

**Ward:** Bury East

Item 01

**Applicant:** JD Wetherspoon PLC

**Location:** 5 CROMPTON STREET, BURY, BL9 0AD

**Proposal:** CHANGE OF USE FROM FORMER POST OFFICE TO A LICENSED FOOD AND DRINK OPERATION (CLASS A4)

**Application Ref:** 49341/Full

**Target Date:** 06/03/2008

**Recommendation:** Approve with Conditions

### **Description**

The application site is an existing vacant building, formerly the Post Office, in the Bury Town Centre Conservation Area. It is situated on Crompton Street with a row of shops opposite and pedestrian access to the Mill Gate Centre. Immediately adjacent to the site to the south is a paved area, a side access road runs to the north and there is a service yard area to the rear.

The main building comprises an original 3 storey building to the front with a 2 storey rear addition, the majority of the construction of the property is brickwork and stone. The main entrance is approached and accessed off Crompton Street.

The application is solely for a change of use from the former Post Office (Class A1) to a Food and Drink Establishment (Class A4). There are no details of changes to the building at this stage.

### **Relevant Planning History**

39887/02 - Change of use to Food and Drink Premises (A3) - Approved 2002

39886/02 - Change of use to Food and Drink Premises (A3) - Approved 2002

33002/97 - Change of use to Food and Drink Premises (A3) - Approved 1997

### **Publicity**

Immediate neighbours were written to on Crompton Street, The Haymarket and The Rock on 10th January 2008.

A press Notice was posted on 17th January 2008 in the Bury Times.

A site notice was displayed in the immediate vicinity on 17th January 2008.

Two letters of objection have been received from Nos 10 and 14 Crompton Street which have raised the following issues:

- there would be an increase in litter
- shop windows would get smashed
- litter and unwanted deposits would get pushed through letter boxes
- the street would become noisy and full of undesirables and encourage anti social behaviour
- there are plenty of places for people to eat and drink in Bury
- Crompton Street already suffers from effects of drunken behaviour
- a retail use would be more appropriate for the area
- would create unfair competition and be detrimental to other local eating establishments

### **Consultations**

Highways Team - No objections

Pollution Control - Awaiting comments

Commercial Section - Awaiting comments

Public Health - Awaiting comments

Conservation Officer - No objections

Cleansing - No objections  
GM Police Architectural Liaison Division - No objections  
BADDAC - No objections

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

EN2/2 Conservation Area Control  
S1/1 Shopping in Bury Town Centre  
S2/2 Prime Shopping Areas and Frontages  
Area Central Shopping Area  
BY6  
C079 Woodfields, Bury  
S2/6 Food and Drink

### **Issues and Analysis**

Principle - The site is within Bury Town Centre and would be assessed against Unitary Development Plan Policies - S1/1 Shopping in Bury Town Centre and S2/2 - Prime Shopping Area and Frontages.

Although UDP Policy S2/2 states the council seeks to maintain retailing as the prominent use at ground floor level in prime shopping areas, the property does not fall within an identified prime shopping frontage, and therefore a degree of flexibility can be applied to this case, particularly as the property has been vacant. Therefore it is considered that the proposed development would not lead to an unacceptable loss of shopping facilities and would be an associated use which would support the vitality and viability of the area.

The proposed change of use would have regard to UDP Policy S2/6 - Food and drink which takes into account: residential amenity, over-concentration of A4 use, parking and servicing, storage and disposal of refuse and environmental impact of fumes.

The location of this proposal is not considered to result in any significant concerns having regard to these factors.

The proposed use of the building as a food and drink establishment has been previously granted in 2002 and 1997, and it is considered that the circumstances and policy context have not significantly changed in order to justify a different decision.

Amenity - The site is located within a Primary Shopping Area and there are no residential properties in the immediate area which would be affected by the proposal. The proposed opening hours of 0700 daily, until 0030 Monday to Friday, 0130 Saturday and 0230 Sundays and Bank Holidays are considered acceptable given the location and surrounding commercial area, and the hours of operation would be a matter for control under the Licensing Division.

Design and Appearance - The application is for a change of use only and any changes the applicant may wish to make to the building would be considered in a further application.

Conservation Area - UDP Policy EN2/1 - Character of Conservation Areas and EN 2/2 - Conservation Area Control seeks to preserve and enhance the special character of appearance of the area with regards to the proposed development. The impact of the change of use on the Conservation Area is considered to be minimal given the town centre location and the retention of the character of the building.

Access - There is existing level pedestrian access to the building via the current main entrance. The Access Statement supporting the application says that an auto entrance door will be provided and this is welcomed by BADDAC.

Objections - The objections to the application mainly relate to the disturbance, anti social behaviour and litter which would be created as a result of the proposed use and the principle of the use is dealt with above. As with many establishments of this type, there

will be a certain amount of activity associated with the use, probably more so in an evening when the adjacent shops would be closed. However, the use as a public house does not necessarily mean there would be increase in litter, anti social behaviour or damage to surrounding properties. It is considered the proposed use would not affect the character of the area and its location within the Town Centre and is a suitable position for this type of premises. Competition is not a material planning consideration.

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

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

The proposed change of use is acceptable in principle and considered appropriate within the town centre. It would not adversely impact on the character of the Conservation Area nor cause harm to the occupiers of the adjacent shops.

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 AS00; AL01; AS02; AS01 and is only for the change of use and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

**Ward:** Bury East - Moorside

Item 02

**Applicant:** Unit 1

**Location:** UNIT 1 OLD TOWNS YARD EVERY STREET BURY

**Proposal:** INSTALLATION OF CEMENT SILO (RETROSPECTIVE)

**Application Ref:** 48946/Full

**Target Date:** 07/02/2008

**Recommendation:** Approve with Conditions

### **Description**

The site is located within the Fernhill, Bury Employment Generating Area. It is located adjacent to a building fronting Every Street used for office accommodation with an attached industrial type building used for vehicular repairs. The remainder of the yard area is used for the storage, parking of vehicles and as a base for a number of contractors.

The proposal is a retrospective application for the erection of a cement silo to be used by the existing contracting business on the site. The silo stores 29 cubic metres of cement and stands some 9.6m high and has a diameter of 2.5m. It is coloured grey.

### **Relevant Planning History**

Various consents have been granted for warehouse and industrial units in 2002 but they are not relevant to this application. (39141 and 39658)

Consent was granted for alterations to the building adjacent in June 2006 and will result in a larger building immediately adjacent to the silo. 46296

### **Publicity**

Immediate neighbours on Louis Avenue No's 7, 9, 11, 13, 15, 17, 19, 20, 21, 22, 24 and 26, No. 2 Every Street, Christina Boswell on behalf of the Fernhill Caravan Site and St John with St Marks CE Primary School. Comments have been received from the school regarding potential noise and dust from the silo and a request for screen planting to offset carbon emissions and a verbal objection has been received from Fernhill Caravan Site on behalf of the residents. The objection can be summarised as follows:

- There will be a loss of amenity from cement dust which will affect the health of the residents.

### **Consultations**

Highways Team - no objections

Environmental Health - no objections subject to conditions

Drainage Team - no objections

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

EC2/1 Employment Generating Areas

EC2/2 Employment Land and Premises

EN1/1 Visual Amenity

EN7/1 Atmospheric Pollution

H3/2 Existing Incompatible Uses

PPS23 PPS23 Planning and Pollution Control

### **Issues and Analysis**

Use - the site is located within an existing Employment Generating Area and as such the installation and operation of this type of equipment is appropriate. The silo is located

immediately adjacent to the main building on the site and is serviced from within the site (there is no new or separate access to the silo). Given the location both within the site and the employment generating area the use is appropriate and accords with UDP Policy EC2/1.

Street scape - silo is of a standard type some 9.6m high. It is seen in conjunction with the office/workshop building on the site and will not appear out of place in this industrial landscape. As such it accords with UDP Policy EN2/1 and is acceptable.

Access - the access arrangements to the silo are all from within the site and the silo will be accessed from the service yard rather than the highway. Thus there will be no conflict with movements on Every Street and the proposal accords with UDP Policy EC4/1.

Residential amenity - the silo is set as far away from the residential properties to the north as possible (45m) as it is adjacent to the Every Street frontage, whilst maintaining a reasonable distance of 60m from the Fern Hill Caravan site and 50m from the perimeter of the adjacent school. Whilst it will be higher than the existing building it will not have a greater material impact on their outlook than the existing building or operations on the site. As such it is considered that the proposal accords with UDP Policy H3/2.

Pollution - the provision of cement silos requires a licence to be issued by Environmental Health. They have already assessed the equipment and it fully complies with the latest standards with regard to filtration and as such the proposal accords with UDP Policy EN7/1. However, it is recommended that a condition be imposed ensuring that there is no open storage associated with the silo of cement and that restrictions be put on the hours of operation of the silo to protect the residential amenities of the nearby residential properties.

Objections - the issue of pollution has been dealt with above. The request for planting on the boundary of the site with the school has been passed to the applicant and they have indicated that they are willing to submit a scheme if the Committee so desires and as such a condition is recommended to this extent.

### **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 provision of the silo within the Employment Generating Area accords with the relevant policies of the Unitary Development Plan and its impact of the adjacent residential properties will not be material when assessed against both the policies of the Council and PPS 23.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. There shall be no loading/unloading, maneuvering or movement of vehicles on site between the hours of 08.00 and 19.00 Monday to Friday, 08.00 and 16.00 on Saturday and at no time on Sunday.  
Reason. To protect the residential amenity of the properties nearby and to ensure compliance with policy H3/2 - Existing Incompatible Uses on the adopted Bury Unitary Development Plan.
2. There shall be no open storage of cement powder at any time on the site.  
Reason. To prevent
3. 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.

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

**Ward:** Bury East - Moorside

Item 03

**Applicant:** Architectural Services

**Location:** 190 CHESHAM ROAD, BURY, BL9 6HA

**Proposal:** CHANGE OF USE OF 190 CHESHAM ROAD FROM RESIDENTIAL CHILDREN'S HOME (C2) TO NON-RESIDENTIAL PUPIL REFERRAL UNIT (D1); PROVISION OF CAR PARKING INCLUDING DEVELOPMENT OF ADJACENT OPEN LAND AS PART OF CAR PARK; 3M WIRE MESH BOUNDARY FENCING ; ASSOCIATED LANDSCAPING AND ACCESS TO HIGHWAY.

**Application Ref:** 49321/Full

**Target Date:** 12/02/2008

**Recommendation:** Approve with Conditions

**Description**

The application concerns a modern two storey detached building of domestic appearance situated just beyond the limit of continuous development on Chesham Road. The property faces Clarence Park and has open fields on three sides. The other boundary is the Chesham Road frontage where the road has become a narrow lane by this point. Immediately to the south is a small field sloping down away from the building to a gated lane behind the rear of Beech Grove, a former elderly persons home and now used as offices, and the rear of houses on Danesmoor Road. Chesham Woods are a short distance to the north.

There are a number of trees along the Chesham Road frontage. These are not within a tree preservation order.

The property is currently vacant and was last used as a children's home. The proposal is for a change of use to a referral unit for children of compulsory school age who because of illness or exclusion from school, will not receive school education until the provision of this facility.

The property has a tarmac drive on part of the forecourt which is just sufficient for three parking spaces across its width. This is shown as retained on the submitted layout but marked out with two spaces. To the rear the existing garden area would become partly laid out as a playground. This would be surrounded by a green 3m high paladin type fence.

A main change externally would be the provision of a new car park with four spaces, including one disabled space. This would be partly on the existing frontage but extending out about 7m onto the field at the side. A new vehicular access would be formed from Chesham Road involving the loss of a silver birch tree. This would be the only tree to be removed for the development. The field drops away from the level of the building and, to achieve a compatible level for the car park in relation to the access and building, the level of the land would need to be raised by up to 600mm with an embankment planted with hawthorn hedging formed on the new edge of the field to about 9m from the existing boundary.

The application follows the recent withdrawal of a similar application. This involved a larger portion of the field to be made into a car park.

**Relevant Planning History**

30257/94 - Formation of a 5-a-side football pitch and erection of perimeter fencing. Approved on 17th November 1994.

30264/94 - Two storey extension at the side. Approved on 6th October 1994.

48676 - Change of use from Class D1 - residential children's home to Class C2 - non-residential pupil referral unit; change of use of adjacent land to car park; 3m wire mesh fencing, relocation of existing 1.3m fencing to car park boundary; landscaping and alteration to access to highway. Withdrawn on 5th December 2007.

### **Publicity**

- 30 properties were notified on 10th January 2008. These include 148 - 176 Chesham Road and 1 - 11 and 2 -14 Danesmoor Drive. A site notice has been displayed from 16th January 2008 and a press advertisement has been published.
- 11 objections have been received from addresses in Chesham Road and Danesmoor Drive. The main concerns expressed include:
  - Vandalism occurred by the children that were resident at the previous institution. The centre would add to the local problem of gangs of kids hanging around the shops at the end of Chesham Road and noise and disturbance from kids riding mini moto's and motorbikes through the park and on the streets.
  - The car parking provision would not be sufficient.
  - The increase in traffic will make local traffic conditions even worse.
  - Do not want disaffected teenagers in their street.
  - The previous centre was shut for very good reasons which he believes was due to resident's protests about anti-social behaviour by pupils and the damage they caused to residents properties.
  - The 3m high fence will be a blot on the landscape.
  - The street gets clogged enough already with dog walkers.
  - Undesirable loss of three trees.
  - The access along a single track dirt road is inadequate.
  - The plans should be withdrawn until there has first been a presentation to residents by the Education Team.
  - This facility is not needed in the area.
  - Would like proof that the facility is needed.
  - What other sites have been considered and how was the decision reached to choose this site?
  - The lack of a turning facility would lead to Chesham Road becoming blocked when pupils are brought in a large vehicle.
  - If permission is granted they want a written assurance that those involved would not park outside private residential houses.
  - Loss of outlook due to the fence and loss of the tree.
  - More lighting will lead to light pollution across the top end of the park.
  - The problem of surplus water coming down the access road in heavy rain could be made worse and may not be solved by the proposed sump.
  - Danger to children needing to walk down an unlit road or across the park to the unit.
  - Disturbance to the peace of the area from children using the access track behind Chesham Road.
  - Disturbance to the park and its users due to noise from kids at play. The park was gifted to the Council to be used as a nature reserve and peaceful environment.
  - This building should not have been chosen for the use just because it is unused and mothballed.

### **Consultations**

Highways Team - Recommend a condition requiring the implementation of the car parking proposals prior to the use commencing.

Drainage Team - No objections.

Environmental Health - Land contamination conditions recommended.

Landscape Practice - The scheme is acceptable in landscaping terms.

GMP Architectural Liaison - No response.

BADDAC - Concerns that there should be level access and egress to and from the building and about the provision of disabled accessible facilities within the building.



## **Unitary Development Plan and Policies**

OL2	Other Protected Open Land
OL2/1	Development on Other Protected Open Land
EN1/1	Visual Amenity
EN8	Woodland and Trees
CF1	Proposals for New and Improved Community Facilities
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
CF3	Social Services

## **Issues and Analysis**

Principle - The building, which was last used as a residential home for children, would with this proposal continue to serve the needs children in the community but these would be children with special educational requirements. Policy CF1 states that community facilities, such as this, will generally be looked on favourably but that they should not be in conflict with amenity or the local environment. The associated Policy CF1/1 lists a number of factors which should be considered when there is a proposal such as this. Of these those considered to be applicable in this case are the impact on residential amenity, traffic generation and car parking provision, suitability of the location in relation to the community or catchment area to be served, accessibility by public and private transport and the needs of the disabled. The local area is predominantly residential and is the type of environment where facilities of the type being proposed are located. There would be a degree of impact on amenity and traffic/parking conditions and this is considered in the following sections.

Other UDP policies relevant to the consideration of a pupil referral unit such as that being proposed are CF2 which states that the Council will, where appropriate, consider favourably proposals for the provision of educational facilities and CF3 under which there would be, where appropriate, favourable consideration given for the provision of new and the improvement of existing social facilities, including those for children and groups with special needs.

Therefore, UDP policies provide a presumption in favour of the type of development being proposed but detailed considerations must also be taken into account.

The property and its surroundings are within an area designated in the UDP under Policy OL2 as Other Protected Open Land. According to the policy, on open land within this designation the Council will seek to retain the existing predominant use and character and will expect the land to remain for the most part undisturbed. The associated Policy OL2/1 sets down how new development on all open land subject to this policy will be controlled to protect both its open character and existing uses. The Other Protected Land Policy is similar to green belt policy but it gives slightly more flexibility in regard to what the land may be used for.

The proposal includes an element of new development on what is currently an open area and this would be a section of the proposed new car park. On the previous application the car park element involved a much more substantial intrusion into the Other Protected Open Land and this was considered to be unacceptable in terms of the Policy OL2/1. Consequently that application was withdrawn. On the current application the car park area on currently open Other Protected Open Land would be substantially less and involve an area of about 73m<sup>2</sup> of hard surfacing compared to about 300m<sup>2</sup> on the withdrawn application. It is considered that the encroachment on this very small scale onto Other Protected Open Land would not materially harm the predominantly open character of the land and would constitute a departure from the Development Plan.

The premises is situated on a narrow stretch of Chesham Road and it is important for car parking associated with the development to be accommodated as much as possible off the highway. As indicated, the car park development is relatively small. However, it is important

to support the proper functioning of the scheme. Furthermore, the proposals include the planting of hawthorn hedging around the perimeter of the car park which would eventually soften its appearance against the open land. Given the need for the car park, the minor amount of encroachment and impact on the openness of the Other Protected Open Land this part of the proposal is considered to be acceptable in the circumstances. The very small impact on the openness of the field leads to the view that its predominantly open character would remain for the most part undisturbed and that it would not be necessary, in this case, to follow departure procedures.

The Fence - The details of the scheme involve the erection of a 3m high paladin styled security fence around the playground area. This would be mostly on the boundary with the open land and is not visually an ideal means of enclosure against the protected open land. However, the security of pupils would need to be maintained during school hours and the visual impact of the fencing would be mitigated by the proposed green colouring. Also, the fencing would be similar to that often used to enclose all weather surfaced games areas which do occur in open land situations and the fence would be a considerable distance (over 70m) from the nearest residential boundary.

Trees - The site includes a number of trees. These are located along the Chesham Road frontage and form part of a belt of tree cover that extends along the easterly edge of this part of the road. The trees are not within a tree preservation order. The Design and Access Statement records that there are eight trees within the site. Of these one tree, a silver birch, would be removed to allow access to the proposed car park. The restricted nature of the site would not allow for suitable replanting. However, the loss of the one tree which is not a major specimen would not have a significant impact on the overall appearance of the area and would be acceptable when set against the local benefits of providing a small car park for the referral unit.

Car Parking/Traffic - The development would be on a relatively small scale and would cater for a maximum of 22 pupils on site at any one time with 7 to 8 staff members. A school travel plan to encourage the use of public transport has been prepared and a copy of it has been submitted with the application.

Regarding the proposed car parking provision, this need to be considered in terms of current car parking standards. The maximum provision standard for schools is 1.5 spaces per classroom. There would be a total of 4 classrooms in the unit giving an overall maximum provision level of 6 spaces. The proposal provides for exactly this number of parking spaces ie. the maximum provision for the unit as set down by the policy.

The Council's policy is to only provide transport for statement pupils in years 7 and 8. This would only be a limited portion of the normal number of pupils attending with the largest group (up to 16 pupils) expected to use public transport. Overall, the development would generate a limited amount of traffic movements and Highways Team has not objected subject to the car parking provision being implemented.

Disabled Access - In response to concerns about disabled access issues, an additional plan has been submitted clarifying that level access would be achieved to the building from the disabled parking space and from the pedestrian entrance to the site. Furthermore, the plan shows the provision of a disabled toilet facility. These details as shown are acceptable to BADDAC.

Residential Amenity - The unit would not be immediately next to any dwelling and, taking into account the relatively small scale, any impact on nearby residents should be very limited. Nevertheless, the application has resulted in a significant number of objections concerning issues including possible unruly behaviour and vandalism by pupils, car parking, traffic, loss of trees and the visual impact of the security fencing. Concern about pupil behaviour is not a valid planning consideration and should not be taken into account in reaching a decision. Some of the objectors have asked for proof of the need for the pupil referral unit and asked how and why the premises were selected for the unit. Requests

have also been made for a presentation to residents by Children Services. Copies of these objections have been forwarded to Children Services for response to these particular points.

One of the concerns was that there would be excessive light pollution affecting the top area of the park. The only significant external lighting being proposed consists of one 70 watt post top lantern on a 4m column to illuminate the proposed car park and this would not be sufficient to cause significant light pollution. The other issues raised in the objections are covered in the above sections.

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

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

The development would provide a specialised educational facility required within the community. The visual impact of the external changes, including the loss of one tree and the security fencing would be acceptable, as would be the case in terms of traffic generation and parking provision. The extension of the new parking provision onto the adjoining Other Protected Open Land would be on a very minor scale and the predominantly open character of this land would not be adversely 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. The car parking indicated on the approved plan KB - 07613/PLAN-PRO-02 AMENDED 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 and amenity pursuant to policy HT2/4 - Car Parking and New Development 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 building is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EN1/3 - Landscaping Provision, EN8/2 – Woodland and Tree Planting and OL2 - Other Protected Open Land of the 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 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.

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. This decision relates to drawings numbered KB - 07613/PLAN - EXIST - 01 AMENDED, KB - 07613/PLAN - PRO - 02 AMENDED and KB - 07613 - DDA4 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:** Bury West - Church

Item 04

**Applicant:** Mr N Graham

**Location:** OLD HOLTS FARM ROADING BROOK ROAD HARWOOD BOLTON BL2 4JD

**Proposal:** RETENTION OF PORTAKABIN OFFICES; ERECTION OF MACHINE STORE / GARAGE AND ASSOCIATED LANDSCAPING.

**Application Ref:** 48865/Full

**Target Date:** 27/12/2007

**Recommendation:** Approve with Conditions

**The application was deferred at the last meeting of the Committee on the 22nd January 2008 to enable a site visit to take place.**

### **Description**

The site is located in a rural setting and comprises that land that has an established use for a grass cutting and storage /sale of stone/building materials and aggregates. The site is in an elevated position and has two main levels. The upper level is used for the storage of stone and building materials and the lower level the storage of equipment used by the grass cutting business.

The proposal is to provide 2 buildings with block work dado walls some 1.5m in height with Yorkshire boarding above (4.3m and 5.2m to eaves) and a mono pitched roof of Moorland Green profile sheeting to house the machinery used in connection with the grass cutting business. In addition screening is proposed to the existing portakabins on the site that act as an office and landscaping of the southern perimeter of the site. The two buildings proposed are 12m wide by 30.5m long and 14m wide by 15.3m long.

### **Relevant Planning History**

Certificate of Lawful Use for site to be used for the sale of turf grass, storage/sale of stone products/building materials/aggregates was granted in August 2007 as the applicant demonstrated uninterrupted use for 10 years on the site - 47866

A similar application for a larger building was withdrawn in May 2007 to allow discussions with the Planning Department - 47867. This application is as a result of those discussions.

### **Publicity**

Immediate neighbouring properties on Hardwood Road, Bentley Hall Road and Roding Brook Road were notified. A site notice was placed on the 12th November and press advertisement placed in the Bury Times on the 15th November. Representations have been received from Ainsworth Community Association and 29 Knowsley Road, Ainsworth and their comments can be summarised as follows:

- new buildings will have an unacceptable impact on the openness of the green belt and be out of character with the West Pennine Moor area of special landscape value
- potential adverse impact on the adjacent wild life corridor
- additional noise will cause damage to the surrounding wild life habitats
- inaccuracies in the actual current vehicle movements and those in the application cause concern over highways danger
- if consent is granted consent should be limited to the turf cutting business

### **Consultations**

Highways Team - No objections

Environmental Health - No objections subject to standard condition on contamination

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

SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
OL1/2	New Buildings in the Green Belt
OL4/4	Agricultural Diversification
OL1	Green Belt
EN9/1	Special Landscape Areas
OL7/2	West Pennine Moors
MW1	Protection of Mineral Resources
EN8/2	Woodland and Tree Planting
EN1/2	Townscape and Built Design

### **Issues and Analysis**

**Principal** - The use of the site has been established for the grass cutting and storage business that currently occupies the site. The proposal is to provide buildings to house the machinery used in connection with the grass cutting business, screening to the existing portakabins on the site that act as an office and landscaping of the perimeter of the site. The site has had large barns located on it in the past and these were removed in 1993. The use is established within the Green Belt and the use of the surrounding fields for the cutting of turf is an agricultural use and the sheds to be erected are related to that use. The provision of building to house the equipment would be within the criteria set out in development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt and as such the proposal accords with Unitary Development Plan Policy and is acceptable.

**Location with area of lawful use** - The location of the new buildings on the site are set at the lower level of the existing site. They have been positioned so as to screen the storage area at the higher level of the site and this, together with the landscaping of the embankment between the fields and the lower level of the site should provide an effective screen to the operational area of the business. The existing portakabins are located on the upper level and it is proposed that Yorkshire timber screen be used to screen these buildings. The development there fore minimises the impact on the surrounding area and as such the proposal will not contravene DCPGN 8.

**Traffic** - The site has the benefit of an established use and is visited by heavy vehicles but this will not be affected by the development of the new buildings which are for the storage of equipment used by the applicant in the established business on the site. The applicant has indicated that he is willing to accept a condition restricting the use of the buildings to the storage and maintenance solely of vehicles and equipment used in conjunction with the existing business and it is recommended that a condition to that extent be imposed and as such the development should not create any additional impact of traffic in the area.

**Landscaping/Impact on Wildlife** - The site is currently used for open storage with only hard surfaces and no treatment to the perimeter of the site. As such it impacts adversely on the character of the Green Belt and the proposed landscaping of the perimeter of the site will mitigate this to a substantial degree. The applicant has indicated his willingness to accept conditions requiring the landscaping to be implemented at an early date and for areas of land with the application area to cease to be used for open storage. It is recommended that conditions be imposed to ensure that this takes place. The site surrounding the area is very open and the provision of a landscape strip between 6 and 12m wide on the southern boundary will provide a habitat for wildlife and will add to the biodiversity of the area. As such the proposal is considered to comply with DCPGN 8.

**Design** - The proposed buildings, whilst large, are of an agricultural type with a block work dado wall and Yorkshire timber cladding above and a green roof. The proposed screen to the existing portakabins will match the Yorkshire timber cladding and will help to relate all of the development to its setting within the landscape. As such it is considered that the scheme will accord with DCPGN 8 and as such is acceptable.

**Objections** - the site has been of concern to the planning department for a number of years and the scheme submitted will result in the tidying up of the operation of the land and result in an overall improvement to the area. The existing uses could carry on in the open and materials stored without the benefit of any screen or regularisation of the site. Whilst the proposed buildings are large it is considered that they are appropriate to the setting and the provision of landscaping on the perimeter of the site will help to assimilate the use into the

landscape. As such it is not considered that the proposed buildings would either damage the character of the Green belt or Area of Special Landscape Value. The other issues of traffic and wildlife has been dealt with in the main body of the report.

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

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the proposed development is acceptable because it would not cause demonstrable any material harm to interests of acknowledged importance as set out in Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt and the associated adopted Bury Unitary Development Plan Policies.

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 Plan Q rev a, PMS/1 rev a, PMS/2 REV A & 3 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. 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. Within 3 months of the date of this consent a scheme showing the regrading of the southern boundary to the site shall be submitted to and approved in writing by the Local Planning Authority and the landscaping scheme hereby approved shall be implemented on this site to the written satisfaction of the Local Planning Authority not later than 12 months from the commencement of work on site. 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, OL1 - Green Belt of the Bury Unitary Development Plan and Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.
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. Within 3 months of the grant of this permission and before the commencement of construction of the buildings hereby approved the land shown as Area E on Plan Ref: PlanQA shall be cleared of all plant/machinery/storage materials and shall be regraded to the existing surrounding land profile and then soiled and seeded to the written satisfaction of the Local Planning Authority. The land shall then be maintained in agricultural use inperpetuity.

Reason. To protect the character of the area and to accord with Unitary Development Plan Policies OL1 - Green Belt and Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.

7. Prior to the first occupation of the buildings approved the area of land marked G on plans ref: PlanQA, shall be cleared of all vehicles, plant and stored materials and shall thereafter remain open and used solely for access to the approved buildings.

Reason. To protect the character of the area and to accord with Unitary Development Plan Policies OL1 - Green Belt and Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.

8. The buildings hereby approved shall only be used for the storage and maintenance of vehicles used in conjunction with the lawful use, namely the cutting and sale of turf and associated agricultural activities and for no other purpose.

Reason. To protect the character of the area and to accord with Unitary Development Plan Policies OL1 - Green Belt and Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.

9. Prior to the first occupation of the proposed buildings hereby approved the screen fence detail for the portakabins shall be erected to the written satisfaction of the Local Planning Authority as shown on Approved Plan PMS/1A and shall thereafter be maintained inperpetuity.

Reason. To protect the character of the area and to accord with Unitary Development Plan Policies OL1 - Green Belt and Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.

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



**Ward:** North Manor

Item 05

**Applicant:** Mr NH & Mrs KL Fisher

**Location:** LAND ADJACENT 30 BRANDESHOLME ROAD, GREENMOUNT

**Proposal:** OUTLINE - ERECTION OF DETACHED DWELLING AND GARAGE (RENEWAL OF PLANNING PERMISSION 43599)

**Application Ref:** 49293/Outline Planning  
Permission

**Target Date:** 04/03/2008

**Recommendation:** Approve with Conditions

### **Description**

The site is an area of over grown land that appears to have been partly used as a garden. It contains a large old timber and asbestos garage that would be demolished which according to the officer report of 30727 was a motor repair business. The site is edged by trees and shrubs/hedges on three sides with a low stone wall to the Brandlesholme Road frontage.

There is an unmade track to the south that gives access to a small agricultural holding at the rear with houses at the side. To the north is the former railway track which is now a public footpath.

Outline planning permission is sought renewal of 43599 for a detached dwelling and garage with all matters reserved for future consideration.

### **Relevant Planning History**

30727-Outline – detached dwelling and garage-Approved Conditionally  
28/03/1995

35532-Outline – detached dwelling and garage (renewal of 30727)-Approved Conditionally  
03/08/1999

43599-Outline – detached dwelling and garage-Approve Conditionally  
07/01/2005

### **Publicity**

Immediate neighbours were written to on the 10/01/2008. An online objection has been received from MAF Design and Build, Westhoughton which has raised the following issue:

- The adjoining farm is in poor repair with broken asbestos buildings, animal excrement and frequent sightings of rats. It is unsuitable to put a family home next door

### **Consultations**

Highways Team – No objection subject to conditions

Drainage Team – No objection

Environmental Health – No objection subject to condition

Landscape Practice – No objection

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

H1/2 Further Housing Development

H2/6 Garden and Backland Development

OL1/2 New Buildings in the Green Belt

OL1/3 Infilling in Existing Villages in the Green Belt

OL5/2 Development in River Valleys  
SPD7 DC Policy Guidance Note 7 - Managing the Supply of Housing  
SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt

### **Issues and Analysis**

Principle – The site already has the benefit of outline planning permission for a detached dwelling and garage therefore Development Control Policy Guidance Note 7 – Managing the Supply of Housing Lane is not applicable in this instance.

The site is within the Green Belt but Greenmount is not a named settlement where infill development may be permitted. Therefore special circumstances have to be demonstrated to justify the development. The special circumstances is the site's planning history; that it is within a group of existing buildings with road frontage and vehicular access; that an existing building on the site will be replaced and that no precedent would be created from additional development.

All matters have been reserved on the application and the recommended conditions reflect this.

Comments on Representations – The site already has outline permission for residential use As such the Council is constrained to what can be taken into account when assessing this application for renewal of consent.

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

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

The proposal is a development with recognized special circumstances that will not harm the openness of the Green Belt nor the character of the surrounding area. It will not affect the amenities of surrounding residents nor adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. Applications for approval of reserved matters must be made not later than:
  - the expiration of three years beginning with the date of the grant of outline planning permission; and
  - that the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters;
  - the layout,

- scale,
- appearance,
- access thereto, and
- the landscaping of the site.

Reason. To ensure the satisfactory development of the site and because this application is in outline only.

3. The development hereby approved shall not be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they will be implemented in accordance with the assessment and to the written satisfaction of the Local Planning Authority.

Reason. To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health.

4. A minimum hardstanding of 5.5m measured between the highway boundary and any proposed garage doors shall be provided to the written satisfaction of the Local Planning Authority and thereafter maintained.

Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Bury Unitary Development Plan Policy H1/2-Further Housing Development.

5. Provision shall be made within the site to the written satisfaction of the Local Planning Authority to enable vehicles to enter and leave the site in forward gear, and shall subsequently be maintained free of obstruction.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety.

6. Footway visibility in accordance with Section 7.8 of Manual for Streets shall be provided at the junction of the site access with Brandlesholme Road before the dwelling hereby approved is first occupied and shall subsequently be 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.

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

**Ward:** Prestwich - Sedgley

Item 06

**Applicant:** VODAFONE LTD

**Location:** SITE OUTSIDE THE FRONTAGE OF 5 -13 WHITTAKER LANE, PRESTWICH

**Proposal:** TELECOMS INSTALLATION TO INCLUDE MONOPOLE, 3 ANTENNAS, TWO RADIO EQUIPMENT CABINETS AND ANCILLARY WORKS

**Application Ref:** 49356/Telecom  
Determination (56 Days )

**Target Date:** 11/03/2008

**Recommendation:** Prior Approval Required and Granted

### **Description**

The application concerns a proposed telecommunications proposal in Whittaker Lane, Prestwich. The site is on the footway outside a single storey commercial property 5 - 11 Whittaker Lane which has a blank brick wall facing the road.

The proposal involves the erection of a 13.3m high street furniture type monopole column with a grey galvanised finish and incorporating three antenna within a GRP shroud together with two free standing equipment cabins. These installations would be sited at the back of the footway near the westerly end of the building. The monopole would be a slimline design. It would have a 500mm and 1m high green wrap around cabinet at its base. Above this the lower wider section would have a diameter of 219mm and then tapering down to 193mm on the upper part. The application is seeking prior approval to the siting and appearance of the development. It is necessary for a decision to be received by the applicant by 11th March 2008.

The site is within the existing Local Centre at Whittaker Lane/Bury Old Road where most of the immediately surrounding properties are commercial. However, there are also residential properties nearby, including 8 Whittaker Lane directly opposite (about 10m away), three houses in Stores Street (about 35m away) and flats in Rooden Court (about 40m away). Schools in the local area include St Hilda's Church at about 80m away to the west and St Monica's High School at about 250m to the south, all of which have been notified.

There is an existing streetworks type telecommunications pole and antenna on the same frontage belonging to another operator and about 30m to the east. This is a 14.7m high slimline monopole with three shrouded antennas and two associated cabinets at ground level that is sited on the same footway. Prior approval was granted to the same applicant on 27th July 2005 (ref. 44763).

Prior approval was granted for a telecommunications installation on the current application site on 21st December 2005. That consent, which is still valid, is for a 13.3m slimline steel streetworks monopole with 3 GRP shrouded antennas and associated equipment housing and ancillary development (ref. 45485).

The application is accompanied by a design and access statement, a technical justification, details of a site selection process and a Declaration of Conformity with ICNIRP Public Exposure Guidelines.

### **Relevant Planning History**

44763 - Telecommunications installation - 14.7m high slimline monopole with 3 no, shrouded antennas attached and an equipment cabinet and meter cabinet at ground level on the pavement outside 3 Whittaker Lane. Prior approval granted on 27th July 2005.

45485 - Telecommunications installation comprising of 13.3m slimline steel streetworks

monopole to accommodate 3 no. antennas with GRP shroud and associated radio equipment housing and ancillary development on the pavement outside 5 - 13 Whittaker Lane. Prior approval granted on 21st December 2005.

### **Publicity**

119 properties were notified on 15th January 2008. These include 1 - 32 and 3 to 39 Whittaker Lane, Royal Oak 23/25 Whittaker Lane, 193 - 231 Bury Old Road, Flats 1 - 26 St Clements Court, Ogden St, Flats 1 - 25 Rooden Court, Park Street, 1 - 3 Stores Street, 2 - Upper Wilton Street, Stella House, Upper Wilton Street, St Hilda's Church of England Primary School, St Monicas RC High School, Friesner Nurseries, Earl Street and 38 Green Walks. A site notice was posted from 23rd January 2008.

One individual objection has been received. A resident of Rooden Court asks why is another telecoms mast needed on Whittaker Lane and isn't one enough. He mentions that there is a school on the lane.

A petition against the development with 19 signatures has been received. It is signed by 17 residents of Rooden Court, a resident of Grange Grove, Whitefield and also a resident of Lower Broughton Road, Salford.

### **Consultations**

Highways Team - No objections.

Environmental Health - Advise need to ensure that the application includes confirmation of conformity with ICNIRP guidelines.

GMP Architectural Liaison - No response.

Serco Metro - No response.

Area Board - No response.

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

EN1/10 Telecommunications

S1/4 Local Shopping Centres

EN1/2 Townscape and Built Design

PPG8 PPG8 - Telecommunications

### **Issues and Analysis**

Design and Appearance - The proposed monopole installation and associated equipment cabins would be situated at the back of footway against the blank brick wall of what was originally a Co-op shop. In the vicinity there is an existing similar installation a short distance to the east also on the footway outside the same building. Above its 1m high wrap around cabinet the monopole would be of a slimline design giving the structure a narrow profile, as is the case with a typical lighting column. The 13.3m height would also be similar to that of existing lighting columns on Whittaker Lane. One of these is located diagonally opposite across the road. Similarly, the free standing equipment cabins would, in terms of their scale and appearance, be similar to street furniture items such as utilities cabinets. They would be coloured dark green and their external dimensions would be 1.58m high, 1.1m wide and 0.93m deep for the higher unit and 1.3m high, 1.6m wide and 0.38m deep for the other unit.

The site is within a Neighbourhood Centre with a predominantly commercial character within the street scene. Given this commercial nature, it is considered that the provision of the telecommunications installation would not be out of character with the surroundings. Even though the mast would be seen in conjunction with the existing mast, it is not considered that this would lead to either undue clutter or such an adverse impact on the visual amenity of the area as to warrant refusal of the application. As such, the proposal would accord with UDP EN1/10 in terms of its impact on the street scene.

Residential Amenity - Whilst the monopole would be situated some 10m from the nearest residential property its height would ensure that the antenna would be some 4-5m above the

roof ridge of this property. It would be no more visually obtrusive than a street lighting column such as those in Whittaker Lane and the antenna would be well above window level.

Highway Safety - The footway is relatively wide and the well set back installations would leave a satisfactory amount of room for pedestrians. The Highways Team has confirmed that it has no objections to the proposal.

Existing Approval - Prior approval was granted in 2005 for a very similar installation both in terms of height and appearance and that consent is still valid. The revised scheme is needed to widen the scope of the installation to facilitate both 2G and 3G services and there have been sufficient revisions to require a fresh consent. However, the visual impact of both installations would be very similar with the currently proposed monopole to be in exactly the same position as the one with prior approval. The main differences would be that, in the current application, the installation includes two free standing cabinets as compared with one on the approved scheme and the wrap around cabinet at the base of the monopole which the current application features is absent in the approved scheme. The diameter of the monopole is very similar in both schemes.

Alternative Locations - The applicants have investigated seven other locations within the search area, including an existing telecommunications site at Heaton Park Social Club. Having taken these alternatives into account and the reasons for their rejection, it is apparent that the applicant has explored other potential locations, including the possibility of a mast share. In terms of the mast share possibility at Heaton Park Social Club to redevelop that installation, it was found, would have a greater impact on the visual amenity of the area than would be the case with the current proposal. That site is closely related to more residential properties, including a sheltered housing development, than the Whittaker Lane site.

Health Issues - The application is accompanied by a current ICNIRP Certificate and, whilst health is a material consideration, when an ICNIRP Certificate has been provided it is a consideration to which only limited weight can be given in determining the 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 development of a telecommunications facility on the site, as proposed, would not be materially detrimental to the visual and residential amenities of the area. The relevant Certificate of ICNIRP conformity has been provided and, as such, the proposal is acceptable in regard to issues of health and safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Prior Approval Required and Granted

### **Conditions/ Reasons**

1. This decision relates to drawings numbered 44517B/001 Rev. A, 44517B/002 Rev. A, 44517B/003 Rev. A and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 07

**Applicant:** Freda B Limited

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

**Proposal:** CHANGE OF USE OF FIRST FLOOR FROM RETAIL (A1) TO WOMEN'S FITNESS & WEIGHT LOSS (D2); NEW ACCESS DOOR ON ELEVATION TO HOLT STREET WEST

**Application Ref:** 49197/Full

**Target Date:** 21/01/2008

**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 a small yard to the rear within a 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 provided. 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. At other times the applicant

expects that, more typically, 8 of the workspaces would be in use at any one time.

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

A recent application ref. 48722 for the same change of use was refused for the reason that there would be insufficient car parking provided. The current application includes a large section of an existing car park opposite the premises that serves the Masons Arms public house at 13 Bolton Road West. 9 of the total of 14 spaces are included within the application and these are to be utilised in connection with the proposed development on the basis of a lease arrangement. The previous application included two spaces in the private rear yard to the rear. However, on the current application the yard is show designated for a shelter for 8 bicycles and for bin storage.

The application is accompanied by a design and access statement.

### **Relevant Planning History**

C/15022/83 - Change of use of shop to restaurant at 8 Bolton Road West. Refused on 10th November 1983 for reasons including inadequate servicing and car parking and being detrimental to residential amenity due to noise, smell, disturbance and general activity.

C/15793/84 - Change of use of shop to veterinary surgery at 8 Bolton Road West. Refused on 24th May 1984 due to inadequate car parking and servicing facilities.

48722 - 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. Refused on 23rd November 2007 for the reason that there is inadequate car parking provision for the proposed activity.

48725 - Internally illuminates sign. Withdrawn on 29th November 2007.

### **Publicity**

42 properties were notified on 6th and 17th December 2007 and 29th January 2008. These include 8 - 18 and 9 - 17a Bolton Road West, 208 and 210 Bolton Street, 5 Dundee Lane, 7 - 15 Shilton Street, 1 and 2 Ox street, 7 - 15 and 10 - 16 Holt Street West, Daniel Thwaites Brewery, Ramsbottom Heritage Society and St Andrews Church of England School. Site notices were displayed from 13th December 2007.

Objections have been received from 12 and 16 Holt Street West, 18 Bolton Road West and Ramsbottom Heritage Society. The main issues raised by the residents include:

- Despite assurances with the previous application believes that windows will be left open on the first warm day resulting in excessive noise and the nearest residents are less than 12m away.
- the provision of four parking spaces on a non-permanent basis on the car park opposite will be totally inadequate for members arriving by car resulting in residents being deprived of on-street parking spaces in an area where such provision is at a premium. Residents should have priority for parking.

The Ramsbottom Heritage Society is concerned that the internally illuminated sign shown on the drawings would be out of keeping with the Conservation Area.

### **Consultations**

Highways Team - Recommend a condition to ensure that the proposed car parking is made available prior to the use commencing.

Environmental Health - Recommend a condition requiring acoustic insulation measures.

Conservation Officer - The physical alterations, apart from the signage subject of separate consent, are acceptable in terms of the character and appearance of Ramsbottom Conservation Area.

BADDAC - Have asked for a site meeting with the applicant but to be held outside the scope



of the application.

### **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
H3	Incompatible Uses in Residential Areas
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

### **Issues and Analysis**

**Principle** - The premises is part of a significant commercial property in a main road location and within a Local 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 for the local centre which would be positive in terms of 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 where there is an existing window with the stone surround to be extended to footway level. 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 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 which seek to ensure that development in a Conservation Area would preserve or enhance its special character.

**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 one of the objections. 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, the mode of operation described in the application could change without there having been a material "land use planning" change of use. Therefore, if permission were to be granted, noise mitigation measures should nevertheless be required through conditions, 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. These conditions would be both enforceable and reasonable and any breach would be readily evident.

**Car Parking** - The previous application was refused for the reason that there would be inadequate car parking facilities and the only off-street provision consisted of two spaces within the gated rear yard. The area is characterised by narrow roads and the nearby terraced properties 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 objectors have raised concerns about the issue of lack of parking for residents. 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.

The current application includes a large section of an existing car park on the opposite side of Bolton Road West at the junction with Nuttall Lane. This serves the nearby Masons Arms public house at 13 Bolton Road West. The car park is owned by Thwaites Brewery but it is under the control of the tenant. The tenant has a 13 year lease on the car park and is prepared to lease 9 spaces to the applicants on a short term basis subject to annual review. He states that the car park is currently under utilised.

The car parking facility being put forward as part of the application is relatively close at hand and should contribute towards ensuring that the development would not create undue pressure for parking spaces. However, the use of the nine spaces in the car park would be reliant on the owner being willing to renew the annual agreement with the fitness centre operator and his current lease from the brewery extends for 13 years. To ensure that the car parking would be available for the use any permission should ensure by condition that the use does not commence until the car parking facility is made available. In addition, the permission should be for a temporary period to ensure that a renewal would take place if the parking facility is available at the time.

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. 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. BADDAC have not made any adverse comments.

Signage Proposal - The submitted elevational details show a possible internally illuminated sign and this is referred to in the objection from Ramsbottom Heritage Society. A recent application for this sign was withdrawn on the basis that the sign, in the form submitted, was considered to be unacceptable in the Conservation Area and the application was likely to have been refused. Although the sign still appears on the drawings any approval to the application for planning permission would not authorise the display of the sign and that part of the proposals would be considered with a separate application for consent under the Advertisement Regulations.

The Objections - It is considered that conditions ensuring that the nine space car parking provision, providing noise insulation and preventing amplified sound would sufficiently mitigate the issues that the residents have raised. The signage detail that the Ramsbottom Heritage Society has raised as a concern would, if pursued further, need to be considered through an application for consent under the Advertisement Regulations.

### **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 Centre. The external changes would not detract from the character and appearance of the Conservation Area. The premises would be sound insulated and the activity areas restricted to prevent undue noise disturbance to residents. The car parking provision is acceptable subject to any permission being on temporary basis to allow its availability to be ensured during the duration of the use.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The permission hereby granted is for a limited period only, namely for a period expiring on 19th February 2011, and the use comprising the development for which permission is hereby granted is required to be discontinued at the end of the said period.  
Reason: The applicant is reliant on a third party for the availability of the off-street car parking provision on a long term basis and its loss could lead to excessive on-street car parking to the detriment of the free flow of traffic, highway safety and residential amenity.
2. The car parking indicated on the approved plan numbered 1284/PLANS shall be made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing and thereafter at all times the use is in operation.  
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.
3. 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.
4. 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.
5. 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 and there shall be 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.
6. 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 and 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.
7. 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 ensure that the level of noise emanating from the premises is not

excessive and is not detrimental to the amenities of occupiers of nearby noise-sensitive properties in order that the development would accord with Policy EN7/2 of the Bury Unitary Development Plan.

8. 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 ensure that the level of noise emanating from the premises is not excessive and is not detrimental to the amenities of occupiers of nearby noise-sensitive properties in order that the development would accord with Policy EN7/2 of the Bury Unitary Development Plan.

9. This decision relates to drawing numbered 1284/PLANS and the development shall not be carried out except in accordance with the drawing 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 08

**Applicant:** Wainhomes Developments Ltd

**Location:** ROACH PACKING CASE CO LTD, SCOBELL STREET, TOTTINGTON, BL8 3DR

**Proposal:** OUTLINE - RESIDENTIAL DEVELOPMENT WITH PROPOSED MEANS OF ACCESS FROM SCOBELL STREET

**Application Ref:** 49334/Outline Planning  
Permission

**Target Date:** 02/04/2008

**Recommendation:** Refuse

### **Description**

The site is a 0.59ha site located to the rear of the Royal Hotel and it also has a frontage onto Scobell Street and Bury Road. To the north, west and east of the site are residential dwellings and The Royal Pub is immediately to the east of the site. To the south is Scobell Street and across that is open land.

The site is currently occupied by a number of buildings formerly occupied by the Roach Packing Case Co.. but they have been vacant for some time, 2004 according to the supporting application details.

The site is stated to be covered entirely by hardstandings for open storage and servicing areas with 2663 sqm of buildings, comprising -

- 230 sqm of office accommodation,
- 1181sqm production area,
- 1252 sqm ancillary storage.

The application is seeking outline planning permission for residential use of the land. The access to the site is a matter being considered at this time, with details showing a newly formed access directly from Scobell Street. Matters of layout, appearance, scale and landscaping are not being sought at this time and are reserved for a future reserved matters application.

### **Relevant Planning History**

01721 - Erection of cover to storage area - Approved - 13/6/75

07780 - Portacabin for office use - Approved - 5/4/79

16643 - first floor extension over existing offices - Approved - 17/1/85

17359 - Extension to existing storage shed - Approved - 19/9/85

25354 - Erection of sawdust shed - Approved - 24/1/91

27567 - Extension to form manufacturing area - Approved - 8/6/92

27621 - Single storey WC extension - Approved - 8/10/92

31543 - Two storey extension - Approved - 20/12/95

36547 - Relocation of oil tank; 2.7m high fence and single storey extension - Approved - 5/7/00

42101 - Outline Residential Development - Refused 14/4/04 - \*\*Appeal Dismissed 21/6/05

44149 - Outline Residential Development - Refused - 13/4/05

### **Publicity**

The application has been publicised through the erection of site notices - dated 16/1/08; Press notice 17/1/08 in the Bury Times and also by direct letters sent to -  
Morris Homes,  
Butcher & Barlow (Walshaw Estates)  
2 - 32 Deacons Crescent

2 & 4 Moss Side

226 - 276, 278 - 288, 301 - 329, 308 - 322, 331 - 353, 363 - 387, 533, Paul Anthony  
Commercials, Hill Post Office Bury Road

308 - 318 Tottington Road

2 - 6, 21 - 31, 29a, 114, 128, 147, 149 Scobell Street

Beechwood, Beechwood Lodge and 2 Beechwood Court

10 & 12 Leemans Hill

1 - 23, 2 - 36 Camberley Close

As a result of this publicity, 11 responses have been received.

6 letters of support - 10 Deacons Crescent, 310 Bury Road, 31 & 114 Scobell Street, Royal Hotel Bury Road, F. Lee a Camberley Close resident. Points raised include:

- Support providing that there is an improvement of street lighting on Scobell Street and each property should have their own designated parking.
- The site has become an eyesore and is further decaying. It has been troublesome to the fire and police services and the development should be approved before somebody is hurt.
- The site has been a target for local crime and vandalism for some time. The scheme takes into account the local properties and privacy by not proposing high rise development.
- The development of new dwellings would bring stability to the area.

4 Letters of objection - 22 Deacons Crescent, 41 Sycamore Road, 250 & 268 Bury Road. Points raised include:

- Scobell Street is already extremely busy and used as a cut through for traffic. Any further development would add to this situation creating more traffic, congestion, noise and pollution. The highways cannot cope with the traffic levels at the moment.
- Living close to the development, new development would block the view of surrounding property and thus affect property prices.
- Places for employment should be protected as they are being systematically stripped away one by one.
- The site owner has had the site up for sale for some time and according to the owner there has been no one interested in buying the site as a commercial concern. However, there have been multiple expressions of interest resulting in at least one firm offer from Cocklestorm Fencing meeting the asking price. Thus there is clearly interest in the land/premises and no reason to alter the status of the land.
- The owner should rightly seek the maximum price for the land but his greed must not win out over the needs of the area.
- The community needs diversity including employment places and there has been far too much housing in recent times in Tottington.
- The increase of housing in Tottington over recent years has been dramatic, as has the traffic and pollution.
- The carbon footprint that would be altered forever by the acceptance of the proposals should be at the forefront of our minds. The Council's website states that "*today the biggest problem we face is from traffic pollution*".
- The owner has not maintained the property properly over the years. The buildings are being allowed to decay to the point that they become economically unviable to repair and reuse.
- They also consider that the owner seeks an uplift in land value through a higher value of residential development.
- No further housing should be allowed until the drainage problems around Sycamore Avenue are properly resolved.
- Some neighbours would be glad to see the site redeveloped due to its dilapidated state, but again the owner has the responsibility to maintain the site, though the more dilapidated it becomes, the run down site would serve the owners purpose more.
- The surrounding public footpaths should be retained at all costs.
- The area is a valuable one for wildlife and although there are bats in the vicinity

that may forage within the site.

- Three storey flats are not indigenous to the area, make development feel cramped and more claustrophobic.

1 Letter providing general Observations - Beechwood Lodge - The junction of Bury Road and Scobell Street has been a frequent area for traffic incidents. The scheme may provide an opportunity to create a pedestrian refuge crossing point, which would assist to slow traffic down.

### **Consultations**

Traffic Team - The proposed main access into the site is considered to be acceptable but there is an objection to the shared driveway located to the south westerly part of the site. The issue is poor intervisibility. As such, the Traffic Team recommend to refuse the application on this point alone.

### **Environmental Health** -

Contaminated Land - Suggest planning conditions to ensure that contamination matters are appropriately dealt with before, during and after implementation.

Cleansing - Comment that plans are unclear on how refuse would be dealt with.

BADDAC - No Comments at this stage.

Environment Agency - Object to the proposals on the grounds that the development site contains a culverted water course and that no information has been submitted as to how the development would accommodate this constraint. The Environment Agency request that a flood risk assessment be submitted to ensure adequate considerations and proposals are in place to deal with this feature.

GM Police - They have provided comments on the indicative layout, which at this time is not a matter for consideration. They comment that the indicative layout would give rise to concerns in the areas where the public rights of way are located and how boundary treatments relate to these features adjoining the site. Additionally, they comment on the importance of lighting and the details of landscaping so as not to promote crime within or surrounding the site.

GM Fire Service - No objections in principle. Access and cul-de-sac conditions should be in accordance with adopted standards and that sufficient water is made available for fire fighting purposes.

United Utilities - They have no objection to the proposal providing that the site is drained on a separate system, with foul drainage only connected into the foul sewer. Surface water should drain to the private watercourse crossing the site.

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

C121	Bury Road, Tottington (See also CL023)
H3/2	Existing Incompatible Uses
H1/2	Further Housing Development
EC2/2	Employment Land and Premises
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
RSS 13	Regional Spatial Strategy for the North West
PPG13	PPG13 - Transport
PPS4	PPS4 Industrial Development
PPS3	PPS3 - Housing
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing

## **Issues and Analysis**

### Principle

There are three key issues with this planning application.

1. The loss of employment land;
2. The development of housing; and
3. The outline nature/details of the application proposals.

In assessing these issues, the report highlights the applicant's case for the scheme and then the Council's views, which form the basis of the recommendation for this scheme.

### Sustainability

The site is located within a primarily residential part of the urban area and is conveniently located in relation to shops, services and community facilities. These include shops, schools, churches, sports facilities and public transport.

### Planning History

The site has had a number of planning applications relating to the operation of the site in its manufacturing past. The site has been subject to an appeal for residential development which was refused. The inspector considered in his reasons for refusing the appeal -

- Whilst the site is not ideal, it would not be so unsatisfactory to deter its future occupation by a business user;
- It was clear that there is a demand for premises such as these and that they could be disposed of to an industrial occupier within a period of between 6 and 12 months.
- The site remains suitable in land use terms for continued employment uses.

Since this time the site has remained vacant and has continued to be marketed with no substantive interest from an end user. It is on this basis that the revised planning application has been submitted.

### Condition of the Site

Since the property has remained vacant, the site has been subject to vandalism and break ins. The application provides a chronological list of 29 incidents of varying degrees of vandalism, break-ins and reports to the emergency services including crime report numbers.

The application also includes a series of correspondence between the Council and the site owner concerning the untidy state of the site and indeed a section 215 notice served by the Council on the owner to tidy up the site and buildings.

### Planning Policy

In stating relevant planning policy, the application describes various planning policies, national, regional/local, relating to the proposed scheme.

PPS3 - A step change in housing policy to provide for a continuous delivery of at least 15 years from the date of the adoption of the development plan.

The planning system should deliver -

- high quality housing,
- a mix of housing types, sizes and prices,
- a sufficient quantity taking into account need, demand and choice,
- housing in a suitable location with access to services,
- a flexible responsive supply of land, managed to make efficient and effective use of land.

PPG4 - Industrial and Commercial Development - Planning should take account of location or demands of business and wider environmental objectives. Development Control should



not place unjustifiable obstacles in the way of development which is necessary to provide homes, investments and jobs. Policies should ensure a variety of sites to meet differing needs, land availability and sites to facilitate competition between developers.

PPG13 - Transport (2001) - To promote sustainable patterns of development, accessibility to jobs, shopping, leisure facilities and services by public transport, cycling and walking. The aims are to reduce the need to travel and rely upon the private car. Planning Authorities should consider the location and accessibility in assessing the suitability of sites for housing development.

In terms of the development plan, the application describes Regional Spatial Strategy (RSS) and Unitary Development Plan (UDP) policies.

### Employment

DP1 - a core development policy directing economy in the use of land and buildings and the identification of vacant land and buildings with measures to ensure their speedy redevelopment and reuse.

EC2 - seeks to retain existing industrial areas and premises where appropriate.

EC2/1 and EC2/2 - identifies employment generating areas where uses B1, B2 and B8 are allowed and leisure and tourism uses. EC2/2 seeks the retention of existing employment land and premises unless it can be clearly demonstrated that the site and premises are no longer suited, in land use terms, to continued employment use. In such circumstances, consideration will be given to alternative development providing it does not conflict with the character of the surrounding area and other policies and proposals of the plan. Explanatory text confirms that there are a number of isolated pockets of industry in the Borough and that the Council will seek to protect them where it can be shown that in land use terms continued use of the site or premises for employment use would not have a detrimental effect on the surrounding area. Sites that have become vacant may no longer, for various reasons, be suitable for continued employment use and the Council will assess development proposals in relation to the other policies and proposals of the plan.

EC3 - seeks to control incompatible uses within residential areas.

### Housing

H1/2 - Further Housing Development allows housing development on unallocated sites where specific criteria is met.

H2/2 - requires new residential development to demonstrate acceptable standards of layout including access.

H3/2 - relates to existing incompatible uses and states that where existing incompatible uses operate within residential areas, the Council will seek to ensure that any existing conflicts are resolved where possible. In particular, the Council will encourage and where appropriate implement measures to

- Control future land uses so as to minimise or remove conflicts;
- control the intensification or expansion of non-conforming uses where possible;
- Control the operation of adjacent uses where possible in order to minimise areas of conflict and potential nuisance;
- Introduce environmental improvements or traffic management schemes where appropriate.

Other relevant policies include EN1/6 - Public Art, RT2/2 - Recreation Provision in New Housing Development and H4/1 - Affordable Housing.

### Other Material Considerations

Draft RSS for the North West (NW) (2006) - The review of the North West RSS is at an advanced stage with the panel report having been published in May 2007. Following

consideration of the panel report together with representations and public consultation process the Secretary of State is expected to publish the final North West Plan in early 2008. The panel report into the draft NW RSS proposes to raise housing requirements in Bury (Policy L4) from 230 [dwellings] per annum to 500 for the period 2003 - 2021. The indicative target for development on previously developed land is 80%.

Policies MCR1, DP1, RDF1, W1 and W3 are highlighted in the applicant's report demonstrating the relationship of Bury within the region, priorities for the region/sub region and policy W3 relates to the supply of Sub-Regional and Local Employment Land as set out in table 8.2, they state is not sub-divided to authority level.

#### Bury Economic Development Strategy

There are 6 key aims to ensure the availability of sites and premises for investment with aims including:

- support the development of a range of sites and premises to meet business needs in sustainable and accessible locations;
- Support through the provision of managed workspace;
- Promote re-use of previously developed land to develop high quality employment sites;
- Swiftly and dynamically market potential development sites to secure the development of key strategic employment sites.

Employment Land and Premises Development Control Policy Guidance Note 14 (Sept 2007) The document supports planning policies relating to employment land and premises including sites subject to UDP Policy EC2/2 as well as the need to ensure a suitable supply of employment developable land.

Acknowledgement of older sites is made, where they are close to residential areas and although these sites may not be prestigious, they nevertheless provide for more affordable land and premises. Section 3 sets out an approach that is taken when employment land is lost to higher value uses. From a starting point of retention of all employment sites, assessment of whether a site should remain in employment use includes -

- whether a site is suitable for employment purposes taking into account the considerable differences between employment uses;
- whether a site is economically viable as existing, following selective demolition following redevelopment for new employment uses and following clearance and redevelopment for a mixed use development incorporating an element of employment uses within it;
- Whether there is a proven market demand for the site.

Para 3.25 clarifies that where a developer can demonstrate that a current employment site that is considered suitable in land use terms has no prospects of continued employment use under economic conditions that prevail at that time, the Council will give consideration to other uses on condition that the developer provides compensation for the economic harm arising from the loss of the site to housing.

Bury Employment Opportunities Study (2006) - Points raised include that Bury's economy looks to be reasonably healthy, Bury has an over-reliance on the declining manufacturing sector and to reverse this it is imperative that the Borough not only creates and attracts better quality paying jobs but that positive action is taken to improve the skills levels of the workforce. Bury's employment land availability schedule from 2005 shows 53.5ha of employment land on 45 sites, with only 19.1 ha considered free from constraints and immediately available for development. The sizes of available sites is also less than ideal with only 8 of the available 23 sites above 0.4ha in size. To provide a suitable forward supply of land to match projected take-up will require a stronger promotion of identified allocated land, the identification of mixed use or opportunity sites particularly close to or on the edge of the town centres and external intervention to remove constraints and unlock suitable sites for development.

## Local Development Framework Topic Paper1 - Economy and Employment (July 2007)

This paper provides background information to inform the development of the Core Strategy and the Site Allocations Development Plan Document. Key issues highlighted include acknowledgement that there are high levels of out commuting, low quality and low paid employment opportunities in the borough, low job density, low unemployment but high levels of economic inactivity, an over reliance on the manufacturing sector; significant pressures to redevelop existing employment land and premises; limited supply of immediately available employment land and varying levels of vitality and viability within the Borough's centres.

### Housing

A revised housing land Supplementary Planning Document (SPD) was adopted in September 2007, acknowledging that the RSS is currently under review and that 500 dwellings per annum has been recommended by the Panel but considers that the guidance in the SPD will still be appropriate when the revised RSS is published.

The SPD states that no housing development will be permitted in the Borough, the justification being that the current levels of over supply of housing, which exceeds a 5 year supply thus conflicting with national and regional planning advice. The restrictions imposed in the SPG will be relaxed where monitoring shows that there is less than a 5 year supply of housing land through commitments.

There are exceptions to allow for regeneration, which are aimed at the most rundown parts of the Borough and the town centres. Potential applicants should be aware that each proposal would be considered on its merits and proposals under the exceptions will be carefully considered against the general focus of the guidance and other relevant guidelines and policy.

The Council will seek to avoid situations where potential applicants seek to exploit these exceptions in the hope of gaining planning permission through regenerative benefits.

One of the exceptions is other urban regeneration initiatives and that the Council will consider proposals for residential development outside the identified regeneration areas and town centres only in exceptional circumstances and where it can be clearly demonstrated that the scheme would have significant and strategic economic, environmental or regenerative benefits. The onus is on the applicants to demonstrate the strategic benefits of their proposal on the wider community, taking into account the focus of this and other planning policy guidance and strategies, including the protection of suitable employment land and buildings.

### **The Applicant's Stated Case**

Employment Land Argument - In terms of this issue, the applicant discusses the following -

- Background to the site
- Commercial property market in Bury
- Employment land supply
- Housing Land Supply

Background to the Site - The site was occupied by Roach Packing from 1956 to August 2004. From a busy site receiving daily deliveries and shipping out 2-3 journeys per day, the decline of the company reflects the decline in the manufacturing industry in general. In 2002, the company was advertised to selected companies within a 150 mile radius.

A housing developer showed interest in the site and this in turn resulted in the refusal of planning permission in April 2004, and the subsequent appeal was dismissed. The business down sized and another consultant was instructed to market the property. All trading ceased in August 2004. Since this time, the applicant states that discussions have taken place with the Council and the site has continued to be marketed.

Commercial property market in Bury - A separate report has been submitted prepared by Matthews and Goodman, property advisors to support this issue.

Overall they consider that the Bury economy is reasonably healthy but with an over reliance upon the manufacturing sector, which still accounts for 12.7% of the total employment in the Borough and the applicant states that this application is a product of that decline.

The applicant argues that the Council seeks to protect older industrial premises which may be no longer suitable to the requirements of modern industrial practices. Despite this there remains high levels of out commuting, the highest in any of the Manchester authorities.

Employment Land Supply - The applicant considers that, based upon the annual take up of such land, there is an immediate supply of land available for employment of some 10 years, with a 3 year supply immediately available. Further land would also become available once outstanding constraints on employment land have been resolved and during a 5 year period, more sites, currently considered to be unavailable or constrained may have come forward in addition to other sites identified through the preparation of the Local Development Framework process.

The applicant considers that the published employment land figures comparing past years through to the most up to date figures, that these figures demonstrate that there has been a fall in constrained sites, therefore these must have come forward. Furthermore, the annual monitoring report indicates that no employment sites that were allocated for employment uses or had unimplemented permissions for employment use were developed for housing in 2005/2006. They therefore consider that there is not an issue with employment sites being redeveloped for housing.

The applicant also highlights that the site was identified as not being available in the 2004 Employment Land Availability (EL0123/00) despite the Council being aware of the site's disposition. It does not, however appear within the 2007 Employment Land Availability.

In summary the applicant considers that there is a good supply of employment land, however, the various reports produced by the Council considers that there are problems with the supply of land in terms of the quality, size and location. There is a need for stronger promotion of identified employment land, the identification of opportunity sites and intervention to remove constraints on suitable sites.

The applicants consider that the size of the site and its location provides for a less than ideal employment site, a legacy of a manufacturing past. It would not provide prestigious or high quality employment opportunity. Despite this the applicant contests the UDP Policy EC2/2 in relation to protecting existing employment land.

The Matthews and Goodman report has assessed the suitability and viability of the site for continued employment uses. They consider that the site is not viable and a number of factors include -

- The premises are functionally obsolete, and their age and state, due to vandalism make them economically unviable.
- The piecemeal development of buildings over time render them inefficient for modern requirements.
- Patch repair would be costly including the long term maintenance of fragile materials on the existing buildings. This includes the removal of asbestos.
- The existing floor is uneven and as opposed to a temporary solution, a new floor would be preferable. A flooring solution would be a significant cost in relation to the overall value of the site.
- The eaves height in the main production area is 2.4m as opposed to an accepted height of 6-7m.
- There is insufficient space for trailer parking and manoeuvring.
- The site has been vacant for 3 years and the Council have not indicated that it would compulsorily purchase the property.

The appeal inspector in 2005 acknowledged deficiencies in the building and servicing/access arrangements.

#### Demand for the Employment Site

The applicants used consultants Matthews and Goodman to market the property from September 2005. Following discussions with the Council, the site was added to various databases where this type of use would be best marketed. A guide price of £700,000 was provided to enquirers. The site was publicised -

- Using advertisement boards
- 1000 copies of agents brochures printed and circulated to the market
- Direct mailing to industrial and warehouse occupiers (362 contacts), all property agents in the north west (260 contacts), the Council's own Economic Development Unit and other Council contacts,
- Known companies looking for this type of property
- EGI and Focus website, MIDAS and Matthews and Goodman website
- Press release to 13 publications
- Manchester Evening News and Bury Times for 3 month period (28 March 06 to 12 May 06), the Manchester Commercial Property Register.

10 offers from 5 interested parties had been received, including the retailer LIDL, Sivvery Properites, Property Alliance Group Fielden Factors (builders merchants). The supporting statement states that these offers were significantly below the guide price, were one off offers, testing the water or inappropriate uses for the site. The only interested party was Cocklestorm Fencing who made 4 offers for the site, eventually offering the guide price. However, Cocklestorm would only prepared to accept a 10 year overage provision. The applicant considers that the firm were hoping to achieve an alternative use in the medium term. The owner affixed a 100% overage to ensure that only genuine offers were received. A 10 year offer was seen as being far too short a period and the offer was declined.

There was no B1 (business) or B8 (storage and distribution) interest in the site and selective demolition would compromise the site. Clearance and demolition for redevelopment, after considering the abnormal costs affecting the site, would result in a negative land value. The site is not suitable for a mixed use scheme.

Housing Land/Supply Argument - Present requirements of housing supply under the current RSS is 230 dwellings per annum from 2002 to 2006 and each year after until the RSS is formally replaced. PPS3, published in 2006 states that LPA's should have regard to emerging figures for housing in relevant RSS documents. The Panel Report confirmed an annual requirement of 500 for the period of 2003-2021 and the applicants have drafted a table indicating that requirements up to 2021 would be 4,115 dwellings in total following adjustments to take into account completions, sites currently with planning permission and allocated sites.

On this basis the applicant considers that there is a clear need to identify further land to meet the housing requirement. Furthermore, the applicant draws attention to a report from the National Housing and Planning Advice Unit, October 2007, which suggests that housing requirements may reach between 28,400 and 32,000 for the North West by 2016 and thus may be possible that more dwellings may need to be built during the core strategy period, particularly as the Regional Assembly is to undertake a partial review as early as 2008.

In view of the existing RSS housing figures, there is an 18 year over supply of housing, however, given the advanced status of the new RSS figures, the applicant contends that the 5 year supply should take account of the emerging figures.

The Panel Report into the RSS explicitly states that annual requirement should be back dated to 2003 therefore it is necessary to adjust figures accordingly. As such considering the oversupply over the first four years, the annual requirement for the remaining 14 years is 475 per annum. Using the Council's 5 year supply of deliverable housing land, and based

on current 500 dwellings per annum, there is a 4.6 year supply or 4.8 year supply if figures are adjusted to take into account oversupply.

The SPD on housing states that it will apply even when the RSS figures are formally adopted. However, it is not clear how this can be justified given the less than 5 year supply based upon the emerging figures.

The applicant contends that the site is not suitable for retention in employment use and has not seen any significant offers to retain the employment use. One of the criteria where housing can be considered acceptable is where there are wider regeneration benefits. The site is constantly subject to vandalism and is deteriorating. In this case, the benefits to the wider community would be the reduction of vandalism and crime. A point raised in the appeal inspector's decision in 2005.

In summary the applicant considers that the proposals would remove a source of dereliction and crime and promote regeneration, there is not an over supply of housing based upon the emerging RSS figures therefore would not cause harm to the housing supply in Bury.

## **THE COUNCIL'S RESPONSE**

### **Employment Land and Commercial Argument**

#### UDP Economic Policy

Given that the site has an established employment use, any planning application that would involve the loss of the employment use is determined against UDP Policy EC2/2. Under this Policy, development will not be allowed where it would result the loss of an employment site unless it can be clearly demonstrated that the land and premises are no longer suited, in land use terms, to continued employment use. Where this can be demonstrated, the Council will give consideration to other uses provided that they accord with other policies of the Plan.

Consideration of the suitability of the site in land use terms goes beyond assessing the condition of the premises. It is important to also consider whether employment is an appropriate use for the site. The debate as to whether the site was suitable in land use terms was identified as being one of the main issues at the 2005 appeal against the Council's refusal of planning permission for residential development on the site. In paragraph 20 of his report, the Inspector presiding over this appeal concluded that "...the site remains suitable in land use terms for continued employments. Accordingly, the proposal would be contrary to the UDP". There has been no change in circumstances since the appeal that would render the site to be unsuitable in land use terms and, as such, employment is still considered to be an appropriate land use for the site.

### **Supplementary Planning Document 14 – Employment Land and Premises (SPD14)**

In September 2007, the Council formally adopted SPD14. The SPD sets out the Council's intended approach towards planning applications proposing the redevelopment of employment land and premises in the Borough. It supports the aims of UDP Policy EC1 which is concerned with the provision of employment land and Policy EC2/2 which relates to existing employment land and premises outside the defined Employment Generating Areas.

The note recognises that the Borough contains a significant amount of older industrial premises, some of which are in secondary locations and which may not necessarily be suitable for modern business requirements. SPD14 recognises that although such sites may not represent high quality and prestigious employment sites, they do, nevertheless, fulfil a vital role in providing more affordable accommodation.

The SPD goes on to specify that the Council's starting point will be to retain all employment land and premises that are considered suitable, in land use terms, to continued employment

use. However, SPD14 does allow for a greater degree of flexibility if it can be clearly shown that the retention of the site is not economically viable to retain and that there is no demand for the site for re-occupation by an alternative employment use.

### Employment Land Supply

In recent years, it has become apparent, through monitoring of employment land availability, that a significant amount of the Borough's employment land supply is suffering from constraints for reasons of access, ownership or other difficulties. Such constraints mean that much of the Borough's employment land cannot be considered to be genuinely and realistically available for development without enabling action. Only a limited amount of the supply can be considered to be completely free from constraints and immediately available for development.

Taking into account Bury's supply of immediately available employment land and the average annual take-up rate over the past 5 years (4.6 ha/annum) at 1st April 2007, Bury had only a 2.9 year supply of immediately available employment land. This supply is extremely limited and adds weight to the protection of existing employment land and premises.

In addition, there is also a significant geographical disparity in the provision of sites with a majority being situated within Bury and Radcliffe whilst other areas of the Borough show noticeable deficiencies in provision. In particular, it can be seen that the north of the Borough accounts for only 2.3% of the total area of immediately available land throughout the Borough, with Tottington itself having no immediately available employment land. Again, this adds weight to the protection of employment sites.

The applicant has queried why the application site appeared in the Council's 2004 Employment Land Availability Schedule but was not included within the 2007 schedule. In response, the site was included within the 2004 schedule to reflect the fact that the site had planning permission for an extension to the former Roach Packing works. Once this permission had lapsed, the site was removed from the schedule. The Employment Land Availability Schedule identifies land for new employment-related development as opposed to existing vacant premises.

### Viability

The applicant has also submitted details of the marketing that has been undertaken in an attempt to dispose of the site.

At the public inquiry into the 2005 appeal, it was agreed by both the Council and the appellant, that the site, as it stood in its condition at that time, could reasonably be valued at £700,000. The applicant has stated that this was used as the basis for the guide price for marketing since then. However, the latest marketing of the site also included an overage which would require a 'clawback' of 100% of the uplift in value were the site to be sold on for a higher value use such as residential or retail. It is understood that this 'clawback' was to remain in place for a minimum of 20 years and perhaps even in perpetuity. Independent advice has been sought from a local Chartered Surveyor who has advised that, although overages were used regularly as part of land transactions, the requirement for 100% was wholly unreasonable. The advice specifies that a 50% overage for five years would not be unrealistic but an indefinite 100% overage would be totally unworkable and could render a property difficult to fund against. In addition, the imposition of an overage is likely to have consequences for the perceived value of the site.

Similarly, the site has deteriorated in condition since the £700,000 value was agreed at the 2005 inquiry. Again, this will have implications in terms of the actual value of the site given that any purchaser would be required to undertake refurbishment works to the building.

Notwithstanding this, the applicant has submitted details of numerous offers that have been

made for the site. There have been a total of 10 offers for the site between December 2005 and August 2006. However, it is acknowledged that the three of these offers came from a prospective retail operator, the use of which would not be acceptable in planning terms. Nevertheless, this leaves seven offers at levels which are considered to be reasonable given the degree of deterioration that has occurred since the site was given a basic valuation of £700,000 in 2005 and given that owner is to impose the restrictive overage. In addition to the quoted offers, it is also understood that a further substantial offer was made for the site in late 2006 by a company wishing to use the site for relocation purposes.

In any case, all of the quoted non-retail offers have come from known businesses seeking relocation (i.e. Fielden Factors and Cocklestorm) as well as active property investors and non-residential developers (i.e. Sivvery Properties and Property Alliance Group).

In addition, Cocklestorm, a local manufacturer of timber products, made four offers for the site which included an offer of £600,000 with an acceptance of a 100% overage for a ten year period and a further offer for the full asking price of £700,000. It is understood that Cocklestorm are seeking to relocate their manufacturing to a new site and the fact that the application site was formerly used for wooden products made the layout and composition of the Scobell Street site ideal for their requirements.

Given the above, it is considered that the applicant's reasons for dismissing these offers as either not serious or else below the asking price, is unjustified.

#### Conclusions (Employment)

From an employment perspective, the site is considered to be suitable, in land use terms, for continued employment use. This was the conclusion of the Inspector at the 2005 appeal on the same site. On this basis, the application is considered to be in direct conflict with UDP Policy EC2/2.

The Borough suffers from a deficiency of employment land with only a 2.9 year supply of immediately available land. In addition, the geographic disparity of employment land means that the north of the Borough in general has an extremely limited supply of employment land. Tottington has no employment land for new development.

SPD14 does allow an element of flexibility where a site can be shown to be unviable for continued employment use. However, the fact that there has been a significant number of what are considered to be reasonable offers for the site would suggest that there is a viable future for the site for continued employment use.

In conclusion, the loss of the employment use of this site is considered to be in severe conflict with UDP Policy EC2/2 and SPD14 and should be refused on this basis.

#### Housing Land and Supply Argument

The way the applicant has calculated the five-year supply of housing land provision has excluded several supply sources and the assumption that the proposed RSS housing figures should be used is incorrect. It is considered that the current RSS housing requirement of 230 dwellings per annum should be used to assess the five-year supply.

On this basis, there is an identified housing supply of 17.8 years, as at 1<sup>st</sup> April 2007. This supply has been added to with the recent approvals of the three Radcliffe regeneration sites for residential use (capacity in excess of 1,000 units or additional four years supply under the RSS requirements).

Even if the proposed housing figures (which are still very much subject to change) were to be taken into account, it can be demonstrated that there is still in excess of five years supply. Based on the proposed requirement of 500 dwellings per annum, it can be demonstrated that there is 5.2 years supply at the 1<sup>st</sup> April 2007. Just considering the three Radcliffe regeneration sites, a further two years has been added to this since 1<sup>st</sup> April



2007, clearly demonstrating that the five-year supply has been met.

Subsequently, the DCPGN7 is very much applicable and will need to be treated as a significant material planning consideration in the determination of this application.

The applicant suggests that the proposal would meet one of the exceptions in the DCPGN7 in relation to the wider regeneration benefits that the proposal would bring. However, the proposal is not considered to provide the 'significant and strategic (Boroughwide), economic, environmental or regenerative benefits' that the DCPGN7 requires. Any regeneration benefits associated with the proposal would only be considered to have localised benefits and could be 'regenerated' by an employment use. Accordingly, the proposals are not considered to meet any of the exclusions or exceptions in the DCPGN7.

#### Outline Nature of the Application

The proposals seek only the means of access into the site as a detailed consideration above the loss of employment land and redevelopment of the site for housing.

Design, Landscape and layout - The applicants have written to confirm that the application is made in outline only and thus the issues raised by the Police would be addressed at the reserved matters stage. This is accepted.

Culvert - The Environment Agency have objected to the scheme and request that a Flood Risk Assessment be submitted. As one has not been submitted at the time of writing, the recommendation should also include reference to the lack of this detail.

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

**Recommendation:** Refuse

#### **Conditions/ Reasons**

1. 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 central government guidance in PPG3 - Housing and the Regional Spatial Strategy for the North West.
2. The proposed development would lead to the unacceptable loss of existing employment land which would be deemed harmful to the local economy and conflict with Bury Unitary Development Plan Policy EC2/2, Employment Land and Premises Outside Employment Generating Areas.
3. The application fails to meet the requirements of PPS25 - Development and Flood Risk and EN5/1 - New Development and Flood Risk in respect of -
  - (a) A culverted watercourse that crosses the site, the route, size, condition, capacity of the existing culvert;
  - (b) The finished levels and the risks associated with flood risk (with (a) above);
  - (c) The potential impact of a collapse or blockage of the culvert; and
  - (d) Consideration of site levels that may result in ponding.

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

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

Item 09

**Applicant:** Horizon Care Limited

**Location:** 169 BURY NEW ROAD, WHITEFIELD, M45 6AB

**Proposal:** CHANGE OF USE FROM OFFICE ACCOMMODATION TO EDUCATIONAL FACILITY FOR YOUNG PERSONS (D1)

**Application Ref:** 48938/Full

**Target Date:** 24/01/2008

**Recommendation:** Approve with Conditions

### **Description**

The site is a large mid-terrace property in a row of four situated within Whitefield district centre and the All Saints Conservation Area. Of the four properties 167 & 173 Bury New Road are residential dwellings and 171 Bury New Road has recently gained consent for change of use from residential (Class C3) to office (Class A2).

It has a joint two storey outrigger with 167 Bury New Road at the rear with a yard area to accommodate two parked cars

The proposal is for change of use of office to educational facilities for young persons (Class D1). The facility is proposed to accommodate up to 6 young persons aged 12 to 17 years of ages between the hours of 08:30 to 17:00 hrs Monday to Friday. The only alterations to the building at to make it accessible for the disabled.

### **Relevant Planning History**

17601/85 - Change of Use from Dwelling to Office – App. Conditionally 14/11/1985

### **Publicity**

Immediate neighbours were written to on the 11<sup>th</sup> December 2007. A press advert was posted on 20<sup>th</sup> December 2007 in the Bury Times and The Prestwich and Whitefield Guide. A site notice was displayed in the immediate vicinity on the 18<sup>th</sup> December 2007. A letter of objection has been received from Ash Lea, Knowlsey Road which has raised the following issue:

- *'Strongly objects to having this type of facility in close proximity to my house' and within a 'Conservation Area'.*
- *The Council must have a 'more suitable premises for this type of care rather than in middle of a family orientated residential area'.*
- *Is parking for two cars sufficient? There is already a problem with insufficient parking in the area.*
- *There is a restriction for changing residential properties to business use in the Council's Conservation Area appraisal and management plan.*

### **Consultations**

Highways Team – No objection

Environmental Health – No objection

Conservation Officer – No objection

GM Police – No objection

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

H3/1 Assessing Non-Conforming Uses

EN2/1	Character of Conservation Areas
CF3	Social Services
S1/3	Shopping in District Centres
S2/4	Control of Non-Retail Uses in All Other Areas
HT5/1	Access For Those with Special Needs
EN7/2	Noise Pollution

### **Issues and Analysis**

**Principle** – The site is within an area where the boundaries for Whitefield Town Centre and All Saints Conservation Area overlap, and it is not a primary or secondary shopping frontage therefore a non-retail use is considered to be permissible. The property is an existing non-residential use and is therefore not contrary to the appraisal and management plan for the All Saints Conservation Area.

**Parking/Traffic Generation** – The site already has an unrestricted use as offices (Class B1). The proposal specifies '*office accommodation to education facility for young persons*' which is a specific class within Use Class D1 – Non-residential Institutions. Development Control Policy Guidance Note 11 – Parking Standards in Bury requires a maximum of 1.5 spaces per classroom for Non-residential Institutions (D1) Schools. The application shows one 'through' classroom on the first floor and two parking spaces within the site at the rear. This is considered acceptable if permission is restricted to the specific class within Use Class D1 and a condition is to be attached on this effect.

**Visual Amenity/Conservation Area** – The only external alteration is the new access arrangement for the disabled which will not adversely impact on the character of the Conservation Area. The property is already a non-residential use and given this fact the proposal is considered acceptable as it will not affect the character of the area.

**Residential Amenity** – Policy H3/1 – Assessing Non-Conforming Uses states what should be taken into account when assessing a non-conforming use proposal. These include noise and hours of opening when assessing a non-conforming use proposal.

**Noise** – The property was given consent under 17601/85 for use as an office. There was no condition imposed at that time for sound insulation to protect the occupiers of the adjacent properties. This is not to assume it has not been carried out but a condition is to be attached to ensure the proposed use meets current requirements.

**Hours of opening** – The facility is proposed to accommodate up to 6 young persons aged 12 to 17 years of ages between the hours of 08:30 to 17:00 hrs Monday to Friday. To safeguard the residential amenity of the adjoining occupiers a time limit condition is recommended.

**Access for All** – Revised plans have been received that show facilities to make the property accessible for all.

The concerns of the objector have been addressed in the above analysis.

### **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 with appropriate conditions will not harm the appearance of the All Saints Conservation Area nor the character of the surrounding area. It will not affect the amenities of surrounding residents nor adversely impact on highway safety issues.

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 5141/01C and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to Bury UDP Policy EN1/2 - Townscape and Built Design.
3. The sound insulation of the party walls shall be improved in accordance with the method outlined in the Building Research Establishment Digest 293 (or similar method), the details of which shall be submitted to and approved by the Local Planning Authority and implemented prior to the occupation of the flat.  
Reason. To reduce nuisance from noise to the occupiers of the adjoining dwelling(s) pursuant to Bury UDP Policy EN7/2 - Noise Pollution
4. The premises to which this approval relates shall be used for Educational Facility for Young Persons and for no other purpose (including any other purpose in Class D1 – Non-residential Institutions of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).  
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Bury UDP Policy H3/1-Assessing Non-Conforming Uses.
5. There shall be a maximum of 6 clients/pupils on the premises at any time during opening hours.  
Reason. To protect the residential amenity of surrounding residents pursuant to Unitary Development Policy H3/1-Assessing Non-Conforming Uses.
6. The use hereby permitted shall not be open to clients/pupils outside the following times:  
  
08.30 to 18.00 on Mondays to Fridays.  
  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Bury UDP policy H3/1 – Assessing Non-Conforming Uses of the Bury Unitary Development Plan.
7. Notwithstanding the provisions of Class 2(C): advertisements on educational premises, of the Town and County Planning (Control of Advertisements) Regulations 2007, any proposed advertisement on the frontage of 169 Bury New Road shall subject to the requirement to obtain Express Consent under the said Regulations prior to its erection.  
Reason. To protect the visual amenity and character of the All Saints Conservation Area pursuant to Bury UDP Policy EN2/1 - Character of Conservation Areas.

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

