return containers and site machinery to operate. This would help prevent vehicle queuing and assist towards better site safety and amenity generally.

Residential Amenity: The site is located in the midst of a predominantly residential area and the potential impact of the development on surrounding housing is the key issue to be considered. The proposal would expand the operational area of the HWRC and thus the concern arises as to whether the development would have an unduly detrimental impact on residential neighbours. This concern relates to impacts such as noise from sources such as traffic, site machinery, movement of containers, handling of waste as well as from odour, litter and pests. Also, other impacts to be considered are the impact of the development on the outlook from houses and on residential privacy.

As indicated in the description, the operational area would be extended to the south to be about 32m closer to houses in Mount Pleasant Walk and Belgrave Drive. However, a number of mitigating measures on the impact on residents need to be take into account. These include the following:

- A reduction in the intended opening hours by a start at 0800hrs instead of the current 0730hrs.
- Moving the most active area further away from the nearest houses in Meadowcroft.
- Extending the 2m high bund on the southerly side.
- A 2.4m high close boarded fence to be installed on the easterly site boundary.
- A 2.4m high close boarded fence to be installed on the back edge of the raised roadway and associated ramps.

The submitted noise impact assessment compares the current noise impact of the HWRC with the impact of the proposed development. Four noise sensitive receptors were selected for the assessment on different sides of the site, including at the rear of 1 Meadowcroft, at the rear of 4 Shetland Way, north of 12 Belgrave Drive and the footpath north-east of 2

Mount Pleasant. These locations are representative of the residential properties located around the site. The results indicate that the proposed HWRC activities are not likely to worsen the noise impact now being experienced at the four receptor locations. However, to ensure that the noise impact of the facility is minimised as much as possible and that the current situation is improved, the report states that further mitigation would be implemented, in addition to that referred to above. This would include minimising the duration that the machinery is used and ensuring that all plant and vehicles are serviced regularly and maintained in good working order with effective silencers. Also, a best working practice plan would be implemented.

Traffic noise generated by vehicles travelling along Cemetery Road is also covered in the assessment. The predictions confirm a small negative change in noise levels due to a small decrease in the proportion of HGV's.

The submitted environmental statement also covers several other factors that can impact on residential amenity. These include odour, dust, litter, pests, lighting and road traffic emissions. The HWRC, it is pointed out, would be subject to regulation under the Waste Management License as well as planning conditions.

In regard to issues of odour and dust it is stated that the HWRC would handle only 'dry' recyclables e.g, plastic, glass, paper, wood, metal, rubble etc. which have a low intrinsic capacity for generating odour. Green waste such as prunings and clippings also have a low odour generating capacity and any such odours are generally not considered to be offensive.

On dust control the environmental statement indicates that all surfaces would comprise tarmac, block paving or concrete hardstanding which would be swept and maintained as necessary to prevent raising of dust. During particularly dry and windy conditions, site management also has the option of using water spray from hand held hoses to suppress dust. There is, therefore, little potential for emissions to air of odour and dust from the regular waste handling and sorting processes conducted at the HWRC.

There is a potential that impacts may arise in the event that litter was accidentally dropped or released by the public during unloading or by staff during bulking and vehicle loading/unloading or blown by wind out of skips. In this regard according to the environmental statement, efficient and rigorous site operating and management practices would be used that would remove the potential impact caused by litter. These mitigation measures include secure containment and full covering of materials transported from site, containers stored on site would be securely covered, the site would be surrounded by suitable fenced such that would trap any fugitive litter in the unlikely event of litter escape, regular inspection of operational areas with all working areas to be kept clean and tidy.

Given the nature of the operation there is the potential to attract pests such as birds, flies and rodents. In order to reduce the potential for pest infestation in the environmental statement it is confirmed that, as well as the measures to be adopted to combat odour, dust and litter, other measures would also be adopted including that the waste categories accepted would have a low attraction to flies, vermin etc, waste would be removed regularly from site, the entire site would be inspected regularly for signs of pest infestation, any infestations would be dealt with immediately by specialist contractors and insecticide and other control methods would be used where necessary.

Lighting would be required during the early morning and late afternoon winter period to ensure safe working conditions and its use would be confined to those times when staff are on site. However, in addition, there would be low level security lighting to be used in conjunction with a CCTV system outside the main operating period. The application includes details of the 20 proposed lighting units of which 12 would be 8m high and 8 would be 6m high with a layout plan showing their distribution and details of the illuminance levels which are shown to be low at residential properties. Any consent should be subject to a condition ensuring that the lighting would conform with the submitted details.

There is a potential for emissions generated by additional vehicle movements to and from the redeveloped facility to cause an increase in air pollutants at nearby sensitive receptor locations. Air quality predictions have been made and the details submitted using traffic flow information for 2007 and 2019 within close proximity of the site and on affected surrounding roads. The result of this assessment is that the current air quality objectives for all pollutants considered will not be exceeded at any of the receptor locations in the years stated both with and without the development scenario. Thus, in regard to air pollution from traffic, the impact of the development was found as a result of the assessment not to be significant.

The impact on the outlook from houses and the level of privacy is another component of residential amenity. In this regard the proposed installation with the raised roadway and associated screen fence would be significantly higher than the existing structures and closer to residential property in Belgrave Drive and Mount Pleasant Close. However, the separation distance of at least 47m would still be considerable and, with significant existing and proposed tree and shrub planting in the intervening area, there would be no undue loss of outlook from the affected dwellings. This outlook would be towards the back of the complex with the raised roadway and associated screen fence preventing any undue loss of privacy.

Although the extent of the HRWC would be expanded and within a predominantly residential surrounding area it is considered that mitigation measures achieved through the design of the facility, planning conditions relating to hours of operation, control of lighting, the operation of machinery and control of dust as well as licensing controls would be sufficient to mitigate the impact on residents to an acceptable degree. Therefore, it is considered that the proposal does not conflict with policies EC6/1, H3/1, EN7, EN7/1, EN7/2, MW4/1 and MW4/3.

Visual Amenity: Loss of residential amenity due to the impact of the development on the outlook from residential property is covered in the above section. The visual impact of the development on the surrounding area generally is dealt with in the application through a submitted visual impact assessment utilising good practice methodology. The assessment states that due to existing vegetation, a mature tree belt to the south, the route of the dismantled railway to the east and associated vegetation and also the industrial buildings to the west general visibility of the site is currently limited and it is concluded that the impacts of the development on the landscape character of the locality would be beneficial due to the general improvements to the baseline position in terms of maintenance, management and general upkeep. The proposed additional landscape planting and new close boarded fencing, it is stated, would also have a beneficial visual impact. Adverse visual impacts would only be the case temporarily during the construction phase but on completion these impacts would be positive or neutral when compared with the existing situation together with beneficial aspects such as a reduction in the potential for fly tipping and improved site management and maintenance. The conclusions reached in the visual impact assessment are accepted and it is considered that the development would not conflict with Policy EN1/2.

Ecology: The application includes an ecological appraisal of the site and its general surroundings, including a desk study and field survey. The findings provide a number of conclusions and mitigation proposals. The nearby Marl Pits at the Back Lane SBI, 75m away to the north may be subject to indirect, temporary impacts from increased noise and dust during the construction phase only but there would be no impact on any other statutory or non statutory site would be impacted. Tree and shrub clearance would be undertaken outside the bird breeding season unless a qualified ecologist has declared the area free from nesting birds. In terms of protected species the report concludes that great crested newts are unlikely to be present within the site due to the presence of physical barriers ie. roads between locations where they have been recorded and the site boundary with, in addition, no suitable breeding habitat and limited potential terrestrial habitat within the site. Where the tree felling of trees with potential to support bat roosts would need to be

undertaken then, according to the report, these would first be subject an emergency survey to determine the presence/absence of bats. Should bats be present then a specialist survey would be undertaken to determine the species and population status and disturbance license applied for with a mitigation scheme agreed with Natural England prior to works commencing. The other mitigation proposals are the erection of fences to prevent access by animals, construction being carried out in daylight only, if possible. Otherwise light spillage would be minimised, as would be the case during the operational phase.

Given the relatively close proximity of the ponds at Marl Pits in the Black Lane SBI and the recorded presence there of great crested newts which are a European protected species, it has been recommended by the Council's Wildlife Officer after a consultation with Natural England that, prior to any development, the site should be carefully searched for great crested newts in accordance with a method statement previously agreed with the Council. Any planning permission should be subject to a condition requiring this action.

Highways Issues - The application includes a statement on traffic and transportation issues. Regarding the expected traffic movements the daily trip generation forecast gives an expected total of 338 daily traffic movements (169 in/169 out) by public user vehicles in the period 2007/08. On comparison these movements are expected to increase to 362 daily (181 in/181 out) by 2019/20, an increase of 6.6%. However, daily HGV movements are forecast to be 12 (6 in /6 out) in 2007/8 compared with 10 (5 in and 5 out) in 2019/21, a decrease of 16.6%. The redesigned site would be capable of catering for the turning movements of larger HGV's thus permitting use by a smaller number of HGV's but with a greater carrying capacity. Overall, the figures indicate that the traffic generation associated with the re-development proposals would be minimal and is unlikely to have a detrimental effect on the local highway network. The segregated internal traffic flow for public user vehicles should reduce the incidence of vehicles needing to queue on Cemetery Road at peak times.

The proposals include five parking spaces for staff, including one disabled space. This provision should cater adequately for the anticipated six staff, which the same number as are stated to be currently employed at the facility.

Crime Prevention - GMP Police Liaison have recommended that the site should be fenced with fence at least 3m high and with its bottom set in concrete. In addition, they recommend monitoring with an effective CCTV system. The proposals, however, include the retention of the current metal palisade security fencing which is about 2.4m high. It would also provide for additional 2m high close boarded/acoustic screen fencing on the easterly boundary with the pedestrian route. Further such fencing but at 2.4m high would also enclose the perimeter of the HWRC itself. Additional security measures would include the storage of all site plant in a site safe, valuable waste materials to be stored in safe lockable containers that would be removed regularly from site to avoid large amounts of such materials being held there for long periods. There would also be 24 hours a day CCTV monitoring. Due to these measures it is not considered that there would be significant advantage in increasing the height of the site fencing to 3m. Such a measure would, in fact, work against the objective of maintaining a good level of visual amenity in the area.

Disabled Access Issues: Details of the provision of ramped access to the site cabin as well as a disabled WC have been requested and a revised plan is being prepared accordingly. This matter will, therefore, be reported on further

### The Objections

Most of the matters raised in the objections are covered in earlier sections. Regarding the concerns about the location of the redeveloped facility it is required to serve the needs of Radcliffe householders and it would be inappropriate to locate the development outside the town as has been suggested. There have been no proposals in recent years to relocate the facility elsewhere and to develop housing on the site instead.

## **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 improve the layout and efficiency of the existing HWRC and contribute thus to achieving recycle recovery targets. There would be a sufficient degree of mitigation regarding the impact on the amenity of nearby residents and the visual amenities of the area in general. The access arrangements are acceptable and the development would not lead to a marked increase in traffic to the facility in comparison with the current traffic flow. Ecological concerns would be satisfied.

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 work and other activity shall be confined to the following hours:-  
0800 hours to 2000 hours BST (Summer period)  
and 0800hours to 1800 hours GMT (Winter period)  
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC6/1 – Assessing New Business, Industrial and Commercial Development, H3/1 – Assessing Non-Conforming Uses, EN7/2 - Noise Pollution, MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste) of the Bury Unitary Development Plan.
3. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the development is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason: To secure the satisfactory development of the site and in the interests of visual amenity pursuant to policies EN8/2 – Woodland and Tree Planting, EC6/1 - Assessing New Business, Industrial and Commercial Development, EN1/3 - Landscaping Provision, MW4/1 - Assessing Waste Disposal Proposals, MW4/2 - Development Control Conditions (Waste) of the Bury Unitary Development Plan.
4. Samples of the materials to be used in the screen/acoustic fencing 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 and EN7/2 - Noise Pollution of Bury Unitary Development Plan.
5. The proposed lighting shall be carried out and operated in accordance with the details provided at Appendix 2 of the Volume 3 - Design and Access Statement document supporting the application.  
Reason: To protect the amenities of adjacent occupiers pursuant to policies EC6/1 - Assessing New Business, Industrial and Commercial Development, H3/1 - Assessing Non-Conforming Uses, EN7 - Pollution Control, MW4/1 - Noise Pollution and MW4/2 - Development Control Conditions (Waste)

6. The highway improvements indicated on the submitted plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use.  
Reason: To ensure good highway design in the interests of road safety.
7. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.  
Reason: To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.
8. The car parking provision 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 occupied and thereafter shall be maintained at all times.  
Reason: To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
9. 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, detailed site investigation and suitable risk assessment shall be 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, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
10. Following the provisions of Condition 9 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 actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason: To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
11. 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 any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason: To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.



12. 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, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
13. 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.
14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the site 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 prevent pollution of the water environment in accordance with policies EN7/3 - Water Pollution, EN7/5 - Ground Water Pollution, EN7/5 - Waste Water Management, MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control (Waste) of the Bury Unitary Development Plan.
15. No clearance of vegetation or demolition work shall take place within the site between 1st March and 31st August inclusive in any year unless otherwise previously agreed in writing by the Local Planning Authority.  
Reason: Birds on the nest are protected and in order to ensure that clearance of buildings or vegetation does not occur unless it is proven that birds are not present.
16. All internal combustion engines and other machinery used in connection with the operation and maintenance of the site, shall be quipped with effective silencing equipment and maintained in an efficient condition at all times, as may be reasonably appropriate, to the satisfaction of the Local Planning Authority.  
Reason: In the interests of the amenities of the area and in pursuance of policies EC6/1 - Assessing New Business, Industrial and Commercial Development, H3/1 - Assessing Non-Conforming Uses, EN7/2 - Noise Pollution, MW4/1 - Assessing Waste Disposal Proposals, MW4/2 - Development Control Conditions (Waste) of the Bury Unitary Development Plan.
17. All reasonable measures shall be taken to ensure that the operations on the site do not give rise to nuisance by virtue of dust or windblown material, including the watering of all roadways and hardstandings as necessary during dry weather

conditions and the collection of any wind blown refuse on a weekly basis, to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenities of the area and in pursuance of policies EC6/1 - Assessing New Business, Industrial and Commercial Development, H3/1 - Assessing Non-Conforming Uses, MW4/1 - Assessing Waste Disposal Proposals, MW4/2 - Development Control Conditions (Waste) of the Bury Unitary Development Plan..

18. No development shall be commenced unless and until a method statement has been produced for the searching of the development site for great crested newts has been submitted to and approved in writing by the Local Planning Authority and the methods described within the statement have been implemented to the satisfaction of the Local Planning Authority.

Reason: In order to ensure the safeguarding of great crested newts which are a European protected species.

19. This decision relates to drawings numbered LEO3806/002, LEO3806/003, LEO3806/004, LEO3806/005, LEO3806 Appendix 4, LEO3806/020, LEO3806/009, LEO3806/010, LEO3806/008, LEO3806/025, LEO3806/026, LEO3806/027, LEO3806/028, LS15227, C200/1546 and the unnumbered drawing showing Highly Secure Vandal Resistant Building 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:** Radcliffe - East

Item 07

**Applicant:** Mr A Samani

**Location:** ST ANNS HOUSE, NORTH STREET, RADCLIFFE ,M26 2RN

**Proposal:** DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 36 NO. APARTMENTS WITH 43 NO. CAR PARKING SPACES (RESUBMISSION)

**Application Ref:** 48659/Full

**Target Date:** 14/12/2007

**Recommendation:** Minded to Approve

**It is recommended that this application is Minded to Approve subject to the signing and completion of the s106 agreement referred to within this report. Should the agreement not be signed and completed by 14th December 2007, it is requested that the application be determined by the Assistant Director of Planning, Engineering and Transportation Services under delegated powers.**

### **Description**

The application site is located on the corner of North Street and Wellington Street and Wellington Street is a no through road. The site consists of a single storey stone building on the corner, which has been extended in red brick along the frontage of North Street, with the rest of the site in use as a hardstanding and servicing area. The buildings on the site were last used by an engineering company and the building to the north east of the application site is in use as a warehouse. The application site is bounded by residential properties on the other three sides.

The proposal consists of the demolition of the existing building and the erection of a 'u shaped' single building to incorporate 36 apartments. The buildings would incorporate pedestrian access onto North Street and Wellington Street. The existing vehicular access from North Street would be used and the parking would be located in the courtyard area. The bin store would be located adjacent to the existing access road and the cycle store would be located at the southern end of the car park.

### **Relevant Planning History**

37117 – Residential development (outline) at St Annes House, North Street, Radcliffe. Refused 25 January 2001

37698 – Residential development (outline) at St Annes House, North Street, Radcliffe. Approved with conditions – 12 December 2001

48267 – Demolition of existing building and construction of 36 no. apartments with 36 no. parking spaces at St Annes House, North Street, Radcliffe. Withdrawn – 11 September 2007

### **Adjacent Site**

26609/91 – Change of use from Class B2 (general industrial) to Class B8 (storage and distribution) at North Street Works, North Street, Radcliffe. Approved with conditions – 19 December 1991

### **Publicity**

The neighbouring properties were notified by means of a letter on 28 June 2007 and a press notice was posted on 12 July. A site notice was posted on 19 July 2007. One letter has been received from the occupiers of 46 Wellington Street, which has raised the following

issues:

- Impact of the proposal upon the amenity of the existing residents
- The existing building adds character to the area
- Impact of the proposal upon highway safety

A revised site plan and elevations were received on 12 October and the neighbouring properties were re-consulted by means of a letter.

### **Consultations**

Highways Team – Comments to be reported at the meeting

Drainage Team – No objections

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

Policy – The site had outline planning permission for residential development which lapsed in December 2004. In terms of DCPGN7, the site is within the Radcliffe Regeneration Area and therefore, the guidance is not applicable.

In terms of Policy H1/2, the site is a previously development site within the urban area and close to existing infrastructure. Given the sites history, the principle of residential development is acceptable (subject to the detail and comments elsewhere).

As the proposal exceeds the affordable housing threshold of 15 units, 25% of the units will need to be affordable in accordance with DCPGN5 (ie 9 units).

In the context of Policy EC2/2, the loss of this employment site has been accepted previously during consideration of the previous outline application for residential.

A contribution towards recreation provision and public art would be required in accordance with DCPGN1 and DCPGN4 respectively.

Environment Agency –No objections, subject to the inclusion of a condition relating to finished floor levels and flood risk.

Waste Management – No objections to the proposal.

GM Police Architectural Liaison – Object, as the courtyard area was not secure

Landscape Practice – No objections, subject to conditions relating to a landscaping plan, details of the landscaped strip along the southwestern boundary of the site and any tree protection measures required.

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/6	Public Art
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1:Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
PPS1	PPS1 Delivering Sustainable Development
PPG3	PPS3 - Housing
PPS23	PPS23 Planning and Pollution Control
PPS22	PPS22 Renewable Energy
PPG24	PPG24 - Planning and Noise

### **Issues and Analysis**

Principle - The proposed development involves the demolition of the existing building on the site and the erection of a 'u shaped' building to incorporate 36 apartments.

Policy H1/2 states that the Council would have regard to various factors when assessing a proposal for housing development, including the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

DCPGN7 (Managing the supply of housing land in Bury) states that no housing development will be permitted within the borough unless it meets certain criteria, such as replacement dwellings, variations to approved schemes, or is located within a specific regeneration area.

The application site is located within the Radcliffe regeneration area and therefore would not be subject to housing restrictions. It is noted that the proposal would result in the loss of a site, which is currently in use for commercial purposes. However, the site is not designated as employment land in the Unitary Development Plan and the site has been considered as suitable for residential development previously. The loss of this employment site was accepted previously during consideration of the outline application in 2001. It is considered that the proposal would not conflict with the surrounding land uses and is in accordance with Policy H1/2 of the adopted Unitary Development Plan and DCPGN7.

Design and impact upon surrounding area - It is considered that the proposed development would be appropriate in terms of height, form and scale. The design of the proposed apartment building has been modified to give the appearance of a two storey building, with velux openings to the Holland Court, Wellington Street and North Street elevations and a three storey building to the internal courtyard. This has reduced the bulk and massing of the building, especially when compared to the two storey dwellings in the vicinity. The design of the proposed development reflects the Victorian character of the surrounding properties and road layout and would maintain an active frontage to North Street and Wellington Street. It is considered that there would be adequate amenity space provided around the building.

As part of the proposal, there would be a landscaped strip along the northwest boundary of the site, which would consist of dense planting supplemented with tree planting. The proposed landscaping strip would act as a buffer to the warehousing building beyond, which is considered to be appropriate, subject to conditional control. As the proposed landscaping strip would be located in close proximity to the parking area, adequate protection measures are required to ensure no damage is done to the trees. The Landscape Practice has no objections, subject to the inclusion of conditions relating to the overall landscaping, including details of the size and species for the landscaping strip and details of protection measures. Therefore, it is considered that the proposed development is in accordance with Policies H2/1, H2/2, EN1/1, EN1/2 and EN1/3 of the adopted Unitary Development Plan.

The proposed apartment building would be a 'u shaped' building and there would be 18.1 metres between the proposed building and the residential properties on North Street and 18 metres between the proposed building and the residential properties on Wellington Street. It is acknowledged that the aspect distances are slightly below those contained within DCPGN6. However, the separation distances between existing residential properties in the locality vary from 9 metres to 14 metres. The separation distance between the existing building and the dwellings on Wellington Street is currently 11 metres. Therefore, as the separation distances between the proposal and existing properties would be more than double that of the existing properties, it is considered that the proposed development would not have a significantly adverse impact upon residential amenity. As a result, the proposed development is in accordance with Policy H2/2 of the adopted Unitary Development Plan.

Pollution - The proposed apartment building would be located adjacent to existing commercial premises, which is currently in use as a warehouse. The current planning consent (granted in 1991) for the adjacent commercial premises contains conditions, which restrict the hours of use and gives a maximum noise level, which can emanate from the building. As there are existing residential dwellings in close proximity to the existing warehouse and given the restrictions in terms of noise and hours of use, it is considered that there would not be a significant adverse impact upon the amenity of the occupiers of the proposed dwellings. It should be noted that the principle of residential development on this site was approved in 2001, when outline permission was granted, whilst the warehousing business was in operation. Therefore, it is considered that the proposed residential development would not conflict with the adjacent commercial use and would be in accordance with Policy EN7/2 of the adopted Unitary Development Plan.

Waste Management - The proposed bin store would be located adjacent to the entrance of the site, which would allow for access by Waste Management Services. It is considered that the proposed bin store is of an adequate size for the proposed 36 apartments and would be able to accommodate any recycling provision. This has been confirmed by the Head of Waste Management Services.

Flood Risk - The site for the proposed development is located within flood risk zone 2 and therefore a Flood Risk Assessment and additional information was submitted with the application. The Environment Agency has no objections to the proposal. It is considered that if the ground floor is set at a minimum level, there would not be an adverse impact upon the occupiers of the proposed or existing dwellings and it is proposed to secure this via a condition. Therefore, it is considered that the proposed development would not impact upon flood risk and is in accordance with Policy EN5/1 of the adopted Unitary Development Plan and government guidance in the form of PPS25.

Protected Species - The bat survey states that the building could be demolished with minimal risk of disturbing roosting bats. Therefore, it is considered that the proposed demolition of the existing buildings would not have an adverse impact upon a protected species and is in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Highway issues - The proposed development would use the existing access into the site from North Street and there would be adequate visibility splays provided at the junction with North Street and an improved visibility splay at the junction of North Street and Wellington Street. Level access would be maintained at all the entrances into the building, ensuring that the proposal would be accessible for all people. The proposed development would provide 36 parking spaces, including two disabled parking spaces, for the residents and a cycle store would be provided at the southern edge of the site. It is considered that there would be adequate parking provision for the occupiers of the proposed development and the highways team has no objections to the proposal. Therefore, the proposal would not be detrimental to highway safety and is in accordance with Policies HT2/4, HT4 and HT5/1 of the adopted Unitary Development Plan.

Contribution - The proposed development would involve the creation of 36 residential units and in accordance with the guidance contained within the supplementary planning documents contributions have been sought towards the provision of recreational open space (£14,136.48) and public art (£19,500.00). As the proposal exceeds the affordable housing threshold of 15 units, 25% of the units (i.e. 9 units) would need to be affordable in accordance with DCPGN5. It is proposed to secure these contributions via a Section 106 agreement.

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

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

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

The proposed development is acceptable in principle and the proposed development is appropriate in terms of design, scale and layout. The proposed development would not look out of place within the locality, subject to conditional control and would not be detrimental to highway safety.

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. This decision relates to drawings numbered K282/01, K282/02F, K282/03E, K282/04D, K282/05C 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. Details of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas risks have been identified, detailed site investigation and suitable risk assessment shall be 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, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason - To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall

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

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

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

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

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

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

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

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

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

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

10. Notwithstanding Condition 9, details of the species, size, planting medium and method of fixing of the trees within the landscaping strip along the north west boundary of the site, along with adequate protection measures are to be submitted and approved in writing by the Local Planning Authority.  
Only the approved details shall be implemented not later than 12 months from the date the building(s) is first occupied, and any trees removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees of a similar size 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.

11. The ground floor level shall be set at 69.78m AOD.

Reason. To reduce the danger to intended occupants of the building(s) from potential flooding.

12. The visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m

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

13. The car and cycle parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied.

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.

14. The foundations for the proposed boundary walls shall not encroach under the adjacent adopted highways at any point.

Reason. To ensure good highway design and to maintain the integrity of the adopted highway.

15. The refuse store indicated on the approved plans shall be built and available for use prior to first occupation of the apartments.

Reason. To ensure adequate refuse facilities are in place

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

**Ward:** Radcliffe - West

Item 08

**Applicant:** Wain Homes N W Ltd

**Location:** BANKFIELD MILL, PITT STREET, RADCLIFFE, M26 3TF

**Proposal:** RESIDENTIAL DEVELOPMENT - 18 DWELLINGS

**Application Ref:** 48482/Full

**Target Date:** 28/11/2007

**Recommendation:** Approve with Conditions

### **Description**

The application site was formerly occupied by a mill, which has since been cleared. The site is now vacant and has been levelled.

The site is surrounded on all sides by housing, comprising bungalows to the north and two storey semis elsewhere and a foot way runs along the westerly side of the site within a wide area of open space, which is protected recreation provision.

The application under consideration is for the provision of 18 dwellings, including two storey and three storey buildings. Access will be from a single access road into the site from Harper Fold Road and is in the same position approved under the previous outline and reserved matters applications.

### **Relevant Planning History**

38783 – Residential development (outline) at Bankfield Mill, Pitt Street, Radcliffe. Refused – 28 March 2002

The application was refused due to insufficient information

39383 – Outline residential development at Bankfield Mill, Pitt Street, Radcliffe. Approved with conditions – 23 October 2002

44609 – Reserved matters: residential development – 18 dwellings at Bankfield Mill, Pitt Street, Radcliffe. Approved with conditions – 27 July 2005

45412 – Erection of 3 No. blocks of 3 storey apartments (42 in total) outline at Bankfield Mill, Pitt Street, Radcliffe. Refused 28 October 2005

Appeal dismissed 4 August 2006

The application was refused as it would lead to overdevelopment, by reason of the massing and extent of the apartment blocks and the additional traffic would be detrimental to highway safety and residential amenity.

### **Publicity**

The neighbouring properties on Far Hey Close (1 - 3), Harper Fold Road (48, 50 - 62, 63 - 79 (odds), 72), Limefield Road (4 - 18 (evens), 30, 32, 34), Pitt Street (1 - 15 (odd), Sunraker, Saralea, Llanris, Cherry Trees), Lea Fold Close (19, 21) and Crossfield Drive (25, 27, 32, 34) were notified by means of a letter on 11 September and a press notice was published on 20 September. 5 letters have been received from the occupiers of 73 & 89 Harper Fold Road, 2 & 3 Far Hey Close, 27 Crossfield Drive and 11 Pitt Street, which have raised the following issues:

- Access to Bankfield Mill was from Pitt Street and should remain so
- A objection to three storey dwellings, which would result in a loss of privacy
- Assuming the access is from Pitt Street, will the retaining wall withstand the weight and associated movements of vehicles
- The boundary fence along Pitt Street should be at least 1.8 metres high. The plan

indicates that it will be only 0.9 metres.

- Impact of increased traffic in the area

A revised site plan and an additional house type were received on 22 October and the neighbouring properties were re-consulted by means of a letter. Additional comments have been received from the occupiers of 11, 15 Pitt Street, 3 Far Hey Close which has raised the following issues:

- A loss outlook and light as a result of plots 10 & 11 being three storey properties.
- A preference for bungalows rather than three storey dwellings.
- The land was originally unclaimed, until the mill owner fenced this off and claimed it as his own after ten years
- Object to the loss of wildlife and the trees, which are protected by a Tree Preservation Order.
- The proposal would lead to a reduced quality of life through overcrowding and a lack of privacy.
- Impact of additional traffic in the area

Another revised site plan was received, including alterations to plot 10 and the neighbouring properties were re-consulted by means of a letter. Additional comments have been received from the occupiers of 11 Pitt Street & 3 Far Hey Close, which has raised the following issues:

- A loss of outlook and light as a result of plots 10 and 11 remaining three storey properties
- The land was originally unclaimed, until the mill owner fenced this off and claimed it as his own after ten years
- Object to the loss of wildlife and the trees, which are protected by a Tree Preservation Order.
- The proposal would lead to a reduced quality of life through overcrowding and a lack of privacy.
- Impact of additional traffic in the area, resulting in congestion and potential for accidents involving pedestrians

### **Consultations**

Highways Team – No objections, subject to the inclusion of conditions relating to visibility splays and parking arrangements

Drainage Team – No objections

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

Waste Management – No objections

Radcliffe Area Board – No response

Landscape Practice – No objections, subject to the inclusion of conditions relating to tree protection measures, replacement planting and a landscaping plan.

GM Police Architectural Liaison – No objections in principle, subject to minor observations in relation to lockable gates to properties and the need to define private space.

Fire Officer – No objections to the proposal

Policy - The site already benefits from a planning permission for 18 units and there is no conflict with the housing restrictions because of this.

The number of units would warrant the provision of affordable housing under normal circumstances but as the applicant is simply looking to amend the details of the scheme and has the fall back position of implementing an inferior scheme, it is accepted that no affordable housing provision will be sought as part of this application.

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

H1/1	Housing Land Allocations
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN8	Woodland and Trees
RT1/1	Protection of Recreation Provision in the Urban Area
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT4	New Development
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing

## **Issues and Analysis**

**Principle** - The proposal involves the erection of 18 dwellings on the application site, which is located off Pitt Street.

Policy H1/1 states that the application site, amongst others, is considered to be suitable for residential development, as outline permission was granted for the proposal in March 1991. The planning history demonstrates that there is a valid planning consent on the site for 18 dwellings. It is considered that the proposal would not add to the numbers of residential units in the borough and the principle of residential development on the site is established. Therefore, the proposal is in accordance with Policy H1/1 of the adopted Unitary Development Plan and DCPGN7.

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

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

The proposed development incorporate a mix of properties, including 5 no. two storey detached dwellings, 6 no. two and a half storey detached dwellings and 7 no. three storey dwellings (detached and semi-detached). A local resident has objected to the three storey dwellings. However, the proposed three storey dwellings are situated in similar locations to the approved scheme (44609). A revised plan has been submitted, which has improved the relationship to the existing dwellings at the north of the application site.

The aspect distances between the proposed dwellings (plots 2 to 6) and the existing dwellings on Limefield Road are in excess of 30 metres. There would be a minimum of 22 metres between plot 1 and the existing properties on Harper Fold Road and over 24 metres between the proposed dwellings (plots 13 to 18) and the existing dwellings on Harper Fold Road.

There is an existing dormer extension at Cherry Trees at first floor level on the western end of the southern elevation, which relates to a bedroom. The ground floor windows on this elevation are all secondary or non-habitable windows. There would be 13 metres between Cherry Trees and plot 8, which is considered to be acceptable as the proposed dwelling would not directly face the existing dwelling. There would be a distance of 18 metres between plot 10 and Cherry Trees and the proposed dwellings on plots 10 and 11 have been rotated to ensure that the windows from the properties do not directly face Cherry Trees. There is 20 metres between the existing properties on Pitt Street and plots 10 and 11. As a result, it is considered that the proposed development would not impact adversely upon the amenity of the neighbouring properties. Therefore, the proposed development is in accordance with Policies EN1/1 and EN1/2 and complies with the aspect distances as

contained in DCPGN6.

The site plan indicates that all the proposed dwellings have generous side or rear gardens, which would be bounded by 1.8 metre high, close boarded fencing. It is considered that the proposed close boarded fencing would keep the garden areas secure and would reflect the existing boundary treatments in the locality. Therefore, it is considered that the proposed development is in accordance with Policy EN1/5 of the adopted Unitary Development Plan.

Trees - A tree survey report was submitted as part of the application, as the site contains a number of trees. Eight of the seventeen trees identified in the report are protected by a Tree Preservation Order and are labeled T1 to T8 in the report. The site was surveyed in 2002 by the Landscape Practice and it was considered that none of the other trees on site were worthy of protection and the submitted report confirms this.

The tree report states that trees T4 and T5 (both protected by the TPO) would have to be removed as they are diseased and potentially unsafe, and trees T2 (protected by the TPO), G1 and T17 would have to be removed in order to accommodate the proposed development. Therefore, the only protected tree to be removed in order to accommodate the proposed development is T2, which is of low amenity value and has a low life expectancy. The Landscape Practice has no objections to this protected tree being removed, subject to the tree being replaced and this would be secured via a condition. The remaining trees, which have to be removed to accommodate the proposed development (T17 and G1) are not worthy of protection and it is considered that their removal would not be detrimental to the amenity of local residents. It should be noted that the proposed access road for the current application (48482) and the approved application (39383 & 44609) is in the same location and both would result in the loss of one tree.

Trees T4 and T5 (both protected by TPO) may have to be removed as they are diseased and potentially unsafe, but their removal is not required to facilitate the proposed development. Therefore, the removal of these trees would be subject to a TPO application.

The Landscape Practice has no objections to the proposal, subject to the inclusion of conditions relating to the replacement planting, landscaping scheme and protection measures for the remaining protected trees during construction. Therefore, it is considered that the proposed development would not conflict with the aims of Policies EN8/1 and EN8/2 of the adopted Unitary Development Plan.

Parking issues - It is considered that there are adequate turning and parking facilities for the 18 properties, in the form of garages and driveways and the visibility splays are satisfactory. The highways team has no objections to the proposal and the fire officer has withdrawn their objection to the access road. Therefore, it is considered that the proposed development would not have an adverse impact upon highway safety and is in accordance with Policies HT2/4 and HT4 of the adopted Unitary Development Plan.

Contribution - The scale of the development requires that provision should be made towards off-site recreational provision under Policy RT2/2. In view of this, the applicant has entered into a planning agreement to pay a commuted sum to the value of £16,822.12.

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

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

The proposed development is acceptable in principle and the proposed development is appropriate in terms of design, scale and layout. The proposed development would not look out of place within the locality, subject to conditional control and would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Location plan, 07/097 1000 G, Chatsworth House Type, Chatsworth SA House Type, Longshaw House Type, Nelson House Type, Warren House Type, Scott House Type, Byron House Type, AD(10)01, SF/3, S07/203, 101 T2, and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason - To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
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 any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason - To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
  - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
  - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.Reason - To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Samples of the materials to be used in the external elevations shall be submitted

to and approved in writing by the Local Planning Authority before the development is commenced.

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

7. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures in accordance with BS 5837:2005 'Trees in Relation to Construction' and tree works. Any subsequent variation of the timetable shall be subject to further written notice.  
Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
8. No trees protected by Tree Preservation Order, other than T2, shall be felled, lopped or topped before or during the construction period without the previous written consent of the Local Planning Authority.  
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.
9. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
10. Prior to commencement of the development hereby permitted, details of the siting, size and planting medium of the replacement tree(s) (*Carpinus Bettulus Frastigiata* or *Carpinus Bettulus Fransfontaine*) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the dwellings in plots 10 and 11.  
Reason: To protect the residential amenities of the occupants of adjoining properties.
12. The development hereby approved shall not be first occupied unless and until the road markings and illuminated signing associated with the priority give way and build-out on Harper Fold Road affected by the new access have been altered/relocated or replaced to the written satisfaction of the Local Planning Authority.  
Reason. To ensure good highway design in the interests of road safety
13. The visibility splays indicated on approved plan reference 07/797 1000 Revision G shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of

obstruction above the height of 0.6m

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

14. The turning facilities indicated on the approved plan reference 07/797 1000 Revision G shall be provided before the development is first occupied.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.
15. The car parking indicated on the approved plan reference 07/797 1000 Revision G shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building(s) hereby approved being occupied.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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



**Ward:** Radcliffe - West

Item 09

**Applicant:** CCL Investments & Developments

**Location:** LAND AT HUTCHINSON WAY/HINDLE STREET, RADCLIFFE

**Proposal:** DEMOLITION OF EXISTING DAY NURSERY AND TWO HOUSES;  
CONSTRUCTION OF 70 APARTMENTS WITH SEMI-BASEMENT PARKING;  
CONSTRUCTION OF NEW DAY NURSERY WITH ASSOCIATED SURFACE CAR  
PARKING (RESUBMISSION)

**Application Ref:** 48574/Full

**Target Date:** 14/12/2007

**Recommendation:** Minded to Approve

**It is recommended that this application is Minded to Approve subject to the signing and completion of the s106 agreement referred to within this report. Should the agreement not be signed and completed by 14th December 2007, it is requested that the application be determined by the Assistant Director of Planning, Engineering and Transportation Services under delegated powers.**

#### **Description**

The application site comprises four separate parcels of land separated by roads running parallel with Hindle Street, Radcliffe. One of the sites contains two relatively modern but vacant dwellings and the other are hard surfaced and currently used as a lorry parking area. The remaining two parcels of land are located at the far east and west of the site. To the west is a group of trees and to the east is a former public house used currently as Clever Cloggs Day Nursery.

To the north of the application site are rows of terraced dwellings and bungalows. More modern dwellings are located to the north-east of the site (1-11 Hindle Street). To the south and west of the site is a very modern housing estate (Hutchinson Way).

The application is for the demolition of the existing nursery and two dwellings and the erection of a multi storey residential apartment scheme comprising 70 apartments within a three and five storey development and a childrens nursery. The nursery would be located to the westerly end of the site and the apartment scheme would occupy the remaining three development sites.

The scheme would have main vehicular access from Hindle Street to undercroft car parking.

#### **Relevant Planning History**

There has been one previous application for residential development ref: 47869 - 80 flats and nursery - withdrawn to resolve a number of issues over design, siting, noise protection and residential amenity of surrounding properties.

#### **Publicity**

Letters were sent to 107 addresses on 19/9/07, including:

Flats 1 to 6 - 17 Abbeyway School Street,  
19-37, 39-45, 71-79, 81-93 School Street,  
Peel Monument Hotel, 3-15 Victoria Street,  
1-23 Ulundi Street  
29-35, 43,57,97 Hutchinson Way  
1-5 (all),6-18, 20-32, 29, 34-44 Mulberry Close  
1-17 Hindle Street

As a result of this publicity 10 letters of objection have been received including a petition of 9 signatures and individual letters from 33 & 59 Hutchinson Way, 13 (x2) Ulundi Street, 71, 77, 75, 79, 87 School Street and 2 letters of support from 99 Alma Street and 1 Clough Meadow Way.

The objections raise issues over -

- The impact of building noise;
- Impact upon light, privacy and overlooking from the development;
- The loss of trees from within the site and loss of wildlife;
- The impact from additional traffic generation from the scheme;
- Cumulative impacts from surrounding developments in terms of traffic;
- The potential impact upon health of the children as the nursery would be next to a sub station.

Support letters from Alma Street and Church Meadows (nursery users) welcome the retained use in the area of a nursery. They also state that the loss of a lorry park within a residential area is welcomed.

### **Consultations**

Traffic Team - The response shall be reported.

Drainage - no objections

Police - No objections but have provided comments on the need to include defensible spaces to the envelope of the building.

Environmental Health -

- Contaminated Land - Attach conditions concerning contaminated Land
- Pollution Control

United Utilities - no objections

Environment Agency - no objections

GM Fire Service - No objections

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

CF1/1	Location of New Community Facilities
EN1/2	Townscape and Built Design
EN1/6	Public Art
EN1/5	Crime Prevention
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
RT2/2	Recreation Provision in New Housing Development
H4/1	Affordable Housing
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing

### **Issues and Analysis**

Principle - The site is located within a residential area and specifically is within an identified area of regeneration indicated within the Council's supplementary planning guidance note 7 - Managing the Supply of Housing Within Bury. Within these areas housing can be considered to be acceptable and thus comply with UDP Policy H1/2 - Further Housing Development and RSS13 for the North West.

### **Height, Design and Amenity**

UDP Policies H2/1 – The Form of New Residential Development, H2/2 – The Layout of New Residential Development and EN1/2 – Townscape and Built Design are key considerations

in the appropriateness of the development size, scale and relationship to the existing context.

The scheme comprises three separate blocks ranging from three storeys in height upto five storeys in height at the easterly part of the site. The relationship of the development to the existing properties has been drawn out within the design and access statement.

In terms of the central 3 and 4 storey block, the terraced properties to the north of the site have gable ends facing onto the development site and in height terms ridge levels are similar to the upper third storey. As such, the two storey properties to the north of the central body of the development would relate appropriately.

The residential blocks have been designed to reflect existing street patterns and forms, by being a single monolithic type structure close up to the footways. This form represents mill type buildings found in the area.

This relationship to public highway makes the most of natural surveillance thus ensuring a maximised level of security by use of design is achieved. None of the existing houses have a direct facing relationship to the development site and where overlooking does occur near to the easterly end of Hindle Street, windows in the development are suitably angled away from these properties thus ensuring privacy is maintained.

Materials are proposed to be predominantly brick with a lighter zinc metal roof-top material with contemporary zinc vertical elements to mark the entrances. This ensures people understand the access to the building and that it sits comfortably within the existing built environment.

In terms of the easterly 3 and 5 storey block, the relationships here are tighter and care has been taken to ensure an appropriate relationship is maintained to the more modern properties at the easterly end of Hindle Street. Windows would be so designed to ensure that there would be no overlooking in relation to 11 Hindle Street by the windows being angled, incorporating obscure glazing and at a higher level, screening metal louvres. 11 Hindle Street and it immediately adjoining property would not directly face the building and the siting of these dwellings is such that they look down Hindle Street, parallel to the development. Whilst there would be a significant difference in terms of height, outlook from the existing Hindle Street properties would not be affected unduly.

Within the development, there would be windows facing each other that serve habitable rooms. As aspect distances would be less than normal Council standards of 20m, windows are designed with angled bays and obscured glazing detail. This measure ensures that there would be no impact upon privacy or overlooking.

To the west of the site, the proposed nursery would be two storey but would have an amenity/play area at the third storey level. To the north of the nursery are bungalows and would be some 26m away, separated by car parking, highway and gardens. This distance and intervening features would be sufficient to mitigate the height differences between the two developments.

Land marking – UDP Policy EN1/2 – Townscape and Built Design seeks to ensure that developments make a positive contribution to the townscape.

The highest element of the scheme would be located at the westerly end of the site, nearest to Pilkington Way. The topography to the east and south of the development would mean that this element of the development would sit up above the existing tree line.

The five-storey element would mark an important access/destination point between the School Street/Hindle Street areas to the footbridge, crossing Pilkington Way. This would re-inforce the “gateway” on Pilkington Way and starts to re-connect the severed areas of the town centre from its surrounding residential areas. The design of this element has also

considered the distant views of this scheme from the surrounding areas and has included many high quality design features in the elevations.

The elevations overall are well considered and conceived. They demonstrate a good understanding of the area and provides a development that would fit in with the surrounding context. As such the development would comply with EN1/2.

Security – UDP Policy EN1/5 – Crime Prevention and SPD3 – Planning Out Crime and Design are important factors to consider on a scheme. There have been pre-application discussions between the Police and the Council and many features have been incorporated to eliminate the impact of crime. The semi-basement location of the car parking would lift the ‘ground floor’ level some 1.5m above the pavement. Defensible landscaping would be located around the periphery of the building next to the public footways and window cills would be raised to the footway. These measures ensure that passers-by would not readily be able to access windows and open spaces would be enclosed by landscaping solutions rather than by high fences. Car parking areas would operate by secured gated access. All these factors have been encouraged and welcomed by the Police.

Traffic, Access & Car Parking – The scheme has been submitted with a transport statement (TS) as the scheme is at the upper threshold where developments classed under PPG13 would have minimal impact. The TS indicates that the development would have minimal impact upon local highway network and unlikely to have a significant effect upon the capacity of the highway network. The Traffic Team have been consulted on the proposals and have not made or raised any concerns over the TS or its findings.

Access to the development would be provided through the maintenance of 5.5m wide highway network, the maintenance and improvement of pedestrian footpaths and improvement to nearby bridge structure. The scheme incorporates provisions for cycling and is also close to the town centre of Radcliffe. With this sustainable location in mind and the ability to provide for alternative means of transport other than by private car, the development would integrate well in transport terms to the surrounding area. The development therefore makes provisions for sustainable development.

In terms of car parking, the residential development would provide 86 car parking spaces at a level of 123%. The car parking provision is in line with many residential developments of recent times and indeed makes provision for more vehicles than many other schemes. The car parking would be provided in an undercroft arrangement thus partially below existing ground level. Access to the undercroft would be from Hindle Street and access arrangements have been designed following the Traffic Team’s advice and guidance.

Nursery - The nursery – UDP Policy CF1/2 – Proposals for New and Improved Community Facilities and CF5 – Childcare Facilities both provide assessment criteria for this type of use. The policies encourage their location within residential areas and provide assessment criteria to ensure that the development would function without undue impact upon the surrounding area. Traffic matters, scale and the access to such developments must also be considered.

The nursery has been designed to reflect the same approach adopted to the main residential blocks, using similar materials but in a contemporary way. It is intended to be located in an ‘island’ site with its own outdoor play area both at ground and rooftop level and with parking immediately next to it. 6 car parking spaces would be provided to the immediate north of the building. This level of provision provides the maximum number of spaces in line with the Council’s Supplementary Policy Guidance Note 11 – Parking Standards in Bury within New Developments. The proposals state that some 20 staff would be employed by the new development involving some x children. The staff would be employed on a part time basis therefore not all likely to be on the site at the same time. Access to the site is readily available either to the local residential area or close to main highways such as Hutchinson Way. This would mean that there would be no need for traffic to pass through the wider residential area.

UDP Policy HT5/1 – Access for those with Special Needs seeks to ensure that developments would be accessible to all. The scheme would have level access and would also include a lift within the building thus providing access to all levels for non-ambulant visitors and users of the scheme. As such, the development would comply with the policy.

The location of the site is such that the maximum separation distances between the use and surrounding residential development can be achieved thus reducing impact of noise or upon amenity. Given these factors, it is considered that the development would comply with the UDP Policies.

Trees and Ecology - There are trees on the westerly section of the development site and also around the existing houses to be demolished under the proposals. All trees are proposed to be removed as a result of the development. None of the trees are subject to a tree preservation order nor in the Council's view worthy of one. However, the Council considers that there should be mature street trees within the landscape proposals for the development, which better suit the urban nature of the site as a whole. As such, it is proposed to impose a planning condition to secure appropriate landscaping.

An ecological report has been submitted to determine the potential impact upon bats in relation to the buildings to be demolished on the site. The report confirms that the existing residential buildings have low potential for bat roosts and a moderate potential for the existing day nursery. Existing vegetation in the area is patchy and has low foraging potential. The report recommends that the dwellings can be demolished with minimal risk to bats, whilst the nursery should be inspected immediately prior to any demolition. A planning condition should be imposed to require this.

Planning and Noise – The scheme would be located opposite a popular skateboarding facility. Both Environmental Health Pollution Control and Leisure Services have been consulted on the proposals and both have expressed concerns about the potential impact of noise from skateboarders upon any new residents within the scheme. Applying the 6 acre standard within PPG17, a minimum distance of 30m should be maintained from a sensitive land use from a potentially noisy sports uses. The scheme has managed to maintain this distance for most of the development. However, even with improved glazing specifications proposed within the noise survey, the new residents would still be affected by noise whenever windows are open. This would be unavoidable to secure natural ventilation. To ensure that new residents would be able to regulate the temperatures within their properties and still not be affected by noise from the skateboard facility, a forced ventilation scheme is proposed. This method is considered an appropriate means of ensuring residential amenity and Environmental Health Pollution Control Team have agreed to this. A detailed forced ventilation scheme could be secured by a planning condition requiring submission of details prior to any commencement should permission be granted.

Waste and Recycling – Pre-application discussions have taken place between the developer and the Council's Cleansing section. Provision for waste and recycling would be provided within purpose built enclosures near to the vehicular entrances and pedestrian entrances of the scheme. The area proposed for the refuse would be suitably sized for a number of large refuse bins with an agreed level of bins specifically for recycling. The compound has been designed to meet the needs of the collection vehicles/waste services. A planning condition should be imposed to ensure that the recycling provision is actually implemented to the Council's requirements.

S106 Heads of Terms – The application is accompanied by a s106 Legal Planning Agreement, still in drafting as this report is written. The terms of the agreement are as follows:

- Affordable Housing – 18 units located throughout the development would meet the criteria of the Council's affordable Housing Policy H4/1. These units would be discounted at 25% below market value in perpetuity and would also be subject to the Council's nomination process for eligibility.

- Recreation Provision – The scheme whilst providing some on site amenity space would also make a financial contribution to off-site recreational provision. This would be £27,487.60 Payable on commencement of the development.
- Per Cent for Public Art – The development would make provision for a commuted sum to the value of 1% of the development costs. This figure would equate to £25,000.00. Payable prior to first occupation of the development.
- Improvements to Footbridge – The scheme is seeking to ensure appropriate integration into the surrounding area and part of this is to improve the pedestrian links in the area. This includes a financial contribution to repair the parapets (which the Council have already committed funding towards) and to improve the access point of the Pilkington Way footbridge. A 50% contribution to the overall costs of the works is proposed and would equate to £25,000.00. payable on commencement of the development.

### **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 regenerate an important currently undeveloped site within a residential area as identified within the Council's SDP7. It would be appropriately designed and would maintain an appropriate relationship with surrounding properties, provide sufficient parking for its use and would comply with adopted policies of the UDP. 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. This decision relates to drawings numbered ASA.061:- F.01, P.01A, P.02, P.11A, P.12A, P.13, P.14, P.21A, P.22A, P.23A, Topo survey S06/484, Planning & Access Statement, Ashfield Investments Phase 1 - Desk Study Report dated January 2007 report No. 0612007/DS, TPP & CCL Investments Transport Statement report No 2300/02, Martin Prescott Environmental Services Report dated 20/4/07, Sandy Brown Associates LLP Environmental Noise Assessment rev.2, and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. No development shall commence unless and until a detailed scheme to provide a mechanical means of forced ventilation into those apartments within the southerly elevation of the residential part of the proposals has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and details.  
Reason - To protect the residential amenity of the future occupants of the development pursuant to UDP Policy EN7/2 - Noise Pollution and PPG24 - Planning and Noise.
4. No development shall take place within any areas of the development application site unless and until:
  - 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, detailed site investigation and suitable risk assessment shall be 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, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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

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

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

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

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

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

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

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

the written satisfaction of the Local Planning Authority, and;  
A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.  
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

9. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
10. The car parking indicated on the approved plans for both the nursery and each of the residential blocks shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
11. No demolition shall take place unless and until an inspection and final assessment is made for the habitation of bats in accordance with the Martin Prescott Environmental Services Report dated 20 April 2007 (section 5 paragraphs 5.1 to 5.5 inclusive) of buildings within the site. The development shall be carried out after approval of a report providing the findings to be submitted to and approved in writing by the Local Planning Authority.  
Reason - To ensure appropriate protection of protected species and pursuant to PPS9 - Biodiversity and Geological Conservation.
12. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
13. Details and the colouration of balconies shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved commencing. The scheme shall be carried out in accordance with the approved details.  
Reason - To ensure good design aesthetics and pursuant to UDP Policy EN1/2 - Townscape and Built Design.
14. All windows located in the angled bays in the elevation facing 11 Hindle Street of Block A and also those angled bay windows overlooking the new pedestrian route between Blocks A and B shall be obscured glazing and be maintained as such in perpetuity.  
Reason - To ensure appropriate levels of privacy are maintained to 11 Hindle Street pursuant to UDP Policy H2/2 - The Layout of New Residential Development.



15. No development shall take place unless and until provisions for waste and recycling have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the scheme incorporates measures for waste and recycling of sufficient capacity to provide for the occupants of the development pursuant to PPS1 - Planning and Sustainable Development.

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

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 10

**Applicant:** Paul Higginson

**Location:** 196 BOLTON STREET, RAMSBOTTOM, BL0 9JE

**Proposal:** CHANGE OF USE FROM RESIDENTIAL TO DWELLING IN MULTIPLE  
OCCUPATION

**Application Ref:** 48687/Full

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

**Recommendation:** Approve with Conditions

### **Description**

The application site consists of a single dwelling, which has been used in the past as a Bed & breakfast accommodation. The application site is located within the conservation area and is adjacent to a local shopping centre. To the southeast of the building, there is a narrow access road to a small courtyard area at the rear of the property. The dwelling is bounded by residential properties to the side, rear and opposite. To the south of the site there is an access road leading to St Andrews Church and St Andrews Primary School. The property was formerly two properties (196 & 196A Bolton Street) and was converted to one dwelling, known as 196 Bolton Street in accordance with application 46852. The conversion works included the removal of the shop front and the reinstatement of a bay window. There is an existing off-road parking space located in front of the property.

The proposal involves the change of use of a single residential dwelling into a dwelling in multiple occupation. There would be 8 rooms or bedsits, with a shared lounge, kitchen and bathroom, although some rooms would have en-suite facilities.

### **Relevant Planning History**

11309/80 – Conversion of second floor to flat, consisting of lounge, dining area, kitchen, bathroom and 2 bedrooms at 196 Bolton Street, Ramsbottom. Approved with conditions – 12 February 1980

46852 – Change of use from retail to residential (No, 196A); bay window to front elevation (No. 196) and new boundary wall at 196 Bolton Street. Approved with conditions – 18 October 2006

### **Publicity**

The neighbouring properties on Bolton Street (194 - 208 (evens) 194A, 208A, 181, Flats 1 - 4, 191), Wilds Place (2 - 12 (evens), and Garnett Street (1, 3, 5) were notified by means of a letter on 8 October and a press notice was posted on 19 October. Site notices were posted on 17 October. 5 letters of objection have been received from the occupiers of 1, 4, 6 Wilds Place, 191 (Flat 1), 194A Bolton Street, 514 Bolton Road West which has raised the following issues:

- Impact upon parking provision, which is currently a problem as the pub car park has been restricted to patrons of the pub
- An application for flats at this address has been refused, due to inadequate access

A petition, containing 118 signatures has been received objecting to the type of person who may live in such a property, which is not a material planning consideration.

### **Consultations**

Highways Team – No objections

Drainage Team – No objections

Environmental Health – No response to date

Cleansing – No objections.

Conservation Officer – The proposal would not impact upon the character of the conservation area, as there would be no changes to the building's exterior. Recommend a condition confirming that any alterations to the exterior of the building may require prior approval of planning permission.

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

H2/4	Conversions
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN2/1	Character of Conservation Areas
HT2/4	Car Parking and New Development
HT4	New Development
SPD13	Conversion of Buildings to Houses in Multiple Occupation

### **Issues and Analysis**

Principle - The proposed development involves the change of use from a single dwelling to a house in multiple occupation.

Policy H2/4 states that the Council will consider applications for conversion of a dwelling to a house in multiple occupation with regard to the following factors:

- a) The effect on the amenity of the neighbouring property through noise, visual intrusion, position of entrances, parking areas and extensions
- b) The amenity of the occupants
- c) The effect on the street scene of any changes to the external appearance of the building
- d) Car parking and servicing arrangements

There would not be any external alterations as part of the proposed development and therefore, there would not be any impact upon the street scene and on the amenity of the neighbouring properties. Therefore, it is considered that the proposed development is in accordance with Policy H2/4 of the adopted Unitary Development Plan.

Impact upon surrounding area - As stated above, there would not be any external alterations to the dwelling as part of the proposed development. Therefore, there would not be any adverse impact upon the street scene or the appearance of the conservation area. The Conservation Officer has no objections to the proposal, subject to there being no external alteration. The proposed development would incorporate a cycle store and drying area in the basement of the property and the rear yard would be used for a bin store, which could accommodate three wheelie bins. Waste management are satisfied that there would be adequate bin storage for a property of this size. The amenity space at the dwelling would consist of the enclosed area at the front of the property. It is noted that this would not normally be sufficient for 8 people. However opposite the property there is access to Nuttall Park, which would provide amenity space for the occupiers of the proposed development. Therefore, it is considered that the proposed development would be in accordance with Policies H2/4, EN1/2 and EN2/1 of the adopted Unitary Development Plan and DCPGN13.

Access - The plans indicate that cycle storage would be provided in the basement, but does not indicate any off-road parking provision. However, the area to the front of the property has been used to park a vehicle in the past. The proposed development is located adjacent to a main throughroute, which has good access to bus services. The highways team has no objections to the proposed development. Therefore, it is considered that the proposed development would not be detrimental to highway safety and is in accordance with Policies H2/4, EN1/7 and HT2/4 of the adopted Unitary Development Plan.

Objections - The application relating to the provision of a flat at first floor level was approved

in 1980. No other applications for flats have been made at this address. The nature of the occupants of such a property is not a material planning consideration. The type of resident cannot be specified as a condition as such a condition would not be considered to be reasonable, necessary or enforceable.

### **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 acceptable in principle and would not look out of place within the locality. The proposed development would not have a significant adverse impact upon the amenity of the neighbouring residents and would not be detrimental to highway safety. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 1 October 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 applicant is advised that all works to which this permission relates must be carried out strictly in accordance with the plans, drawings and other relevant supporting material submitted as part of this application and hereby approved. The Development Control Section must be immediately advised of any proposed variation from the approved documents and the prior approval of this Council, possibly necessitating a further planning application, obtained before any such works are carried out on the site. Failure to comply with this advice may render those responsible liable to enforcement proceedings which may involve alterations and / or demolition of any unauthorised building or structures and may also lead to prosecution.  
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.  
Policy EN1/2 - Townscape and Built Design  
Policy EN2/1 - Character of Conservation Areas

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

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 11

**Applicant:** Freda B Ltd

**Location:** 8A-10A BOLTON ROAD WEST, RAMSBOTTOM, BL0 9ND

**Proposal:** CHANGE OF USE OF FIRST FLOOR FROM RETAIL (CLASS A1) TO WOMEN'S FITNESS AND WEIGHT LOSS CENTRE (CLASS D2) INCLUDING PROVISION OF ACCESS ON ELEVATION TO HOLT STREET WEST

**Application Ref:** 48722/Full

**Target Date:** 10/12/2007

**Recommendation:** Approve with Conditions

### **Description**

The proposal involves the first floor of a two storey stone faced commercial premises facing Bolton Road West at the junction with Holt Street West. The location is just to the west of the junction with Dundee Lane and Nuttall Lane and within a Local Shopping Centre mostly situated along this part of Bolton Road West. The site is also within the Ramsbottom Conservation Area.

The premises contain two ground floor shops accessed from Bolton Road West. Properties immediately adjacent are mostly residential with a row of terraced houses on the westerly side on Bolton Road West and including no.12 adjoining the building but set further back from the road. On Holt Street West there are also mostly terraced houses but the nearest property no.11 is a hairdressers shop linked with nos. 8A and 10A by the first floor that bridges over a gated vehicular entrance into the area at the back.

The proposal involves a change of use of the first floor accommodation from A1 shop use to use as a women's fitness and weight loss centre (Class D2). Pedestrian access into the accommodation would be gained through a side entrance door from Holt Street West to be created by extending an existing window opening down to ground level. This would lead into a staircase to serve the first floor accommodation. The building has two car parking spaces situated at the rear within the private back area accessed through the gated entrance from Holt Street West.

The floor layout plan shows that the existing floorspace on the upper floor is split into two areas separated by an internal wall, as these areas are currently related to the two ground floor shops. This room division would continue in the proposal, with the room nearest to Holt Street West designated as an exercise area and the other smaller room next to no.12 Bolton Road West to be an area to be used for a diet class.

Clarification about the activities at the centre has been received. The use would operate through the Curves franchise and would be carried out on a different basis than commonly associated with fitness clubs. It would not involve large pieces of gym equipment with associated impact noise nor the playing of loud music. The exercise area would include 16 work stations comprising 8 hydraulic stations and 8 rest stations. An instructor would be in the middle of the circle talking to the members as they exercise. There would be background music but this would not be played at loud or excessive volume to enable the instructor to be able to talk offering instruction and encouragement. The hydraulic stations comprise light equipment that works through exercise against air resistance. These would be essentially silent pieces of equipment with no heavy weights 'clanging' together. The rest stations would comprise a square timber board cushioned against the floor on the underside. Exercise is by arm and leg movement in a standing position with no excessive jumping around. Potentially, there could be 16 club members using the work stations at the

busiest time expected to be between 1700hrs and 1900hrs.

The diet class for 10-12 members is expected to take place take place on one night per week for a seven week session. This would take the form of a talk and would not require music to be played.

### **Relevant Planning History**

No recent applications made.

### **Publicity**

24 properties in Bolton Road West and Holt Street West were notified on 18th October 2007. A site notice was posted from 29th October and a press notice was published.

An objection has been received from 12 Holt Street West. The occupier is concerned that there would be disturbance caused due to loud music during the routines. The area, he points out, lacks car parking provision with little space available for residents. The use would increase the current pressure for on street parking from nearby commercial premises on Holt Street West still further. In addition, he considers that there would be grid lock in Holt Street West through lack of parking plus an disproportionate increase in traffic flow through what should be a quiet street.

### **Consultations**

Highways Team - No response.

Environmental Health - Recommend a condition requiring prior approval to and implementation of a suitable scheme of soundproofing between the use and the adjoining dwelling plus a requirement that noise from the use should not be audible within nearby noise sensitive properties with windows open in a typical manner for ventilation.

Conservation Officer - No objections in principle. It should be ensured that the new external door should have the continuation of the stone framing and the door and frame should be in timber. There should be no external roller shutter. The note on the plan about re-instating windows needs to be removed or clarified.

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

EN2/1 Character of Conservation Areas  
EN2/2 Conservation Area Control  
EN7/2 Noise Pollution  
S1/4 Local Shopping Centres  
S2/4 Control of Non-Retail Uses in All Other Areas  
SPD11 Parking Standards in Bury

### **Issues and Analysis**

**Principle** - The premises is a significant commercial premises in a main road location and within a Local Shopping Centre. There would be no loss of ground floor retail floorspace and the development would bring into the building an independent upper floor commercial use with a customer base that is likely to include potential shoppers within the local centre and increase its vitality. This the proposal would not conflict with policies S1/4 and S2/4.

**Conservation Area** - A small degree of change is envisaged to the exterior. Given the location in a conservation area this work needs to be done sensitively. The main change involving the creation of a new doorway needs to be refined, including the stone frame to be extended to footway level. This amendment is being prepared for submission and will be reported. The upper frontage windows are, at present, boarded over with signs. The scheme shows reinstatement back to windows and, if permission is granted, the details should be the subject of a condition requiring further approval. It should also be a requirement by condition that the door and frame would be in timber and that there should be no roller shutters installed on any of the external openings. Subject to the amendment and conditions referred to the development is considered to comply with policies EN2 and EN2/2.

Noise - There is concern that a fitness centre use could result in undue disturbance to residential neighbours due to loud music and other noise. This concern is one of the issues brought up in the objection. Clarification has been sought about the intended activities which, the applicant claims, would not be of a type that would require the use of loud music or create significant impact noise. However, if permission were to be granted, noise mitigation measures should be required including a noise insulation scheme to be approved and implemented, a requirement that loud amplified music is not played, that the windows are kept closed during exercise sessions, and that the activity areas are utilised as shown on the submitted details to avoid the exercise area being next to the party wall with the adjoining house. There should also be a time limit set for the period of activity to prevent use at late periods and on much of the weekend.

Car Parking - The area is characterised by narrow roads and the terraced properties in the locality often lack off street car parking provision. There is, therefore, considerable on street parking occurring in the locality with a section of Bolton Road West close to the property marked out for this purpose. Holt Street West is narrow and is also used for on street parking, including in connection with nearby businesses. The premises includes two gated off car spaces to the rear for use by staff in the whole building. Therefore, most of the parking demands of the proposal would need to be satisfied by on street parking with some further pressure for parking occurring on adjacent roads, particularly Holt Street West. The objector has raised his concern about this issue. However, the floorspace involved is currently potentially retail and could generate significant parking demand without the need for planning permission. Furthermore, it should be taken into account that the property is part of an existing Local Shopping Centre and the development is likely to add to its vitality and that the location is very accessible by public transport. This good accessibility should be taken into account in an assessment in terms of the current car parking standards. These, however, are designed to prevent over provision of parking spaces and set down, in the case of a Class D2 use of this floorspace extent, a maximum level of car parking provision of about 8 spaces.

It has been indicated that the applicant may receive the use of four car parking spaces on a private car park on the opposite side of Bolton Road West but it cannot be ensured that this would occur or that the spaces would continue to be available in the long term.

It is considered that, whilst the development would create some further pressure for on street car parking in the immediate locality, this needs to be balanced against the other factors referred to above and that the balance should be towards accepting the development in terms of car parking concerns.

Disabled Access - The entrance that would be created would be directly onto the footway and should be flush with the highway as viewed on site but not reflected on the plan. However, this access would then directly lead to a staircase to the upper floor so wheelchair access would not be feasible without the installation of a lift. However, it would not be reasonable, in this case, to require the installation of a lift for this relatively limited scale of development.

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

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

The development would be acceptable in principle as a first floor use within a Local Shopping Area. The external changes would not detract from the character and appearance of the Conservation Area. The premises would sound insulated and restricted to prevent undue noise disturbance to residents. The car parking provision is acceptable given the existing planning use of the floorspace, the location within an existing Local Shopping Centre and on a main bus route.

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. No works shall be carried out until details of the restoration of the window openings have been supplied to and approved in writing by the Local Planning Authority. The work shall then be carried out in complete accordance with those details.  
Reason: In order to ensure that the fenestration would be in harmony with the traditional character of the building and in keeping with the sensitive character and appearance of the Conservation Area, in accordance with Policy EN2/2 of the Bury Unitary Development Plan.
3. The proposed entrance door shall be in timber and there shall be no external shutters installed on any of the openings to the accommodation.  
Reason: In order to ensure that the development would be in harmony with the traditional character of the building and in keeping with the sensitive character and appearance of the Conservation Area, in accordance with Policy EN2/2 of the Bury Unitary Development Plan.
4. The use hereby permitted shall not be open to customers outside the following times: 0800 hours to 2100 hours on Mondays to Saturdays, 0800 hours to 1400 hours on Saturdays with no opening on Sundays.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
5. Before the Class D2 use hereby approved is commenced, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the Local Planning Authority.  
Reason: To safeguard the amenities of the occupiers of nearby residential properties and in accordance with Policy EN7/2 of the Bury Unitary Development Plan.
6. No amplified music shall be played in connection with the use hereby approved, the external windows shall remain closed during the time that exercise sessions are taking place, and the floorspace shall only be utilised in accordance with the activity areas as defined on the approved plan 1284/PLANS..  
Reason: To safeguard the amenities of the occupiers of adjoining and nearby residential properties and in accordance with Policy EN7/2 of the Bury Unitary Development Plan.
7. This decision relates to drawings numbered 1284/PLANS 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:** Ramsbottom + Tottington - Tottington

Item 12

**Applicant:** Mr R Hindle

**Location:** LAND TO NORTH OF WHITTLES COTTAGE FARM, TURTON ROAD,  
TOTTINGTON

**Proposal:** ERECTION OF GENERAL PURPOSE AGRICULTURAL BUILDING

**Application Ref:** 48619/Full

**Target Date:** 22/11/2007

**Recommendation:** Approve with Conditions

### **Description**

The site lies to the north of Whittles Cottages within West Pennine Moor, 1.3 miles to the north west of Tottington. The land is designated as Green Belt and is a Special Landscape Area. The farmyard extends to 0.26ha and currently comprises an 24m by 9m timber framed cattle shed clad in tin sheeting, a steel framed shed (27m by 5.5m) clad in concrete sheeting. There is also a tin clad building (35m by 9.75m). There are two grass paddocks to the east of the buildings. The applicant farms over 16ha in the locality.

Access to the farmyard is from Turton Road (B6213) and is shared by the occupiers of Whittles Cottages, approximately 70m to the south.

The proposed building would replace the existing tin clad cattle shed (24 by 9m) and the steel framed building (27m by 5.5m) with the new building. The third building would be reduced by 3m in length to accommodate the replacement.

The new building would be a portal framed structure that would be used to house cattle, store feed, fertilizer, bedding and agricultural machinery. It would have a footprint measuring 27.4m by 15m. The ridge height would be 7.65 with an eaves height of 4.57m. The southern gable would have a large opening to facilitate easy access. The wall would be constructed of timber sleepers to 2m with a dark green polyester coated box profile sheeting above. The roof would be constructed with dark green polyester profiled sheeting.

### **Relevant Planning History**

40885/03 - Raising eaves height by 1.5m to existing barn Approved 22/07/2003.

### **Publicity**

Site notice posted and immediate neighbours notified at Whittles Cottages, Whittles Farm, Higher Barn Farm, Croichley View and Fletcher's Farm.

Objection from occupier of Whittles farm, whilst not objecting to the principle of the development, is concerned that additional traffic may damage the road into the site which is shared by other residents and is a public footpath.

### **Consultations**

Traffic - No objection to revised plans.

Drainage - No objection.

Environmental Health - No comment to date.

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

OL1/2 New Buildings in the Green Belt

OL7/2 West Pennine Moors

EN9/1 Special Landscape Areas

SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt

## **Issues and Analysis**

**Green Belt** - UDP Policy OL1/2 New Development in the Green Belt states that new buildings in the Green Belt are inappropriate unless it is related, amongst other things, to agriculture and as such this proposal complies with that policy.

**Siting and appearance** - The new building would replace existing sheds and be located within an existing farm complex, close to other agricultural buildings. The new agricultural building would have a conventional design with a pitched roof and profiled walls, not unusual on a modern farm in the countryside. The dark brown wooden skirt and dark green profiled sheeted walls and dark green polyester coated roof would not appear incongruous within the landscape particularly as there are two agricultural buildings already in situ. The site is not particularly prominent and views are partly restricted by existing buildings at the farm (from Whittles Cottages) and boundary hedging along Turton Road (from Turton Road). As such the proposal complies with the criteria set out in the Development Control Guidance Note 8 - New Buildings in the Green belt, and is acceptable.

**Residential amenity** - Given that the new building would be on the far side of the farm to Whittles Cottages, 70m away to the south, views of the structure would be restricted by existing buildings and potential nuisance minimized. The purpose of the proposal would be to rationalize processes on the farm. It is unlikely that activity would be intensified to the degree that it would cause problems to neighbouring properties given the distances between them and the new building. As such the proposal complies with the criteria set out in Guidance Note 8 - New Buildings in the Green belt, and is acceptable.

**Traffic** - There does not appear to be any significant vehicular traffic implications with the proposal. However there is a public footpath that comes off Turton Road and turns north alongside the existing agricultural buildings. It appears from the proposed plans that the new building would encroach approximately 400mm over this footpath. This is considered to be unacceptable. As a consequence of these comments the applicant has agreed to move the building to the east by 800mm, approximately 400mm back from the line of the existing building and avoiding any further encroachment onto the public footpath. The alteration to the footprint does not cause any significant impact on any other issues. As such the proposal complies with the criteria set out in the aforementioned guidance and is acceptable.

**Ecology** - To ensure the protection of bats or owls under the Wildlife Act, a condition requiring a survey be carried out on the existing building to be demolished is considered to be appropriate. If evidence is found, appropriate mitigation measures would be required as part of the condition.

**Objection** - The occupier of Whittles Farm, across the shared access to the south of the site, is concerned about the maintenance of the access road. As this is a private road, with public access over it, its maintenance is a private matter.

## **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 agricultural buildings are necessary to modernize facilities at the farm without detrimentally affecting the openness of the green belt or residential amenity of the local residents. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

## **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings received 27th 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. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the demolition of the existing buildings permitted by this approval, a survey shall be conducted, and the survey results established as to whether the buildings are utilised by bats or owls. If evidence of bats or owls is found, a programme of mitigation shall be submitted to and approved in writing by the Local Planning authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.
5. Prior to commencement of development full details of surface water run off and drainage from the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and maintained thereafter.  
Reason: To ensure appropriate drainage and to protect adjacent public footpath pursuant to UDP Policy HT6/1 Pedestrian and Cyclist Movement.

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

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

Item 13

**Applicant:** Sheldon Davidson

**Location:** 219-221 BURY NEW ROAD, WHITEFIELD, M45 8GW

**Proposal:** CHANGE OF USE FROM DAY NURSERY (USE CLASS D1) TO SOLICITORS OFFICE (USE CLASS A2)

**Application Ref:** 48477/Full

**Target Date:** 23/11/2007

**Recommendation:** Approve with Conditions

### **Description**

The existing property is one of an attractive group of four Victorian red brick terraced properties within the centre of Whitefield, between Hamilton Road Park to the south and the Church Lane/ Bury New Road junction in front of Whitefield Metrolink Station to the north. It is a two storey red brick/slate building with additional rooms in the roofspace. It has until recently been used as a children's day nursery. To the rear is an unmade access road giving access to a small parking area for 3 cars. At the back of the parking area is a brick wall and fencing enclosing the yard area which was the playground for the nursery.

The site lies within All Saints Conservation Area and Whitefield District Shopping Area. There are commercial properties across Bury New Road and residential properties to the rear.

The application is a resubmission and follows a previous application to change the use of the premises to A2 offices. It is proposed to convert the nursery to a solicitors office (A2 use class). It is the intention of the applicant who is based next door at 219 Bury New Road to extend the existing office into the new office space, if approved.

### **Relevant Planning History**

47843 Change of use - Childrens nursery to solicitors offices - Refused 16/05/2007 for the following reasons:

1. Demolition of the outbuildings and wall to the rear would have a seriously detrimental impact on All Saints Conservation Area.
2. Insufficient information with regard to layout of parking area and internal floor area.

33051/97 Variation of Condition to change opening hours- Allowed on Appeal 23/3/98

20151/87 Change of use - Dwelling to Children's Nursery - Approved conditionally 12/11/87

### **Publicity**

Press and site notices posted. Immediate neighbours notified at;  
211-229(odds) and 250-260(evens) Bury New Road,  
2 and 4 Hamilton Road,  
2-16 Grosvenor Road.

One letter of objection received from the occupier of 2 Hamilton Road. The objector states that there would be a detrimental impact on the rear access road, parking problems and highway safety due to the potential increase in traffic around the site and the impact the proposal would have on the conservation area.

### **Consultations**

Traffic Team - No objection.

Environmental Health - No comment.

Conservation Officer - The concerns regarding the visual impact of the previous scheme

have been overcome by the rebuilding of a boundary wall along the back boundary.

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

S1/3	Shopping in District Centres
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
HT2/4	Car Parking and New Development
EN2/2	Conservation Area Control
EC5/2	Other Centres and Preferred Office Locations
SPD11	Parking Standards in Bury

### **Issues and Analysis**

**Policy** - The site lies within Whitefield District Centre. In terms of shopping within the District Centre Policies S1/3 (Shopping in District Centres) and Policy S2 (Control of New Retail and Non-Retail Development) are considered to be relevant. These indicate that the Council will support proposals for new shopping development and associated facilities within the Borough's District Centres provided it is of a size, scale function and character appropriate to serve the needs of the local area. Traffic, parking, access and the impact on surrounding residential amenity are also material factors in assessing the development.

Townscape and conservation area policies are also relevant. EN1/2 (Townscape and Built Design) indicates that favourable consideration will be given to proposals which do not have an adverse effect on character and townscape.

EN2/1 (Character of Conservation Areas) encourages schemes that preserve or enhance the character or appearance of the Borough's conservation areas. EN2/2 (Conservation Area Control) indicates that development within a conservation area will only be acceptable if it preserves or enhances the special character or appearance of the area.

**Principle** - The principle of the change of use is considered to be acceptable as the site is within the District Centre and the proposed use would fall under the category of associated facilities that would support the retail function of the centre.

**Conservation Area** - The previous scheme (47843) was refused partly because it opened up the rear yard area to the road for the purposes of parking. This would have had a seriously detrimental impact on the conservation area. In assessing the revised scheme against conservation area policies listed above, it is considered that the new brick built wall proposed along the rear boundary with the rear access road would be considered an improvement to this backland area. Although the majority of properties on this part of Bury New Road have removed the boundary wall to the rear and hard surfaced the yard/garden areas in order to accommodate parking, this fact has made the need to reinstate walls along the access road particularly important in terms of retaining the character of the conservation area. It is noted that an application for the change of use of No.215 Bury New Road (45012) was approved on condition that the existing brick boundary wall and garage be retained/rebuilt to maintain its traditional appearance on the street scene.

**Traffic and parking** - The adopted guidance on parking standards indicates that around 1 space per 35sq metres(max) would be appropriate for an A2 office. For an office of approximately 190sq metres, this equates to 6 spaces. The site, within Whitefield District Centre and also is well served by good public transport links. Given the nature and scale of the proposed use and its location, it is not considered that it would significantly add to traffic levels and parking along the rear access road particularly as the existing day nursery use has the potential for quite high levels of traffic at those times of the day when parents pick up and drop off children.

**Objection** - The issues raised by the objector have been addressed above.

For the reasons given above the proposal is considered to comply with the UDP policies

listed.

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

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

The proposal is considered to be acceptable in terms of the policies listed. The character of the conservation area would not be seriously and detrimentally affected. It is also not considered that the amenity of neighbouring occupiers would be seriously affected. There is sufficient parking and the site is in a sustainable location, close to public transport routes. 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 -143/07, received 28th 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. Samples of the materials to be used in the external works, including the boundary wall 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 UDP Policy EN2/2 - Conservation Area Control.
4. The proposed sliding doors on the rear boundary shall be constructed in vertically boarded timber to the written satisfaction of the Local Planning Authority.  
Reason: In the interest of visual amenity within the conservation area pursuant to UDP Policy EN2/2 - Conservation Area Control.
5. The proposed rear boundary wall shall be constructed in accordance with the approved plans prior to the proposed use commencing.  
Reason. In the interests of visual amenity pursuant to UDP Policy EN2/2 - Conservation Area Control.
6. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing.  
Reasons. To ensure adequate off-street car parking provision in the interests of road safety pursuant to UDP policy HT2/4 Car Parking and new development.

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

