

Ward: Bury West - Elton

Item 01

Applicant: Persimmon Homes NW

Location: OLIVES PAPER MILL, TOTTINGTON ROAD, BURY, BL8 1SL

Proposal: DEVELOPMENT OF 76 RESIDENTIAL UNITS INCLUDING LANDSCAPING

Application Ref: 49667/Full

Target Date: 26/06/2008

Recommendation: Refuse

Description

The application site (2.45ha) lies to the north-east of Tottington Road adjacent to the Kirklees Brook. The site is set within a valley and was, until recently, occupied by a vacant paper mill which had been in industrial use since the mid nineteenth century. The mill has been demolished which much of the demolition material still on site.

The site is set on a marked slope with levels varying considerably throughout. The areas previously occupied by buildings and yards are plateaux and other flatter land within the site, the largest of which is by the brook where the main paper mill building was situated. The steepest slopes occur from the south-west nearest to Tottington Road down to the Kitklees Brook in the north-east. There is also a more gradual slope along the length of the site from the south east near the access point to the north west towards Olives Bank. The site is served by a winding main access road from Tottington Road which served the various buildings of the mill. The undeveloped area with steep banks and extensive tree cover immediately to the south westerly side of the site was included within the mill land and in previous applications for residential development but has been excluded from the current application. It is, however, within the ownership of the applicant.

The main site is set below the surrounding development which runs along the ridge of Tottington Road and Olives Bank. On the opposite side of the brook lies land which is owned by Champale and is currently unoccupied and covered by semi-mature scrub, shrubs and trees. The route of the former Holcombe Brook railway runs through the Champale site.

To the north there is extensive open land within the Kirklees Valley. This area starts immediately to the north-west of the site where there are two mill lodges. The open land snakes north-westwards up the valley and has no buildings on it. It includes several man-made lodges and has been left to naturalise.

The main application site lies within the existing urban area and is covered by policy EC2/2 for the retention of land in employment use. The site also lies adjacent to the Kirklees Brook which is a designated Wildlife Link and Corridor. At the north-westerly edge of the site lies a Site of Biological Importance including the pair of mill lodges referred to in the previous paragraph but this is outside the application land. The land beyond the Kirklees Brook is designated River Valley. However, this designation also incorporates an area within the site close to the brook and at the easterly end of the site near an existing concrete bridge.

Planning permission was granted in 2005 for a residential development of 114 units by another developer (ref. 42722) and is still valid. The approved development includes a variety of dwelling types including detached, semi-detached and terraced houses, as well as five three storey blocks of apartments. It is set along a spine road from Tottington Road for almost the full length of the site that follows a similar route to the mill access road. The planning permission is subject to a s106 Agreement concerning several obligations as follows:

- A payment of £134,592.41 to provide funding to support employment generation elsewhere in the Borough as compensation for the loss of employment land.
- The transfer of land within the Kirklees Valley to the Council for a nominal amount.
- A financial contribution of £70,222.77 towards the formation of the Kirklees Trail.
- A public open space contribution involving a commuted sum maintenance payment of £140,000.
- The provision of a permissive right of way to provide links between the development and the open valley area.
- The provision of an element of affordable housing.
- A contribution towards public artwork funding of £35,000.

The applicant company has purchased the site from the previous developers and has commenced part of the approved scheme. This is the section of the layout nearest to Tottington Road. It includes two blocks of three town houses on either side of the main access point and four pairs of semi detached houses just behind the frontage units which is total of 14 units. It should be noted that the start of the development has triggered off the requirement of the s106 Agreement involving the transfer of land and this matter is having to be pursued with the applicants.

The application has been submitted to cover the remainder of the development for which the applicant wishes to carry out a differing scheme. It includes the erection of 76 units on the remainder of the mill site. The main similarity with the approved scheme would be the retention of the spine road through the length of the site. However, a significantly different mix of units is being proposed. In contrast to the approved scheme, the currently proposal does not include any blocks of apartments. The majority of the units, 50 in total, would be detached houses many of which would be of a split level design to cope with the steeply sloping nature of the land. Within the development there would also be 16 semi-detached houses and 10 terraced units. A feature of the scheme would be rows of detached units following a less steeply sloping line or straddling an embankment with their split level design. There are, for instance, units that are single storey on the road frontage but three storeys on the rear portion with the additional two storeys being below the frontage section, as well as units designed in a reverse fashion with a three storeys frontage but single storeys at the highest level at the rear. Retaining walls would also be used to cope also with very steep areas.

The bank of the Kirklees Brook marks the north easterly boundary of the site. The scheme makes provision for a narrow open area next to the brook along the more northerly and central parts of the bank. The open area, including a footpath would vary from 6m down to about 3m wide but widening at one point to about 10m. The most southerly section includes a length of cul-de-sac next to the book with the open area being only a margin tapering from about 2.5m down to about 0.5m. There is a dilapidated concrete bridge on this section leading to the open areas on the other side of the brook. It is proposed that this would be rebuilt. In terms of the brook itself this is within an open concrete channel on the more southerly stretches of the site boundary. The proposals involve repair work to this section with the channel bottom to be cobbled/riffled and groynes installed to prevent the washing of gravel downstream. In other areas the remains of the factory walls forming the banks would be removed where possible and the bank softened where necessary. The submitted landscaping plans are unclear regarding the treatment of the area next to the watercourse. The layout plan indicates that the steep wooded area on the south-westerly side of the site would be maintained and enhanced but details of this important element are not provided. It is understood that this land would be transferred to a Green Belt Company for its management.

The main access point would be on Tottington Road approximately in the centre of the frontage and this has been constructed on the basis of the existing planning permission close to the existing access road junction for the mill. There would also be an emergency access at the northwesterly end of this frontage formed within the area currently under construction.

The application is accompanied by a Design and Access Statement, a Flood Risk Assessment, a Transport Assessment, an Ecological Survey and Assessment, an Arboricultural Implications Assessment, and a Phase 1 Basic Site Investigation.

The applicants has expressed their willingness to complete a s106 Agreement on a similar basis to that associated with the current consent. Further details of the matters to be covered by the Agreement are included in the issues section of this report.

The application follows the withdrawal of two previous applications by the applicants. These were both for 114 dwellings on the whole of the mill site. Issues of concern arose particularly with regard to flood risk and concerning the relationship to and the treatment of the Kirklees Brook leading to the withdrawals in 2006 and 2007 (refs. 47009 and 47350).

Relevant Planning History

42722 - Residential development, 114 units together with provision of public open space. Approved on 25th August 2005.

47009 - Residential development, 114 dwellings. Withdrawn on 13th December 2006.

47350 - 114 Dwellings (resubmission) - Withdrawn on 22nd February 2007.

Publicity

Publicity – 264 properties were notified on 1 April 2008. These include addresses in Tottington Road, Cornall Street, Bleakley Street, Stewart Street, Hills Court, Olive Bank, Back Olive Bank, Ingleton Mews, Valley Avenue, Foxfield Close, Darlington Close, Bankhouse Road, Brandle Avenue, Brandlesholme Road, Purbeck Drive, Bolton Street, Ramsbottom and Hall Street. Notification letters were also forwarded to Councillors Cresswell and Bigg and to The Brandlesholme Residents Association. Site notices were displayed from 14th April 2008 and a press notice was published.

One comment was received about the proposal. The occupiers of 69 Bankhouse Road are concerned about the following issues:

- The Kirklees Valley should remain as undisturbed as possible to provide a very important wildlife corridor. A large development in the middle of the site would be counter productive to this aim.
- The extra traffic from the development could result in more problems of hold ups and traffic jams at the Bury Bridge junction.

Consultations

Highways Team - Recommend refusal for the reason of insufficient and inconsistent information being provided. This relates to inconsistencies in the details shown between the architects drawings and those provided by the highways consultant.

Drainage Team - No objections.

Environmental Health - Contaminated land mitigation conditions recommended.

Environment Agency - Objection made for the following reasons:

- The submitted Flood Risk assessment includes insufficient information to meet the requirements of PPS25
- The development proposals will have a detrimental impact on the wildlife corridor of the Kirklees Brook with an insufficiently wide undeveloped corridor provided between the watercourse and the development
- The application lacks details concerning boundary treatment along the Kirklees Brook Corridor.
- The proposed treatment to the brook of re-instating the existing concrete bed and groynes approach is unacceptable.
- The findings of the ecological assessment are not concurred with in terms of the assessment of impacts and the recommendations section of the report.

GMP Architectural Liaison - Criticise the open plan design of the frontages as conducive to

anti-social behaviour and nuisance. Any consent should include a condition requiring design to Secured by Design standards.

Transco - No response.

United Utilities - No objections.

GM Fire & Rescue Service - Premises beyond the 250m limit from the emergency access route should be fitted with a residential sprinkler system or the scheme should be amended so that the distance or the furthest residential unit from the emergency access is reduced to 250m or less.

GMPTE - Any consent should include a condition requiring the provision of a residential travel plan.

GM Ecology Unit - No response.

GM Archaeological Unit - The site is of known archaeological interest. and a condition should be attached to any consent requiring the implementation of an approved programme of archaeological work.

Lancashire Wildlife Trust - Pollution of Kirklees Brook during construction should be avoided and care taken to avoid damage to the adjacent SBI. It will be important to make sure that if protected species, such as bats, are found they would be protected.

BADDAC - No comments.

Landscape Practice - Concerns about the composition of planted elements within the housing area. Information is lacking concerning the existing and proposed softworks on the land to the rear. These issues have been raised with the applicant's agent but there has been no substantive response.

Wildlife Officer - Concern as to how much of the Kirklees Brook is being proposed for naturalisation and this is not enough to convince him that there would be sufficient enhancement of the Wildlife Corridor. Otherwise the survey findings and recommendations are generally supported. Any consent should include suitable conditions concerning bats, breeding birds, badgers, landscaping, invasive species and lighting in relation to bats.

Waste Management - No issues of concern.

Unitary Development Plan and Policies

EC2/2	Employment Land and Premises
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/6	Public Art
EN1/7	Throughroutes and Gateways
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN8	Woodland and Trees
EN7	Pollution Control
EN7/3	Water Pollution
EN10/2	Riverside and Canalside Improvement in Urban Areas
OL5	River Valleys
OL5/2	Development in River Valleys
OL5/2	Development in River Valleys
OL5/3	Riverside and Canalside Development in Urban Areas
EN9	Landscape
RT2/2	Recreation Provision in New Housing Development
RT3/2	Additional Provision for Recreation in the Countryside
RT3/3	Access to the Countryside
RT3/4	Recreational Routes

HT6/3 Cycle Routes
SPD1 DC Policy Guidance Note 1: Recreation Provision
SPD2 DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD4 DC Policy Guidance Note 4: Percent for Art
SPD5 DC Policy Guidance Note 5: Affordable Housing
SPD14 Employment Land and Premises
PPS9 PPS9 Biodiversity and Geological Conservation
PPG16 PPG16 - Archaeology and Planning
PPS23 PPS23 Planning and Pollution Control
PPS25 PPS25 - Development and Flood Risk

Issues and Analysis

Principle - The principle of redeveloping this site for residential purposes has been established through the granting of planning permission ref.42722. This existing planning permission for a larger number of units than is now being proposed provides an exemption from the current restrictions on housing development brought in by SPD7 - Managing the Supply of Housing Land in Bury.

In September 2007 the Council formally adopted SPD14 which sets out the Council's approach to planning applications involving the loss of employment land and premises. This SPD contains provision for securing one-off financial contributions to compensate for the loss of employment land.

The previous application ref.42722 was approved prior to the introduction of SPD14 and the s106 Agreement that was attached to that consent included a requirement that a sum of £132,592.41 was to be paid as compensation for the loss of the employment use of the land. Given this previous agreement, pre-application discussions with the current applicant involved agreement that this sum would be maintained as compensation also to be secured via a s.106 Agreement.

Design and Layout - The difficult topography of the site limits the scope for designing a workable housing layout. The developer has resorted to some unusual dwelling split level dwelling types to cope with the abrupt changes of level on parts of the development. Overall, the dwellings maintain adequate aspect distances from their neighbours, including any existing dwellings, and plot sizes would not be unduly cramped. The external finishes in brickwork with pitched tiled roofs are of a traditional form of design and are acceptable in the context of the area.

The open area shown alongside Kirklees Brook is mostly narrow and considerably narrower than on the approved scheme. The aspect concerning the treatment to the brook is discussed further in the Trees/Landscaping and Ecology sections below.

Highways Team has identified several inconsistencies between the various submitted drawings showing site layout, landscaping and highways details that are of consequence to the consideration of the highways aspect. These inconsistencies and also instances where information is inadequate or insufficient include, for example, differences between highway edge treatment that affect highway visibility, obstruction of the footway by outward opening sub station doors being shown and lack of information to define which properties, if any, would occur beyond the 250m cul-de-sac length limit from the emergency access (see GM Fire & Rescue comments in the consultations sections). The concerns of the Highways Team are considered to be sufficient to justify the refusal of the application. Concern is also being expressed that the highways details, as shown, may not be adoptable.

Trees/Landscaping - Like the approved application, this application is supported by an arboricultural assessment. Nevertheless, in terms of the submitted plans, there is some lack of clarity about the retention of existing tree cover. A site visit has revealed that areas of existing trees have been omitted. Regarding the extensive wooded slope on the southwesterly side of the site this has not been included within the application, although the area is within the ownership of the applicant. Information has been sought concerning the

omitted trees and clarification about landscaping proposals for the wooded bank intended to be transferred to a Green Belt Company. This has not been received.

River Valley - The proposals involve, at the far north-easterly section of the site next to the Kirklees Brook, an incursion of some proposed properties and their gardens as well as a section of access cul-de-sac into land designated as River Valley. However, the principle of the proposal has already been established for a similar site layout in this location (ref.42722). It should also be noted that the former mill included a built road within this location. UDP Policy OL5/2 does not support further urban encroachment but, instead, it promotes the protection and opening up of the river valley. However, this proposal is believed to cause no greater harm to the river valley designation than was the case with the former paper mill and is considered to be acceptable in terms of this aspect.

Ecology - Within the site the extensive wooded slope on the Tottington Road side is a feature of ecological importance. Similarly, the Kirklees Brook forms part of a defined Wildlife Corridor as well as also being a feature of ecological importance. These elements are given protection for their ecological/wildlife value through policies EN6/3 and EN6/4 and the application is accompanied by an ecological assessment. The Environment Agency, however, has included ecological concerns in its objection, including the insufficient width of open corridor alongside the brook, the lack of detail regarding the treatment to the boundary along the brook corridor and the treatment to the brook itself involving the retention of the existing concrete channel. The agency is also critical of the submitted ecological assessment in terms the assessment of impacts and the recommendations section. GM Ecology Unit has been consulted about the application and the consideration of its comments are important towards making a full appraisal of the impact of the development on ecology. However, they are still being awaited and any response will be reported in the supplementary report.

Recreational Provision - The adjacent extensive areas of open land along the Kirklees Brook are designated under Policy RT3/2 as Additional Provision for Recreation in the Countryside. Proposal RT3/2/4 states that features within this area such as the network of watercourses and lodges provide an area with considerable potential for informal recreation. Furthermore, the disused Holcombe Brook railway line running through this area is a designated Recreational Route (RT3/4/1) and a Cycle Route (HT6/3/1). The redevelopment of Olives Paper Mill has provided an opportunity for a contribution to be made by the developers towards improving this nearby recreational resource. Under Policy RT2/2 a residential development of the scale being proposed would be expected to make provision for the recreational needs of the prospective residents. The recreational obligations within the s.106 Agreement associated with the current planning permission were made in response to this requirement. Concerning the current application any consent should ensure that the new developer would be subject to the same obligations with the amounts amended to conform with current rates. In regard to the transfer of valley land to the Council this obligation has already been triggered by the existing s106 Agreement and, therefore, it is considered that it need not be repeated in the new Agreement. Therefore, in terms of recreational provision, the s106 Agreement ought to include the following obligations:

- A one-off payment of £140,000 to cover 20 years of maintenance/gradual improvement of the land to be transferred to the Council.
- A contribution of £83901.54 towards the implementation of the Kirklees Trail. This amount is based on the formula for calculating the one-off payments required under Policy RT2/2 concerning recreational provision for new housing developments. It is derived from the figure at 2008 rates for the application proposal (76 dwellings) combined with a figure for the part of the previously approved development now being carried out (14 dwellings) based on the rates applicable in 2005 when that permission was granted.

As indicated in the description section of the report, the s106 Agreement for the approved development includes a provision requiring the transfer for a nominal amount of an area of land in the Kirklees Valley to the Council. Due a start having been made on the approved scheme the obligation to transfer the land has already been triggered making it unnecessary to include this requirement within a s106 Agreement in association with the current application.

Affordable Housing - The developer is obliged under Policy H4/1 to provide within the development an element of affordable housing in accordance with the policy and the associated supplementary planning guidance. The s.106 Agreement made in association with the current permission secures that obligation in terms of specified plots. Regarding the current application a similar obligation is required and 18 of the 76 plots have been identified as to be occupied on the basis of affordable housing provision.

Public Artwork - The development is of a scale whereby it is a requirement that an element of public artwork would need to be provided in accordance with Policy EN1/6 and the associated supplementary guidance. In this regard the previous applicant was obliged through the s106 Agreement to provide public art funding of £35,000. Regarding the current application the required contribution should be £40,000, also needing to be covered by a s106 Agreement.

Flood Risk - The application is accompanied by a Flood Risk Assessment. However, the Environment Agency has raised an objection. The agency has referred to its objection to the previous application ref.47350 when it identified insufficiencies in the FRA submitted then and has pointed out that the FRA with the current application has not, in fact, been revised to cover those issues. The Agency also points out in its comments that recently river modelling of the Kirklees Brook has taken place and needs to be considered for the FRA.

As the applicant has failed to demonstrate that the development would not be at an undue risk from flooding, the proposal would conflict with PPS25 - Development and Flood Risk and with Policy EN5/1 - New Development and Flood Risk. Accordingly, planning permission ought to be refused.

Lack of Information - A letter was forwarded to the applicant's agent on 14th May 208 raising a number of queries. These included instances where more information was required to ensure the proper appraisal of the proposal. The letter also referred to the objection from the Environment Agency that had been copied to the agent previously on 12th May. Telephone messages were subsequently left for the agent in response to their message regarding a possible meeting on 28th and 30th May expressing a willingness to meet and asking for a return call. The agent's message indicated that they were collecting information from their consultants in order to respond.

At the time of writing queries are still outstanding and are preventing the full consideration of the details. These include cross sections at the Olives Bank end of the development, existing trees not shown on the survey plans, lack of clarity about part westerly most cul-de-sac, queries about the landscaping details, finished floor level details, site definition on some drawings, lack of detailed information about the proposed retaining walls. To these there can also be added inconsistencies since identified between the architectural plans and the highways drawings as well as an insufficiency of plan details for the landscape treatment to the open areas next to the Kirklees Brook. Given the lack of information on key components of the development the application ought to be refused for the reason of there being a lack of adequate and sufficient information for it to be properly assessed.

Recommendation: Refuse

Conditions/ Reasons

1. The site is affected by Flood Risk Zones 2 and 3 and the application contains insufficient information to demonstrate that the development would not be at an undue risk from flooding. The proposals would, therefore, conflict with the advice in PPS25 Development and Flood Risk and with Policy EN5/1 - New Development and Flood Risk.
2. The application and submitted plans contain insufficient, inconsistent and

inadequate information to enable them to be properly assessed in regard to the following matters:

- Existing trees at the south-easterly end of the site and in the vicinity of plots 42 to 44 not shown.
- Landscape proposals to the wooded bank to the rear of plots 15 to 41 not specified.
- The relationship in terms of levels between plots 40 and 41 and 22 Olives Bank and between plots 42 to 48 and the adjacent reservoirs not specified.
- The detailing of the highways/parking/private area between plots 47 and 48 and plot 49 lacks clarity.
- Details of the retaining walls not specified.
- Landscaping details for the open area alongside Kirklees Brook not specified.
- Inconsistency of details between the architectural and the highway consultant's plans.

The proposal is therefore contrary to Policy H2/3 - the Layout of New Residential Development of the Bury Unitary Development Plan.

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

Ward: Bury West - Church

Item 02

Applicant: & Latimer Lee Solicitors

Location: LAND BETWEEN 78 MILE LANE & MILE LANE HEALTH CENTRE, MILE LANE, BURY BL8 2JR

Proposal: OUTLINE APPLICATION FOR SHELTERED ACCOMMODATION FOR THE ELDERLY COMPRISING OF 14 UNITS INCLUDING WARDEN'S FLAT

Application Ref: 49805/Outline Planning
Permission

Target Date: 08/07/2008

Recommendation: Minded to Approve

This application is Minded to Approve subject to the completion of the s106 agreement relating to the occupancy of the development for persons aged 55 years or over as special needs housing. The Agreement should be signed and completed by 8th July 2008. However, should the agreement not be signed by this date, the delegated authority should be given to the Assistant Director (Planning, Engineering and Transportation) to refuse the application.

Description

The application site lies to the north of Mile Lane, Bury between the Co-op and Mile Lane Health Centre to the west. The site is currently a grassed area with some landscaped tree planting to the flank wall of the Co-op, which is a single storey building. To the north of the site stands chalet style dwellings and also to the south of the site across Mile Lane. The site itself is largely flat with grass cover with mature hedging around the site.

The Co-op is situated at the end of a two storey parade of shops which form a neighbourhood shopping centre, whilst Mile Lane Health Centre is a single storey development set back from Watling Street and Mile Lane by a grassed frontage.

The proposed development is for outline planning permission for a sheltered housing development for the elderly comprising 14 units and a wardens accommodation. The application is accompanied with a s106 agreement aiming to secure the long term use of the development for the purpose described, indicative internal layout plans and a site plan. The matters applied for include the means of access and the scale of the development.

The layout of the scheme shows that the main bulk of the building would be located next to the boundary of the site shared with the health centre and a 'fly over' element with an access road to the rear parking area next to the Co-op building. The main building itself is indicated to have three floors within it with the upper floor contained within the roof space. A single disabled car parking space would be located to the front of the site, off Mile Lane and a 5 space car park to the rear. Beyond that is an amenity space for the development.

Access to the car parking would be taken off the existing access arrangement, with plans currently showing a slight re-alignment of this access, across land within the applicant's control to Mile Lane.

Relevant Planning History

45668 - Sheltered housing development (Class C3) with associated car parking, landscaping and ancillary facilities - Refused 16/3/06 for the following reasons -

- failure to demonstrate that the scheme would be a sheltered housing scheme;
- insufficient information concerning access;
- substandard access arrangements

- Inadequate car parking and servicing provision;
- Insufficient information concerning the height of the development.

Publicity

The application has been publicised through letters being sent on 9/4/08 to the following addresses:

61 - 69, 68, 70,78 - 84 Watling Street
 57 - 65, 60 - 80 Mile Lane
 1 - 11, 2 - 8 Winmarleigh Close
 1 - 4 Garstang Drive
 23 - 33 26 - 34 Bispham Close

Press notice in the Bury Times was placed on 17/4/08 and site notice erected on 18/4/08 As a result of this publicity, 26 letters have been received from:

Councillor R Walker
 3, 4, 5, 7 Winmarleigh Close,
 1, 2, 3, 4, 14, 16, 15, 17 Garstang Drive,
 55, 57 Mile Lane
 23, 26, 30, 32, 33, 34 Bispham Close
 22, 27, 48 Freckleton Drive
 Greenhill Primary School
 63 Watling Street

- Additional traffic from this development would compound existing parking problems and the development itself would be restricted by parking problems of the area.
- The proposed scheme would restrict existing parking provision;
- Car parking would be displaced onto surrounding streets, thus spreading carbon emissions to residents.
- The development would not fit in with the surrounding development ie flats instead of houses or bungalows.
- There is insufficient land to accommodate the development.
- The construction phase would attract gangs of youths.
- The traffic levels are too dangerous for elderly residents to reside there.
- The development would be in view of the objector's property and it would have a serious impact upon property values.
- The development would block out sunlight and the plans indicate a three storey building which is totally inappropriate when related to the attached single storey shop.
- There are no three storey buildings within reasonable radius of the site.
- Vehicles reversing from the disabled parking spot could run into pedestrians.
- The disabled parking space would be subject to unauthorised use by non residents of the scheme.
- Pedestrian access would not be improved in the vicinity of the site.
- Informal use of the site has meant that there is a public right of way by "dedication and acceptance".
- What would be the impact upon the clinic and the prospects of the development changing to some other use in the future?
- Objects to the loss of trees.

Consultations

Traffic - Any response shall be reported.

Environmental Health - No objections subject to conditions concerning contaminated land/ground gas issues are attached to any grant of planning permission.

BADDAC - Given that the application is in outline it is not possible to provide detailed comments at this stage. The applicant should therefore make a commitment to designing

the development to at least Lifetime Homes Standards

As part of the outline application for means of access details of a level approach to the building from Mile Lane and from the proposed parking spaces should be provided.

Waste Management - No issues to raise at this time.

Unitary Development Plan and Policies

H4/2	Special Needs Housing
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

Issues and Analysis

Principle - The application is seeking planning permission for the provision of a sheltered housing as a special needs development and a legal agreement accompanies the application to this effect, restricting occupants of the property to residents of 55 years and over. The UDP describes the provision of sheltered housing for the elderly as special needs housing. As such the proposed development would accord with the terms of the UDP in its nature.

UDP Policy H4/2 - Special Needs Housing states that the consideration of developments for this type of use should have regard to the following factors:

- located close to local shops, public transport and community facilities;
- the location of health care facilities;
- the gradient of the site and general area;
- necessary car parking and amenity space;
- a high standard of design for a quality environment.

Development Control Policy Guidance Note 7 - Managing the Supply of Housing Land in Bury seeks to control the release of housing land in the Borough such that the existing oversupply of housing is not exacerbated. The document provides for a number of exclusions and exceptions where new housing may be considered to be acceptable including affordable housing scheme/special needs housing. The guidance note goes on to confirm that there is an identified need for certain specialised housing and includes provision for the elderly.

The development proposal is within an allocated neighbourhood shopping centre, under UDP Policy S1/5 - Neighbourhood Shopping Centres, where the development would have good access to existing services including health provision. The site and surrounding area is largely level and the scheme incorporates car parking provision and amenity space. The scheme as submitted is in outline currently therefore internal arrangements and external appearance are not under consideration at this time.

The previous planning scheme was refused on the basis of conflict with the DCPG Note7 as it had failed to demonstrate compliance with any of the exceptions to the policy. The development for housing ordinarily would not be supported outside regeneration areas however as the scheme is submitted with an accompanying legal planning agreement, which can be enforceable and is reasonable in planning law terms to ensure compliance over the limited occupancy of the development the principal of the scheme is considered to be acceptable.

Siting and Height - The scheme would infill a vacant plot within the centre, in between an existing health centre and a shop. The site is grassed currently and as its curtilage is part of

the health centre, the site is not considered to be greenfield. The development would be sited to continue along the line of the frontage of the shops and medical centre. A finished floor level has been submitted indicating that the development would sit within 0.15m of the buildings on either side. The scheme has been submitted with a design and access statement, which read in conjunction with the plans and finished floor levels, level access would be provided.

The lack of information was a reason for refusal of the previous scheme and whilst this is an outline proposal, the height of the development has been indicated within the submitted documentation and plans. The height of the development is indicated to be 5m to the eaves 7.6m to the ridge of the fly over, and 10m to the ridge of the main building. Whilst the area does have differing scales and heights of building, the indicated heights are akin to that of a two storey dwelling. The height of the building would not be out of character with the area. Given this situation, the development is considered to accord with UDP Policy EN1/2 - Townscape and Built Design and has appropriately addressed the concerns raised previously on the height of the development.

Car Parking and Access - The development needs to have regard to UDP Policy HT2/4 - Car Parking within New Development and DCPGN11 - Parking Standards (DCPGN11). The scheme has been submitted with a provision of 6 spaces for 14 units including a wardens flat, therefore 15 in total. In consideration of parking provision, the Council uses the DCPGN11, which was adopted in March 2007. Within this document, the development is considered that a provision of 1 space per 3 units should be provided. On this basis, 5 spaces as a *maximum* is required for the scheme as generally, this type of use generates low car usage. The policy also requires that 10% of the parking provision should be allocated for disabled usage. The scheme in reality therefore over subscribes parking provision for the development. The agent for the scheme has confirmed that the development would meet the policy guidance note and that any additional car parking provision would exceed the policy provision. In addition to this, the agent also confirms that the occupants are not likely to be heavily car reliant, although this could not be guaranteed.

The surrounding residents have made significant concerns over parking and traffic considerations in the vicinity of the shops and other community uses such as the school and health centre. It is important to note that development proposals should have regard to adopted policy and in this respect the development would only marginally exceed maximum provision. The car parking for the development would mainly be in the rear of the development and would not detract from the appearance of the development in relation to the rest of the centre. Additionally, the extra provision should be welcomed by the surrounding residents to ensure that the development would not worsen existing car parking demands.

The Traffic Section have been consulted on the proposals and have raised no objection to the levels of car parking provision incorporated within the scheme.

In terms of the access to the development, the scheme is seeking to utilise the existing access from Mile Lane and this arrangement has been subject to consultation with the Traffic Section. The design of the access would mean that access and egress from the development would involve a slight turn, which in its design would ensure slower traffic movement speeds where as a more direct route may encourage faster speeds. The access arrangement has been subject to discussions with the Council's Traffic Engineers and whilst at the time of writing this report a written response has not been received, it is understood verbally that there would be no objections to the access arrangements.

Aspects - The development would have accommodation over three floors - the third within the roof space. Whilst the internal arrangements would be subject to detailed consideration over the appearance of the development, the scheme would ensure that some 31m separation would be achieved from properties to the north and south of the development. The health centre to the west does have windows in the side elevation of the development, however the health centre is a non domestic building and there is no specific guidance to

apply to separation to such development. That said, again as part of the consideration of the appearance of the development and also through conditional controls, constraints could be imposed on any grant of planning permission to prevent any fenestration being inserted in the westerly elevation of the development.

Response to objections - Many comments have been made in terms of traffic, pedestrian safety and vehicular safety and these have been discussed above. In terms of the other issues raised:-

- *Flats* - the use of the site for flats as opposed to houses is not a significant planning consideration in this instance. The main planning consideration is one of land use. The development proposes a residential scheme and the appropriate policies to assess the development of this kind, specifically directs this type of use to this type of area. As such, it is considered that the development proposal in principle is acceptable.
- *Insufficient size of site* - The plans indicate an appropriately sized building with parking and amenity space. The scheme represents a high density of development of 126 dwellings per hectare. The provision for housing is stated within PPS3 - Housing as a *minimum* of 30 dwellings per hectare although higher densities can be appropriate providing a suitable quality of environment is provided. Furthermore, it also states that surrounding development should not dictate the density of a new scheme provided that the development integrates appropriately to its surroundings. The scheme would be appropriately laid out with approximately one third of the site given to amenity space and not to parking or other inhabited development where interfaces would be compromised. The scheme is a special needs housing facility that would be reliant upon the relationships to services and facilities which the coice and location of this development would benefit from. The scale of the development would not be out of keeping with surrounding buildings within the area and overall it is considered that the site would be sufficient to accomodate the development proposed.
- *Informal Use of site thus creating a footpath* - One letter has been written stating that a foot way has been formed through "passage and acceptance". This is considered to be a non definitive right of way and not an issue to restrict the granting of planning permission as other procedures under the Highways Act would control the closure of such a path.
- *Loss of Trees* - The trees are within the development footprint of the building and are not subject to any preservation order. The trees within the site currently screen the side of the Co-op shop and the back of the car park to the health centre. Essentially, the trees are not readily prominent to the main street scene and are set well back into the site and given their size and position, the trees are not considered to have significant amenity value to the street scene.

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 proposals have addressed the five reasons for refusal issued under the previous scheme (45668) and together with the accompanying legal agreement, the development would comply with the Council's adopted policies and there are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

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, appearance and the landscaping of the site.

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

3. This decision relates to the drawings received on 8 April 2008 (Massing proposals and elevations) and 2 June 2008 (proposed site plan and existing site plan) 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.

4. Prior to the development hereby approved commencing:

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

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

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

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

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

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

Reason. To secure the satisfactory development of the site in terms of human

health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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

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

8. No development shall commence unless and until a Preliminary Risk Assessment report to assess the actual/potential ground gas / landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.
- Where actual/potential ground gas/landfill gas risks have been identified, a detailed site investigation(s), ground gas monitoring and suitable risk assessment(s) shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation / protection measures are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

9. Following the provisions of Condition 8 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

10. 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.

11. The development as part of the reserved matters for the appearance of the development shall not incorporate any habitable room windows in the westerly or

easterly elevations of the development.

Reason - To ensure that there would be no potential overlooking created as a result of the development and pursuant to UDP Policy EN1/2 - Townscape and Built Design.

12. The landscaping scheme to be submitted as a "reserved matters" shall include a survey of all existing trees on the site, indicating species, height, branch spread and condition and trees which it is proposed to remove and which to retain.
Reason. To secure the satisfactory development of the site and to avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
13. The boundary treatments for the development shall be submitted to the Local Planning Authority as part of the reserved matters for the landscaping of the site. The development shall incorporate all the approved measures as part of the implementation of the development and the approved measures shall be maintained in the approved position prior to occupation of the development.
Reason - To ensure good standards of design, appropriate appearance within the street scene and pursuant to UDP Policy EN1/2 - Townscape and Built Design.
14. The development hereby approved shall be restricted in occupation to those of aged 55 years or over.
Reason - Pursuant to the Council's Development Control Policy Guidance Note 7 - Managing the Supply of Housing Land in Bury.

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

Ward: Prestwich - Sedgley

Item 03

Applicant: Fortune Palace

Location: 211 MIDDLETON ROAD, MANCHESTER, M8 4LR

Proposal: SINGLE STOREY STORE EXTENSION AT REAR (RETROSPECTIVE)

Application Ref: 49947/Full

Target Date: 01/07/2008

Recommendation: Approve with Conditions

Description

The application which is retrospective seeks permission to retain the single storey extension within the yard to the rear of the hot food take-away. The outlet is one of a small group of commercial premises which includes a second hand motor dealer at No.215, directly to the north across the shared driveway. To the rear of the premises are the grounds of the United Synagogue and across Middleton Road are residential properties.

The extension which is used as a store is constructed of concrete panels with plastic sheeting on the mono-pitched roof. There is a pedestrian entrance facing the shared driveway between the premises and Prestige Motors at No.215. The footprint of the store measures approx 4.5m by 2.5m and has a max height of 2.4m. It is proposed to finish the walls of the extension in a cream render to match the neighbouring property.

Relevant Planning History

08/0073 - Enforcement complaint received 5th March 2008.

Publicity

Immediate neighbours notified at 190 - 196(evens) and 205 - 215(odds) Middleton Road, 88 Meade Hill Road and 7 Northhurst Drive. One objection from Prestige Motors (215 Middleton Road). Concerns are summarised below:

- concern about the door opening onto the rear of his premises
- the structure is not of a suitable standard in terms of safety and hygiene.

Consultations

Traffic - No objection.

Drainage - No objection.

Environmental Health - No comment to date.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

S2/6 Food and Drink

Issues and Analysis

Principle - The principle of an extension to the rear of a commercial premises is acceptable subject size, appearance and positioning in relation to the highway and immediate neighbours.

Visual amenity - The extension is to the rear of the premises and not readily seen from the public highway (Middleton Road). Whilst it is modest in scale and tucked in behind the existing premises it currently appears rather makeshift with a mix of concrete panels, timber and plastic in its finishing materials. This is not ideal but would certainly be improved by an appropriate rendered finish which is proposed.

Residential amenity - The extension is not directly looked upon by residential properties and as such does not have a material impact on the immediate neighbours given its use as a store, its size and location.

Objection - The concerns of the owner of Prestige Motors at No.215 Middleton Road with regard to the external door to the extension opening over his premises are not considered to constitute a material planning objection particularly as the driveway to the side is partly shared by the applicant.

The concern about the build standard and safety/hygiene is an issue that would be addressed by Building Regulations and Environmental Health respectively rather than Development Control.

Notwithstanding comments received from Environmental Health, the extension with an appropriate rendered finish would comply with UDP policies listed above.

Summary of reasons for Recommendation

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

The extension is modest in scale and not readily viewed from the public realm. No significant impact on visual or residential amenity.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered 20803/01, 02 and 03 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
2. The proposed rendered finish to the elevations indicated on the approved plan shall be completed to the written satisfaction of the Local Planning Authority within a month of the date of this decision .
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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

Ward: Prestwich - Sedgley

Item 04

Applicant: Dasim Development Ltd

Location: MOUNTHEATH BUSINESS PARK, OFF GEORGE STREET, PRESTWICH, M25 9WB

Proposal: OUTLINE APPLICATION FOR THREE FOUR STOREY OFFICE BUILDINGS INCLUDING ACCESS AND SITING

Application Ref: 49646/Outline Planning
Permission

Target Date: 18/07/2008

Recommendation: Refuse

Description

The application site is located within the Mountheath industrial park and there are further industrial buildings located to the south of the application site. Directly to the rear of the application site is an overflow car park, which is used by the hotel located to the west of the site. The overflow car park is approximately 3 metres higher than the application site. Beyond the car park and located on the northerly side of George Street are residential properties, which are at a higher level to the road and to the east of the application site is the Sedgley Trading Estate and further commercial uses. The main access to the application site is from George Street and the existing buildings are predominantly brick, with some steel cladding present.

The junction at George Street and Bury New Road has been identified as a site with a high number of traffic collisions and a draft scheme to improve the junction has been drawn up, which would involve signalling the junction to assist in reducing the number of collisions and increasing junction capacity. Currently, the capacity of the George Street/Bury New Road junction has limited what, if any development could take place at the Mountheath Industrial Estate and the Sedgley Trading Estate, without undertaking highway improvement works.

The applicant seeks outline consent for the layout and access to three, four storey office buildings on the application site (red edge), which consists of Units 10 – 28 (Village Workshops). The proposal would provide 7128 sq metres of B1 office floorspace and would provide 42 car parking spaces.

The applicant has stated their intention to demolish of all the buildings on the Mountheath Industrial Estate, with the exception of unit 5, which is not in the ownership of the applicant. The application has been submitted on the basis that if all the buildings on the Mountheath Industrial Estate, except unit 5, were demolished, the provision of 7128 sq metres of office space and the retention of 3808 sq metres of warehousing (B8) floorspace in unit 5 would not exceed the number of existing potential vehicle movements through the junction, if all the existing units were fully operational.

Relevant Planning History

36872 – New fire escape door, entrance canopy and windows at Unit 5, Mountheath Industrial Park, George Street, Prestwich. Approved with conditions – 10 October 2000

38297 – External spiral fire escape at Unit 6, Mountheath Industrial Park, Prestwich. Approved with conditions- 23 October 2001

46493 – Erection of industrial unit classes B2 (general industry) or B8 (storage and distribution) including ancillary offices and accommodation at Unit 5, Mountheath Industrial

Estate, Off George Street, Prestwich, M25 9WB. Approved with conditions – 2 October 2006

47502 – Change of use from general industry (Class B2) to storage units (Class B8) including external alterations at the Village Workshop, Mountheath Industrial Estate, George Street, Prestwich. Withdrawn – 5 April 2007

48060 – Change of use from general industry (Class B2) to storage units (Class B8) including external alterations (resubmission) at the Village Workshop, Mountheath Industrial Estate, George Street, Prestwich. Approved with conditions – 21 June 2007

Publicity

The neighbouring properties were notified by means of a letter on 22 April and a press notice was posted on 1 May. Site notices were posted on 29 April 2008. One letter has been received from the occupiers of No. 6 George Street, which has raised the following issues:

- Concerns relating to traffic and parking both during and after construction
- Visitors to the industrial estate frequently park on George Street, despite there being parking available on the estate.
- The proposals will increase the likelihood of accidents at the junction of George Street and the rest of the estate

Consultations

Highways Team – Object to the proposal on grounds that insufficient parking has been provided, which would lead to vehicles parking and carrying out manoeuvres on the surrounding roads, to the detriment of the free flow of traffic and highway safety.

Drainage Section – No objections

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

We also recommend that the Environment Agency is extended a full consultation for the application as they may have issues with the proposals effecting controlled waters and waste management regulations.

Environmental Health – Pollution Control – No objections, subject to the inclusion of notes/conditions relating to piling

Environmental Health – Commercial Unit –

Landscape Practice – No objections, subject to the inclusion of conditions relating to tree protection measures

Policy -

GM Police Architectural Liaison Unit – No objections, subject to a condition relating to secured by design

Environment Agency – Consultation sent 14 May following comments from the contaminated land team (Environmental Health).

BADDAC – It is not possible to assess the internal layout at this stage, although statement indicates that there would be level access to all units. No further comment required at this stage

Unitary Development Plan and Policies

EC1/1	Land for Business (B1) (B2) (B8)
EC2/1	Employment Generating Areas
EC3/1	Measures to Improve Industrial Areas
EC5/2	Other Centres and Preferred Office Locations
H3/2	Existing Incompatible Uses
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN7	Pollution Control
EN7/2	Noise Pollution
EN8	Woodland and Trees
EN8/1	Tree Preservation Orders
RT1/1	Protection of Recreation Provision in the Urban Area

HT2/4 Car Parking and New Development
HT4 New Development
HT5/1 Access For Those with Special Needs
PPS23 PPS23 Planning and Pollution Control
SPD4 DC Policy Guidance Note 4: Percent for Art
SPD11 Parking Standards in Bury

Issues and Analysis

Principle - The application site is located within an identified Employment Generating Area and the adjoining land, which would be affected by the proposed unilateral undertaking is, in part, allocated as employment land (EC1/1/25)

Policy EC1/1 states that land is allocated as being suitable for business (B1), general industry (B2) and warehousing uses (B8). Development for other business and industrial uses will only be permitted in exceptional circumstances.

Policy EC2/1 states that the Council will only allow development for business, general industry and warehousing. Other uses will only be permitted where they constitute limited development and do not detract from the area's value as an employment generating area.

The proposed development would involve the provision of (B1) office units which would be acceptable in principle. Therefore, it is considered that the proposed development would be in accordance with Policies EC1/1 and EC2/1 of the adopted Unitary Development Plan.

Siting, design and layout - The proposed development would be four storeys in height, but would not exceed 13.5 metres to the eaves of the proposed buildings. As the application is in outline, further detail of the design of the proposed buildings would be submitted at the reserved matters stage. The application site is at a lower level (approximately 3 metres) than the overflow car park and George Street to the north of the site and as a result, the majority of the ground floor would not be visible to George Street. The residential properties are set at a slightly higher level than George Street and are located some 55 metres from the proposed buildings. As a result, it is considered that the height of the proposed buildings would not make them unduly prominent in the locality. It is considered that the proposed development would not have an adverse impact upon the amenity of the neighbouring residents, due to the distances involved and the screening effect of the mature trees.

Contribution - A contribution would be required for percent for art and this would have been secured through a condition at this stage.

Trees - There is a line of mature trees along the northern boundary of the site and a single tree located adjacent to the pathway from the overflow car park is protected by a Tree Preservation Order. The agent has submitted a letter, which states that the protected tree would be unaffected by the proposals and that protective fencing would be erected to protect the tree during construction. The Landscape Practice has no objections to the proposal, subject to the inclusion of conditions, relating to tree protection measures. Therefore, it is considered that the proposed development would not have an adverse impact upon the protected tree and the other trees in the vicinity and would accord with Policy EN8/1 of the adopted Unitary Development Plan.

Bats - A bat and barn owl survey has been submitted as part of the application. The survey states that no evidence suggesting bat use was found during the survey and it appears that there are no issues relating to the removal of the buildings at the present time. However, the survey goes on to state that it was not possible to inspect every crevice or hidden section of each building and it may be possible that bats may take residence at some point in the future. As a result, a note will be attached advising that works should cease immediately if bats are found during the demolition or construction process. Therefore, it is considered that the proposed development would not cause harm to a protected species and is in

accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Pollution - Following an initial objection form the contaminated land team of Environmental Health, additional information has been submitted relating to contaminated land. As a result, the contaminated land team has no objections to the proposal, subject to the inclusion of conditions.

The current buildings on the site are used for general industry (B2) and warehousing and storage (B8) uses and the proposed buildings would be used as offices (B1). As a result, there would be a reduction in the noise emanating from the site, which would be of benefit to the amenity of the neighbouring residents on George Street. The pollution control team from Environmental Health has no objections to the proposal, subject to the inclusion of notes relating to the piling of the site. Therefore, it is considered that the proposed development would be in accordance with Policies EN7 and EN7/2 of the adopted Unitary Development Plan and government guidance in the form of PPS23

Highways issues - The proposed development would provide 42 car parking spaces within the application site (red edge), which would serve the proposed office buildings. SPD11 (Parking standards) states that for offices on a business park, the maximum standard is 1 space per 40 square metres of floorspace. As a result, the maximum standards indicate that there should be a total of 178 spaces for the proposed office buildings. It is considered that a shortfall of 136 spaces may lead to vehicles parking on George Street, to the detriment of highway safety and the amenity of the neighbouring residents. The highways team has objected to the proposal, on the basis that the lack of parking facilities on the site, would lead to vehicles parking on the already congested surrounding roads. Whilst the majority of the Mountheath Industrial Estate is in the ownership of the applicant, it is considered that all servicing and parking provision should be located within the application site (red edge site). It is not possible to accommodate an additional 136 spaces within the application site boundary, which would lead to vehicles parking on George Street, which would be detrimental to highway and pedestrian safety. Therefore, it is considered that the proposed development would be contrary to Policy HT2/4 and HT4 of the adopted Unitary Development Plan and SPD11.

The agent has submitted a report on vehicular movements through the George Street/Bury New Road junction, which states that the number of vehicle movements from the proposed development would not exceed the number of potential existing vehicle movements from the Mountheath Industrial Estate. Therefore, if the remainder of the industrial estate was left as a cleared site (with the exception of unit 5, which is not in the applicant's ownership), the highway improvements to the junction would not be required. In order to avoid making any contribution towards the improvement of the George Street/Bury New Road junction, the applicant has submitted a draft unilateral undertaking, which would restrict any development on the estate as a whole to the three proposed buildings and stipulates that:-

- The development shall not commence until the other buildings on the site have been demolished with the exception of unit 5 (retained unit).
- Only units 1, 2, or 3 shall be constructed on the estate until improvement works have been carried out to the junction of Bury New Road and George Street.

Members will need to consider whether they accept that the proposal to construct 7128 sq metres of office floor space would have an adverse impact on the road junction and whether this impact would be mitigated by the proposed restrictions. The proposed development would involve a considerable amount of office floorspace with the potential for 375 employees (based on a ratio of 19 sq. metres per employee) and notwithstanding the submitted traffic assessment this amount and type of traffic generation could be significantly different to that currently experienced.

Members should also consider whether it is appropriate to accept such an undertaking on an allocated employment site. This may be seen as not being in the best interests of ensuring the economic use of an important site and its development for employment purposes. Furthermore it would allow for a potentially lucrative development to take place at

the expense of the other land and without addressing the issue of the junction improvement. The alternative would be for the applicant to consider a masterplan which would provide for a phased redevelopment for the estate as a whole including the full consideration of the amount and timing of contributions for the junction improvement.

In conclusion it is recommended that permission be refused for 2 reasons, the first relating to the lack of car parking and the second relating to the lack of a comprehensive approach to development of the estate as a whole.

Recommendation: Refuse

Conditions/ Reasons

1. The proposed servicing and car parking provision within the application site is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EC3/1 - Measures to improve industrial areas
Policy HT2/4 - Car parking and new development
Policy HT4 - New development

2. The application and submitted plans fail to adequately consider the comprehensive development of the Mountheath Industrial Estate and the cumulative impact of the proposed development with the remainder of the Mountheath Industrial Estate upon the George Street/Bury New Road junction. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EC1/1 - Land for business (B1), general industry (B2) and warehousing (B8) uses
Policy EC2/1 - Employment generating areas
Policy EC3/1 - Measures to improve industrial areas
Policy HT2/4 - Car parking and new development

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

Ward: Prestwich - St Mary's

Item 05

Applicant: Mr Massoud Shafai

Location: RAINSOUGH BREW, 49 RAINSOUGH BROW, PRESTWICH, M25 9XW

Proposal: DEMOLITION OF PUBLIC HOUSE & ERECTION OF BLOCK OF 14 APARTMENTS

Application Ref: 49570/Full

Target Date: 25/06/2008

Recommendation: Minded to Approve

Minded to approve subject the making of a s106 Agreement concerning recreational provision. If the Agreement has not been signed by 25th June 2008 it is requested that the Assistant Director (Planning, Engineering and Transportation Services) be delegated to refuse the application.

Description

The site comprises the vacant public house and associated car park currently known as the Rainsough Brew (formally the Staff of Life) on Rainsough Brow, Prestwich. The site is around 0.11 ha. in extent, has residential development to the south, a public house (The Plough) to the west, land forming park of Prestwich Forest Park to the north and on the other side of Rainsough Brow and a plot of vacant land to the east. The land slopes sharply down from east to west and the residential development to the south is on higher ground with the The Plough at a lower level.

Outline planning permission was granted in 2008 for residential development and is still valid. However, the current application is for full planning permission.

The proposal is a development of 14 apartments together with associated landscaping and access. The application shows a single block of apartments, with a central vehicular and pedestrian access from Rainsough Brow through the building. All of the block would be three storeys . The block has been designed so that it takes account of the steep slope on the frontage by the roof line being stepped down in sections to account for the change in levels. The development fronts onto Rainsough Brow with undercroft and surface parking and amenity areas to the rear. There would be a secure rear boundary and walled front gardens with doorway entrances to the building opening onto the frontage.

The submitted details include a cross section from Rainsough Brow to the Halliwell Walk Houses.

The application follows the refusal in 2006 of an application for the approval of reserved matters for 16 apartments for the reason that the development would be seriously detrimental to the amenities of the Plough Inn by reason of the design, bulk and appearance of the section of the proposed building nearest to this premises (ref. 46487).

Relevant Planning History

44283 - Outline residential development (18 apartments). Withdrawn on 10th May 2005.

44468 - Outline office development. Approved on 29th June 2005.

44616 - Outline residential development (resubmission). Approved on 31st August 2005.

45667 - Reserved matters - erection of a block of 18no. apartments. Withdrawn on 7th March 2006.

46487 - Reserved matters - block of 16no. apartments. Refused on 28th September 2006 for the reason that the development would be seriously detrimental to the amenities of the Plough Inn by reason of the design, bulk and appearance of the section of the proposed

building nearest to these premises.

Publicity

28 properties were notified on 2nd April 2008. These include 13 - 17 and 14 - 18 South Row, 1 - 7 and 6 -8 Halliwell Walk, 5, 15 and Crabtree Cottage, The Plough Inn and The Post Office, Rainsough Brow, 2 Roman Road, 1, 3 and Sycamore Cottage, Chapel Road and 1 Lynmouth Grove. A site notice was posted from 11th April 2008 and a press notice was published. There have been four responses as follows -

One objection has been received. The occupier of 9 Halliwell Walk has expressed the following concerns:

- He does not agree with the pedestrian route that would be to the rear of his property and which, he states, would be on his land used for the parking of vehicles associated with his house.
- Because of the walkway cars associated with the Plough Inn would be parked on the area to the rear of his house, a problem that already occurs.
- The area to the rear of his house should be gated at the entrance from Halliwell Walk with only Halliwell residents having a key. Other people are not entitled to use this area as a short cut to Rainsough Brow or Agecroft.
- The area needs better security lighting etc as it is affected by crime and yobbish behaviour.
- The presence of the walkway would obstruct his ability to reverse his vehicle causing a hazard.
- He was not consulted by the applicant despite living so close.
- Concern about problems such as vandalism, anti-social behaviour, graffiti, dog fouling, rubbish, burglary associated with living near the alleyway.
- There has never been a cut-through walkway there before while he has lived at the house.

Two statements of support have been received from which are from 10 Halliwell Road and 31 Rainsough Brow. The occupiers make the following points:

- It is vital that this development proceeds as soon as possible.
- The derelict pub attracts anti-social behaviour, including vandalism and graffiti.
- The erection of the apartments would allow for a more secure cut-through, particularly if better lighting is installed to the area.
- The derelict pub is in full view from the rear of 10 Halliwell Road and is a complete eyesore.
- The present state of the property is an eye-sore which brings down the entire area. New apartments would undoubtedly smarten up this often neglected area of Rainsough giving it a less run-down feel.
- The new apartments will offer an improvement to the area, a boost for local businesses and will get rid of what is currently a dangerous site attracting vandalism.

The occupier of 1 Elson Street, Bury has stated that she owns a parcel of land at Flashfields and asked how the development would affect future plans (unspecified) that she may have for her land. In response, information was forwarded as to how she could find out about the details of the development.

Consultations

Highways Team - Recommend conditions requiring the reinstatement of redundant accesses, the implementation of visibility splays, access improvements and car parking provision and also the protection of the existing highway.

Drainage - No objections.

Environmental Health - Recommend contaminated land mitigation conditions and a condition to secure adequate soundproofing between the apartments. Confirm that the development is not likely to increase the level of air pollutants.

BADDAC - There is a need to improve pedestrian access between the ground floor apartment on the south-westerly side of the entrance and the car park. Consideration should be given to securing Lifetime Homes standards for this apartment.

Waste Management - The bin storage facility should be increased to provide sufficient room for four 1100 litre eurobins. Further details of the facility have been provided that have been confirmed as acceptable by Waste Management.

United Utilities - Draw attention to the line of an existing sewer crossing the site that would need to be diverted to accommodate the development.

GMP Architectural Liaison - Concern about the provision of the underpass as a place which could attract nuisance activity including disturbance to residents. The proposed entrance gates are shown set back but should be set forward to the frontage line to secure the underpass area from trespassers. The boundary enclosure to the rear and side should be robust and of an appropriate height with defensible space provided to the gables. Access to the rear should be dedicated to residents' cars only.

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
RT2/2	Recreation Provision in New Housing Development
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD3	DC Policy Guidance Note 3: Planning Out Crime

Issues and Analysis

Principle – The principle of the residential development of the site is acceptable given the currently valid outline planning permission for such development.

Design and Appearance – The proposed stepped three storey block fronting onto Rainsough Brow is of an acceptable standard of design involving brick faced elevations and pitched tiled roofs. The staggered roof line and the detailing of the feature gables facing the frontage is of a good quality and would add to the streetscape quality of the area. The layout permits an enclosed car parking area to the rear and a communal garden/play area on the south-westerly side of the building. It is considered that the general design and layout would be in compliance with Policies H2/1 and H2/2. The development is on an important Throughroute and, given the acceptable appearance of the frontage, it is also considered that there would not be a conflict with Policy EN1/7.

It should be noted that the current outline consent requires that the ridge height of the development should not exceed 10.3m above the level of the adjacent highway (Rainsough Brow). The submitted elevations show a roof top level of from 10.4 to 10.5m giving a height only marginally above the outline dimension. It is considered that the proposed height is acceptable as the difference is so small as not to be readily noticeable.

Car Parking - The provision of 18 parking spaces for the 14 apartments, including 3 for visitors and one disabled space, should be adequate for the normal needs of the development and it complies with the current car parking standard which, in this case, sets a maximum provision of 2.5 spaces per apartment (35 spaces).

Residential Amenity – The back elevations of existing residential properties to the rear are situated over 30m from the rear wall of the proposed building. This would achieve a reasonable degree of separation to protect the amenity of both the existing and prospective residents.

Relationship to the Plough Inn – These premises are very closely related to the site with its beer garden adjoining the south-westerly end of the development. The previous reserved

matters application ref.46487 was refused for the reason that the nearest section of the building would have been seriously detrimental to the amenities of this property by reason of its design bulk and appearance. In the current application the end element of the apartment block nearest the Plough Inn has been omitted and a separation distance of about 8m would be achieved between the beer garden and the nearest part of the block compared with only about 2.5m on the previous application. Also, whereas previously the end element in question had four storeys of accommodation the current proposal is entirely three storeys in height. There would be 2m high wall/railings on the boundary with the pub where the beer garden is at a significantly lower level. It is considered that the relationship with the Plough Inn on the current application is acceptable.

Access to Rainsough Brow – The pub car park is not enclosed and has been available as an unobstructed and undefined route from Halliwell Road to Rainsough Brow for many years. The legal status of the route is unclear. However, if it becomes closed this would result in a significant uphill detour for residents on Halliwell Walk and a part the surrounding estate when wishing to reach shops, the post office, and The Plough Inn on Rainsough Brow or the Agecroft Area. Concerns about the possible loss of this route were expressed in response to previous applications, including a 40 name petition concerning the outline application ref 44616 in support of the route being maintained.

The design makes provision for a pedestrian route situated at the rear of the development. However, notwithstanding the previous local support for the route, one resident has, in fact, objected to it citing concerns such as vandalism, anti-social behaviour, criminal activity, inconvenience due to parked cars and obstruction to the manoeuvring of his vehicle. The route would be narrow but open to view from the apartment development because the enclosure would include railings at eye level. GMP Architectural Liaison has not raised any objections to this element of the development and adequate lighting for the path can be ensured through an appropriate condition attached to any consent. Thus, it is considered that to maintain a local pedestrian route as being proposed is acceptable.

Secure Design - GMP Architectural Liaison has raised concerns about the underpass element of the design. To set the entrance gates to the rear area nearer to the entrance as they are suggest would result in vehicles entering the development having to stop on Rainsough Brow, thus creating a traffic hazard. Underpass entrances to developments have been accepted in the recent past and, in this case, to ensure better security a scheme of exterior lighting should be required by a condition and should include, as well as the general surroundings of the building, specifically lighting of the underpass, the car park and the public access route to the rear. The GMP concerns about robust boundary enclosure and access being for residents cars only are covered within the details.

Waste Storage - Waste Management have commented that the waste storage facility at the rear of the car park would not be sufficient for the development. In response, further details of the facility showing its capacity have been submitted and are acceptable to Waste Management.

Recreational Provision - The developer is agreeable to the making of a commuted sum payment of £5764.64 in lieu of on site recreation provision within the development and to signing a s106 Agreement to cover this requirement. The development includes a significant enclosed communal amenity area on the south westerly side of the building.

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 submitted details are acceptable in terms of the design and appearance of the development, including access, and its impact on the surrounding area. There are no other material considerations that outweigh this findingg.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. 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.
3. Prior to the commencement of development, further details relating to the proposed boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The development hereby approved shall not be first occupied unless and until the westerly redundant access onto Rainsough Brow indicated on approved plan reference 2005/12/02 Rev C has been reinstated to adjacent footway level to the written satisfaction of the Local Planning Authority.
Reason: To ensure good highway design in the interests of pedestrian safety.
5. The visibility splays indicated on the approved plan reference 2005/12/02 Rev C shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use 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.
6. The access improvements indicated on the approved plan 2005/12/02 Rev C shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied.
Reason. To ensure good highway design in the interests of road safety.
7. The foundations for the proposed 600mm high boundary walls shall not encroach under the adopted highway at any point.
Reason: To ensure good highway design in the interests of road safety and to maintain the integrity of the adopted highway.
8. The car parking indicated on the approved plan reference 2005/12/02 Rev C shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
9. The development shall be carried out in accordance with the Code for Sustainable Homes standards and shall achieve a rating greater than zero. No development shall take place unless and until an appropriate assessment certificate has been

submitted to the Local Planning Authority

Reason: To secure the sustainability principles of the development of the site pursuant to the provisions of PPS1 - Climate Change Supplement (2007) and Policies EN4 - Energy Conservation, EN4/1 - Renewable Energy, EN4/2 - Energy Efficiency of the Bury Unitary Development Plan.

10. No development shall take place unless and until details are submitted and approved in writing by the Local Planning Authority to show how the ground floor apartment on the south-westerly side of the main entrance to the development would be designed and constructed to Lifetime Homes Standards. The development shall not be carried out other than in accordance with the approved details.

Reason: In order to ensure that the development would include accommodation catering for the long term needs of residents.

11. No development shall take place unless and until a scheme to soundproof the walls and floors between the apartments has been submitted to and approved by the Local Planning Authority. The levels of acoustic insulation to be provided shall be, as a minimum, those deemed to be acceptable and specified in current Building Regulations. Such works that form the approved scheme shall be completed before the development is brought into use.

Reason: To protect the residential amenities of the prospective occupiers.

12. Prior to the development hereby approved commencing:

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

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

13. Following the provisions of Condition 12 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

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

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

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

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

16. No development shall commence unless and until a Preliminary Risk Assessment report to assess the actual/potential ground gas / landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.
- Where actual/potential ground gas/landfill gas risks have been identified, a detailed site investigation(s), ground gas monitoring and suitable risk assessment(s) shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation / protection measures are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

17. Following the provisions of Condition 16 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

18. No development shall take place unless and until a scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting of the area within the entrance underpass, the car park and the footpath for public use at the rear of the development shall be included within the details. The development shall not be carried out other than in accordance with the approved details.

Reason: In order to provide a secure and acceptable environment pursuant to policies H2/2 - The Layout of New Residential Development and EN1/5 - Crime

Prevention of the Bury Unitary Development Plan.

19. The refuse storage facility indicated on the approved plans reference 2005/12/03 Rev E and 2005/12/09 Rev A shall be implemented and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved becoming first occupied and it shall thereafter remain available at all times.

Reason - In order to ensure that the development would maintain adequate facilities for the storage of domestic waste, including recycling containers, in the interests of amenity and pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.

20. This decision relates to drawings numbered 2005/12/01, 2005/12/02 rev D, 2005/12/03 Rev E, 2005/12/08 Rev B, 2005/12/04 Rev D, 2005/12/06 Rev B, 2005/12/07 Rev D and unnumbered site location plan received on 26th March 2008 and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

Ward: Radcliffe - East

Item 06

Applicant: Travelstyle Ltd

Location: CHURCH HOUSE, CHURCH GREEN, RADCLIFFE, M26 2QA

Proposal: CHANGE OF USE OF CHURCH HALL TO OFFICES (USE CLASS B1)

Application Ref: 49976/Full

Target Date: 09/07/2008

Recommendation: Approve with Conditions

Description

The application site consists of a detached red brick building, which is located on Church Green. The building is in a state of disrepair, due to a fire in the building and the windows have been boarded up to reduce the vandalism.

To the north of the application site are residential properties and to the west of the site there are two rows of garages. St Mary's Parish Church, which is a Grade I listed building and the graveyard are located to the south of the site. Church Green is a 'u-shaped' cobbled road, which gives access to the church hall and lych gate for the church. There is a large car park to the east of Church Green.

The proposal involves the change of use of the church hall to a professional office (Class B1), for a business, which undertakes desktop design and product development. The application forms state that there would be 4 people working in the building with the occasional visitor, however this cannot be controlled. The proposal would provide 379 square metres of office space, which could accommodate a larger number of people within the building.

Relevant Planning History

No planning history

Publicity

The neighbouring properties (2 – 8 Church Green (evens); The Rectory, 2 – 8 Rectory Close (evens) & 58 – 62 Bury Street) were notified by means of a letter on 16 May and a site notice was posted on 16 May. One e-mail has been received from the occupiers of a property on Church Green (no address given), which have raised the following issues:

- Concerns over parking, due to existing problems with park users and when services are held at the church

Consultations

Highways Team – No objections

Drainage Team – No objections

Environmental Health (Contaminated Land) – No comments

Environmental Health (Pollution Control) – No comments

Conservation Officer - Church House is close by the Grade I listed church, the churchyard, lych gate and boundary wall, and is part of the character of Church Green. Any alteration to the building's external appearance resulting from the proposed change of use may impact upon this important setting and location. No objections, subject to the inclusion of conditions relating to any changes to the building's external appearance

Policy – No objections

BADDAC – There is no obvious solution to the need for ramped access to the main entrance as site constraints show that the pavement is too narrow to allow for the creation of a ramp and give safe passage for other pedestrians. The provision of a disabled toilet is welcomed.

GM Police Architectural Liaison – No objections, subject to the inclusion of a note relating to 'Secured by Design' principles

Unitary Development Plan and Policies

EC4/1 Small Businesses
EC5/3 Other Office Locations
EN1/2 Townscape and Built Design
EN7/2 Noise Pollution
HT2/4 Car Parking and New Development
HT5/1 Access For Those with Special Needs

Issues and Analysis

Principle - The proposed development involves the change of use from a church hall to an office and is located outside of the shopping centre and town centre.

Policy EC5/3 states that outside of town and district centres, development for further offices will not be permitted except for small scale development providing a direct service to a local area; refurbishment or conversion proposals which would result in the retention of buildings of architectural or historic interest and proposals for office type home-working where existing residential amenity would not be adversely affected

The proposed development would be a small scale enterprise with occasional visitors to the site. It is considered that the proposed development would be of an appropriate scale to the locality. Whilst the church hall is not listed or located within a conservation area, it is adjacent to the main entrance to St Mary's Parish Church, which is a Grade I listed building. The church hall building is of local interest and makes a positive contribution to the setting of the Grade I listed building and the character of the area. It is considered that the proposed conversion and sensitive re-use of the vacant church hall would not conflict with the aims of Policy EC5/3 and would comply with Policies EC4/1 and EN2/3 of the adopted Unitary Development Plan.

Impact on the surrounding area - As the windows are currently boarded up to reduce vandalism, it is considered that the proposed development would improve the appearance of the building. The supporting statement submitted with the application states that some minor repairs may be required to the windows and doors and these would be controlled via a condition. The Conservation Officer has no objections to the re-use of the building, subject to conditional control of any external alterations. The application forms state that the proposed development would open between the hours of 9am and 5pm, Monday to Friday, which is quite restrictive and it is considered that normal office hours of 8am until 6pm would be appropriate. The building was previously used as a meeting place for scouts, music practice, jumble sales and other uses associated with the church and it is considered that the proposed development would result in a reduction of noise from the building during the week, with no activity taking place during the weekend. Therefore, it is considered that the proposed development would not have an adverse impact upon the amenity of the neighbouring residents. The Pollution Control team of Environmental Health has no objections to the proposal. Therefore, it is considered that the proposed development would be in accordance with Policies EC4/1, EC5/3 and EN7/2 of the adopted Unitary Development Plan.

Highways issues/access - It is noted that there would not be any off-road parking as part of the proposal. However, there are no parking restrictions on Church Green and on several site visits, there have been vehicles parked in front of the residential properties. There is a large car park located on the opposite side of Church Green, which would be able to accommodate a large number of vehicles four cars during weekdays and the application form states that the public car park would be utilised. The previous use of the site was as a church hall and SPD11 (Parking standards) states that for a church hall (D1), the maximum

standard is 1 space per 5 square metres, which equates to 75 spaces. The maximum parking standards for an office (B1) is 1 space per 35 square metres, which equates to 10 spaces. Therefore, it is considered that whilst there is no off-road parking proposed, the proposed development would reduce the potential number of vehicles accessing the site. The highways team has no objections to the proposal.

The only access into the property is through the front entrance, which is located on a narrow pavement and has two steps. BADDAC state that there is no obvious solution to the issue of ramped access as the pavement is too narrow to accommodate a ramp and allow for safe passage for other pedestrians. The applicant has stated in the access statement that a handrail and removable ramp would be provided for access for visitors to the site and a management strategy would be put into place. However, it is considered that a removable ramp would not be appropriate, following the comments from BADDAC. However, it is considered that the proposed development would be accessible and would not be detrimental to highway safety and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

Summary of reasons for Recommendation

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

The proposed development would not conflict with planning policies and would not have an adverse impact upon the neighbouring residents, subject to conditional control. The proposed development would reduce the potential for vehicles accessing the site and it is considered that there is adequate parking facilities either on street or in the nearby public facilities.

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 2888-01, 2888-02 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.
4. No work or other activity shall take place on the site on Sundays or Bank Holidays and all work and other activity on other days shall be confined to the following hours:-
0800 hrs to 1800 hrs, Monday to Fridays.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC4/1 – Small Businesses and EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
5. The premises shall be used for use class B1 and for no other purposes, including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or as subsequently amended.
Reason. Due to its position, development of this type would not normally be granted consent due to its detrimental effect on the residential amenities enjoyed by nearby residents pursuant to policies of the Unitary Development Plan listed

below.
Policy EC5/3 - Other office locations

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

Ward: Radcliffe - North

Item 07

Applicant: GREENE KING PLC

Location: ROSE AND CROWN, COCKEY MOOR ROAD, RADCLIFFE, BL8 2HB

Proposal: EXTENSION AND PERGOLA TO FRONT ELEVATION. NEW ENTRANCE LOBBY;
KITCHEN EXTENSION TO SIDE ELEVATION. BIN STORE TO REAR.

Application Ref: 49884/Full

Target Date: 23/06/2008

Recommendation: Approve with Conditions

Description

The Rose and Crown Public House is situated on the busy crossroads at Cockey Moor Road and Lowercroft Road. There is parking to the north and east of the pub and an enclosed beer garden adjacent to the rear garden of residential properties Nos 9 and 11 Lowercroft Road. No 9 has a rear conservatory at the side facing directly onto the pub car park. Opposite is the Black Bull Public House and Nos 12, 14 and 16 Lowercroft Road.

There is an existing covered smoking shelter located on the eastern elevation of the pub which was granted permission in June 2006 (ref 47951).

This application seeks permission for an extension to the front elevation projecting 5.5m and 6m wide, extension of the existing pergola smoking shelter 2.5m wide and 6.3m long, new entrance lobby, extension to the kitchen at the side, 5m wide and 0.74m deep and bin store to rear.

Relevant Planning History

49556 - extension and pergola at front, kitchen extension, entrance lobby - withdrawn 14/4/2008

47951 - erection of smoking shelter - approved 21/06/2007

Publicity

Neighbours were notified at Nos 8, 10, 12 Cockey Moor Road, Nos 8 (The Black Bull), 9, 11, 12, 14, 16, 18 Lowercroft Road, and Gorse Hill Farm, Starling Road.

Two letters of objection received from Nos 9 and 11 Lowercroft Road with the following objections:

- the reduction in parking spaces would result in on street parking at a busy junction
 - parking problems would have a negative impact on residents and access to homes
 - the smoking shelter is not shown on the existing plans . The proposed pergola would become the new smoking shelter and be of concern in terms of noise, abusive language and loutish behaviour, particularly in the early hours
 - there would be an increase of some 20% in customers
 - concerned the council have even permitted this application be submitted, especially following the previous withdrawal
 - there would be increased nuisance and disturbance to neighbours
- and a comment received from Gorse Hill farm:
- no objections subject to suitable measures being put in place to minimise noise generation and control lighting to the area.

Consultations

Highways - no objections subject to condition

EH Pollution Control - no objections subject to conditions
EH Commercial Section - no comments received
BADDAC - no objections

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
S2/6 Food and Drink
HT2/4 Car Parking and New Development
HT5/1 Access For Those with Special Needs

Issues and Analysis

Appearance and siting - The proposed front extension would continue the existing frontage of the building which faces onto Cockey Moor Road. Being single storey 5m in width, with a pitched roof and materials to match, the extension would be relatively minor in comparison and in keeping with the existing build in terms of size and design.

The proposed side extension to the kitchen would project 0.74m and be 6m in length and positioned within the existing yard area. It would not be particularly visible from the street nor have a detrimental effect on the outlook of the nearby residential properties, No 8 Cockey Moor Road or No 9 Lowercroft Road.

The proposed pergola would also be visible to the street scene, but given its size, scale and simple structure it is considered not to be incongruous to the street scene.

The extensions comply with Unitary Development Plan Policy EN1/2 – Townscape and Built Design.

Residential amenity – UDP Policy S2/6 – Food and Drink is concerned with issues of residential amenity such as noise, smell, visual intrusion and hours of operation.

Proposed Pergola shelter – There is an existing open shelter already which was approved at Planning Committee on 21/6/2007. This proposal is for a pergola structure in the same position but increased in size from 1.5m wide and 3m in length to 2.5m and 6.3m respectively. There was an objection to the previous application in terms of noise and disturbance generated from the shelter. However, given the property at the rear No 9 Lowercroft Road would be 21m away and that there is an existing beer garden at the rear, it is considered any additional disturbance and noise created would not be exacerbated by the size, scale and position of the proposed shelter.

Proposed single storey front extension – There would be no detrimental effect on residential amenity being on the front of the property facing Cockey Moor Road.

Proposed single storey kitchen extension – The proposed extension would be a small addition to the existing build and there are no windows which would overlook and nearby residential properties at the rear.

The proposed extensions would increase the dining and drinking area by approx 20.5 square meters which may facilitate more customers to the establishment, however, the proposals are considered not to be large enough to cause detriment in terms of noise and disturbance to the local residents. As such, the proposed extensions are considered to comply with Policy S2/6.

Parking – The car park has been re-aligned to provide 2 disabled parking spaces (currently none are provided) and to improve the existing layout which is currently problematic. Although there would be an overall loss of 4 spaces reducing available spaces from 27 to 24, the proposal complies with the required parking standards as set out in Development Control Policy Guidance Note 11 - Parking Standards in Bury. The loss of 4 spaces is considered not to be detrimental and would still be adequate provision for the establishment. Highways have no objection to the proposals providing no part of the extensions would encroach over the adopted highway. It would comply with UDP Policy HT2/4 - Car Parking and New Development.

Access - BADDAC welcomes the applicant's desire to improve the accessibility of the pub as well as the provision of the 2 disabled parking spaces. The proposed plans

demonstrate there would be level access to the new lobby and proposed pergola structure and that the management of the entrance doors would allow for wheelchair access at all times. The proposal would therefore comply with UDP Policy HT5/1 – Access for those with Special Needs.

Servicing provision - The waste bins are currently stored at the side/rear of the pub in a fairly random fashion, not being enclosed within a designated area. The proposals include a formal designated bin store area at the rear of the pub which would be enclosed by a fence.

Objections - The issues raised by the objectors have been covered in the report above. Additional information has been provided by the applicant with relation to the principle behind the proposed developments which is hoped would alleviate some of the concerns of the local residents. This would be firstly, to develop the dining aspect of their business to attract a new clientele by creating a more relaxed and sophisticated establishment, as well as improving the bar facilities for local custom. As far as the beer garden is concerned, the management of the pub intend to monitor this area to ensure customers do not congregate in the entrance area which would be off putting to new and old customers alike. A fence is to be erected to the beer garden access point with a gate and locked at 10.00pm onwards limiting the amount of noise in the evening, although this is not part of 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 proposed extensions are considered to be appropriate and in keeping with the existing Public House and should not harm the residential amenity of the immediate neighbours nor effect the visual amenity of the street scene. The scheme includes adequate parking provision and will not adversely impact on highway safety issues. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. 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 revised drawings numbered 200D dated 19/5/2008 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. External lighting to the proposed area shall be designed and installed in such that any light is not directly visible from any habitable room of any dwelling or from any patio or other sitting areas of any gardens of dwellings.
Reason. In the interests of residential amenity.
5. External loud speakers shall not be used in or provided to the proposed external

area.

Reason. To protect the amenities of occupiers of nearby properties.

6. The foundations for or any part of the proposed extension shall not encroach under or project over the adjacent adopted highway at any point.

Reason. To ensure good highway design in the interests of road safety and to maintain the integrity of the adopted highway.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 08

Applicant: WDI Properties Ltd

Location: IRWELL BRIDGE MILL, KENYON STREET, RAMSBOTTOM, BURY BL0 0AB

Proposal: CONSERVATION AREA CONSENT FOR SELECTIVE AND PARTIAL DEMOLITION, ALTERATION AND EXTENSION OF EXISTING MILL BUILDINGS TO FORM B1 OFFICES, ADDITIONAL NEW ACCESS AND 40 CAR PARKING SPACES (RESUBMISSION OF 48217)

Application Ref: 49635/Conservation Area
Consent

Target Date: 23/05/2008

Recommendation: Approve with Conditions

Description

The application site stands on the eastern bank of the River Irwell to the north of Ramsbottom Bridge. It lies to the north of Stead Street and to the west of Kenyon Street which serve the site which is occupied by a 19th century stone mill. The building was originally a textile mill but was last used by the Parker Box Company. To the south of the site stand houses which front Peel Brow and Kenyon Street whilst the land to the east and north is occupied by a car workshop replacing tyres, ISM waste transfer station and soap manufacturers. The River Irwell bounds the site to the west and partially the south whose western bank opposite the site is occupied by a public open space which separates the river from the East Lancashire Railway and Ramsbottom Station.

The application site does not lie within the designated Employment Generating Area but stands immediately adjacent to it. The site is clearly visible to people entering or leaving Ramsbottom by car or by tourists using the East Lancashire Railway. The building which occupies the site is considered to represent an important part of the history of Ramsbottom as well as forming a positive back drop to the Ramsbottom Conservation Area and the designated Public Recreation Open Space on the west bank of the River Irwell.

The proposal consists of the selective and partial demolition to facilitate the alteration, conversion and extension of the existing mill buildings to form office accommodation (B1), the formation of a segregated access and car parking at the site by means of creating an access onto Kenyon Street.

Relevant Planning History

43066 – Erection of 36 apartments and 4 live/work units at Irwell Bridge Mill, Kenyon Street, Ramsbottom. Appeal dismissed 17 March 2006

In January 2006, a Public Inquiry was held into the Council's decision to refuse planning permission for the above scheme. At the inquiry the Council sought to defend its decision on the basis of the following:

- Its conflict with employment planning policy
- The suitability of the site for employment use
- The over-supply of housing land
- The unsuitability of the site for housing
- The adverse impact of the Conservation Area

In all of the above matters, the Inspector was in agreement with the Council and subsequently dismissed the appeal.

45679 – Conservation area consent for demolition of existing mill at Irwell Bridge Mill,

Kenyon Street, Ramsbottom. Refused 3 February 2006

48183 – Partial demolition, conversion, alteration and extension of existing mill buildings to provide B1 office accommodation, 12 apartments, new and segregated access and car parking at Irwell Bridge Mill, Kenyon Street, Ramsbottom. Refused – 28 September 2007

The application was refused as the proposal:

- Would result in the loss of employment land/conflict with employment planning policy
- The unsuitability of the site for residential development
- Insufficient information in relation to flood risk and insufficient information with regard to part of the extensions and alterations to the buildings
- The impact of the size, materials and design of the proposed development upon the Ramsbottom Conservation Area.

48217 – Conservation area consent for selective and partial demolition, alteration and extension of existing mill to form B1 offices, 12 apartments and segregated access and parking at Irwell Bridge Mill, Kenyon Street, Ramsbottom. Refused – 28 September 2007

The application was refused as the proposal would lead to the loss of a significant building in the conservation area and these works were not required to facilitate an approved development scheme.

49636 – Proposed selective & partial demolition, conversion, alterations and extension of existing mill buildings to provide B1 office accommodation, additional new access and car parking at Irwell Bridge Mill, Kenyon Street, Ramsbottom. Received – 28 March 2008

Publicity

The neighbouring properties (1 – 13 Peel Brow; 1 – 11 Kenyon Street; Peel Bridge Mill, Waterside Mill, Irwell Saw Mills, ISM Waste Services & Ross Vale Tyres, Kenyon Street) were notified by means of a letter on 3 April and a press notice was posted on 10 April. Site notices were posted on Kenyon Street and Bridge Road on 8 April 2008. 2 letters have been received from the Ramsbottom Heritage Society and the Irwell Street Metals, Kenyon Street, which have raised the following issues:

- The proposed development would not preserve or enhance the special character or appearance of the area, as the proposed development is too high and the materials are out of character with the mill
- The modern design and materials for the glazed link do not pay sufficient attention to the relationship between the proposal and the architectural qualities of the site
- Object to the use of synthetic slate, as a large number of original slates have been removed from the building
- Object to the use of zinc in the proposed north gable elevation end and the proposed lift overrun.
- The demolition of the building would result in the loss of a significant building, which contributes to the character of the conservation area
- It is important to retain the building as it is the last remaining complete mill in Ramsbottom and contributes to the Victorian character of the town
- The proposed new entrance on Kenyon Street would reduce the land available for resident's and other parking
- Impact of the proposed development upon traffic generation along Kenyon Street and the junction with Peel Brow
- The access issues have been brought to the attention of the Highways team and Environmental Services previously
- The impact of noise from the industrial premises upon the proposed development
- References to the Inspector's decision on the appeal against the refusal of applications 43066 & 45679

Consultations

Conservation Officer - Ramsbottom Conservation Area was extended in 2004 to ensure that Irwell Bridge Mill was protected whilst its future was under consideration. The mill fabric is generally complete within its site and is the product of an 1864 original construction and an

1881 partial reconstruction following a fire. There have been minor 20th century alterations, and recently the roofs have been partially stripped and vandalism has occurred. The early development of the mill and its description and interpretation are outlined in an archaeological recording report commissioned by the Council from Matrix Archaeology in 2005.

Ramsbottom was a 19th century mill town though few mills now remain. Irwell Bridge Mills is one of the few remaining industrial structures left in the town, and is particularly important to the history and character of the riverside and eastern part of the town. There have been 4 years of discussion about the building's future, involving a range of proposals. The current proposal now appears to involve a use that is generally acceptable. Discussions with the applicant/agent have led to the continuing refinement of the proposals, but with some of the Council's requirements not being accepted. Within the latest debate about English Heritage's comments, the applicant/agent has decided that the riverside building should be considered as proposed (but with some alterations to window details), that the retention of the northern section of weaving shed is impractical, but that the revisions to retain more of the Kenyon Street wall can be accommodated. The building is not listed and therefore the key factor is the impact of the proposal on the area's character, rather than the preservation of building fabric as a whole. There are some reservations about a number of elements of the scheme, i.e. the height of the riverside building and the design repercussions of minimising this, the detail of the flood wall requirements within the riverside elevation, and some of the design elements of the glazed reception area. However, we are now at the stage where the future of the building needs to be secured. We have also come a long way from the proposal for demolition in 2004.

The proposal does retain a significant amount of the building's external fabric, general arrangement and building form. Overall the new more modern interventions are away from the prominent views, or are of limited extent – and much less than in previous schemes. There are some internal features that are to be retained and restored. The proposed pedestrian bridge is a positive element in the proposals.

On balance I have no objections to the current applications for planning permission and conservation area consent. They will lead to the protection of the area's special character and appearance, and the use of the buildings will be to the benefit of this part of Ramsbottom. However, there are a number of areas where additional control over changes is necessary and I request that these are covered by appropriate conditions. These are –

1. Detailed treatment of the rope race.
2. Full details of any rebuilding or alteration of the mill wall to the riverside, to the yard wall to Kenyon Street, and to the new entrance areas.
3. Works for the revealing and restoration of the original arched wall to the boiler house.
4. Details of the roller shutter set beneath the glazed reception area.
5. Sample window opening and frame details, covering the range of window types put forward, in both elevation and section.
6. Prior approval of materials.
7. A detailed scheme for the hardstanding areas, particularly the main entrance area and the Kenyon Street car park.
8. Details of the Kenyon Street highway works.

Unitary Development Plan and Policies

EN1/1 Visual Amenity
EN1/2 Townscape and Built Design
EN2/1 Character of Conservation Areas
EN2/2 Conservation Area Control
PPG15 PPG15 - Planning and the Historic Environment

Issues and Analysis

The main issues to be considered in the determination of this application are the impact of the partial demolition of the mill upon the character and appearance of the Ramsbottom Town Centre Conservation Area.

The existing mill buildings represent one of the last surviving mills in the area and are located in a prominent position adjacent to the river and within the town centre. The proposed development would involve the demolition of the ground floor section of the central section of the mill buildings, approximately 50% of the weaving sheds and the removal of a section of the enclosing wall along Kenyon Street to facilitate the conversion to offices and the formation of a new access. It is considered that the enclosing wall and the weaving sheds form part of the important historic fabric of the site and contribute to the character and appearance of the conservation area. However, the applicant has submitted a letter from the Health & Safety Executive, which was dated December 2002, which states that the iron columns which support the weaving shed roof were not safe and it is considered that the retention of 50% of the weaving sheds is acceptable.

The proposed demolition of the ground floor of the central section of the mill would allow for the restoration of the original arched wall to the former boiler house, which would contribute a great deal to the character and historic fabric of the conservation area.

The proposed development involves the removal of a section of wall along the boundary with Kenyon Street to facilitate the formation of a new access. During the application process and following from comments from English Heritage on the associated planning permission (49636), it has been possible to retain more of the wall than was detailed on the original plans. It is considered that the loss of a section of the boundary wall would not have a significant adverse impact upon the character and appearance of the conservation area.

The proposed development would result in the demolition of the ground floor section of the central section of the mill buildings, part of the weaving sheds and removal of a section of the enclosing wall along Kenyon Street. However, the proposed development would allow for the sensitive re-use of the complex of mill buildings, including interventions to protect the historic fabric of the surviving structures, such as the rope race. The Conservation Officer has no objections to the proposal, subject to conditional control. Therefore, it is considered that the proposed development would not harm the character and appearance of the Ramsbottom Conservation Area and would accord with Policies EN1/1, EN1/2, EN2/1 and EN2/2 of the adopted Unitary Development Plan.

Summary of reasons for Recommendation

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

The proposal would not be detrimental to the character and appearance of the conservation area and would allow for the sensitive re-use of the mill complex of buildings.

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 the expiration of THREE years beginning with the date of this permission.
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. This decision relates to drawings numbered AL (S) 01 Rev A, AL (S) 02 Rev A, AL (S) 03, AL (S) 04, AL (S) 05, AL (S) 06, AL (0) 00, AL (0) 01 Rev H, AL (0) 02, AL (0) 03, AL (0) 04, AL (0) 05, AL (0) 06 Rev B, AL (0) 07 Rev B, AL (0) 08, AL (0)09, AL (1) 11, AL (1) 12 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of

design pursuant to policies of the Bury Unitary Development Plan listed below.

3. No works shall be carried out to the rope race until full details of its restoration and treatment 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 preserve features of special architectural or historical interest and as provided for under Section 17(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. Prior to commencement of the works, full details of any rebuilding or alteration of the mill wall to the riverside elevation and the boundary wall to Kenyon Street shall be submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be rebuilt in accordance with the approved details with existing coursing, cornerstones and feature stones being returned to their original positions.
Reason. In order to preserve the character of the conservation area, in accordance with Policy EN2/1 - Character of Conservation Areas of the Bury Unitary Development Plan.
5. No works shall be carried out to the original arched wall of the boiler house until details of the works for the revealing and restoration 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 preserve features of special architectural or historical interest and as provided for under Section 17(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 09

Applicant: WDI Properties Ltd

Location: IRWELL BRIDGE MILL, KENYON STREET, RAMSBOTTOM, BURY BL0 0AB

Proposal: PROPOSED SELECTIVE AND PARTIAL DEMOLITION, CONVERSION, ALTERATION AND EXTENSION OF EXISTING MILL BUILDINGS TO PROVIDE B1 OFFICE ACCOMMODATION, ADDITIONAL NEW ACCESS; 40 CAR PARKING SPACES & PROVISION OF FOOTBRIDGE (RESUBMISSION OF 48183)

Application Ref: 49636/Full

Target Date: 27/06/2008

Recommendation: Minded to Approve

Description

The application site stands on the eastern bank of the River Irwell to the north of Ramsbottom Bridge. It lies to the north of Stead Street and to the west of Kenyon Street which serve the site which is occupied by a 19th century stone mill. The building was originally a textile mill but was last used by the Parker Box Company. The buildings are falling into a state of disrepair and the recently the roofs have been stripped and some vandalism has occurred. To the south of the site stand houses which front Peel Brow and Kenyon Street whilst the land to the east and north is occupied by a car workshop replacing tyres, ISM waste transfer station and a soap manufacturers. The River Irwell bounds the site to the west and partially the south whose western bank opposite the site is occupied by a public open space which separates the river from the East Lancashire Railway and Ramsbottom Station.

The application site does not lie within the designated Employment Generating Area but is immediately adjacent to it. The site is clearly visible to people entering or leaving Ramsbottom by car or by tourists using the East Lancashire Railway. The building which occupies the site is considered to represent an important part of the history of Ramsbottom as well as forming a positive back drop to the Ramsbottom Conservation Area and the designated Public Recreation Open Space on the west bank of the River Irwell.

The proposal consists of the selective and partial demolition of the enclosing wall on Kenyon Street and a substantial element of the weaving sheds. Following the demolition works, alteration, conversion and extension of existing mill buildings would take place to form B1 office accommodation (2,675 square metres) and the formation of segregated access and car parking at the site by means of creating an access onto Kenyon Street.

The former weaving sheds would be converted and altered to workshop/office accommodation with a mezzanine level and the central element of the building would be converted to form two floors of office accommodation with a third floor in the roof space. A central parking area would be created in front of the converted weaving sheds and this would accommodate 25 cars. The mill building adjacent to the riverside would be extended to form parking (15 spaces) at the ground floor and office space on three floors above. The central part of the mill, would be converted to a glazed link between the central and riverside buildings and would act as the main reception area. The proposal also involves the provision of a footbridge over the River Irwell to connect the site with the town centre.

Relevant Planning History

43066 – Erection of 36 apartments and 4 live/work units at Irwell Bridge Mill, Kenyon Street, Ramsbottom. Appeal dismissed 17 March 2006

In January 2006, a Public Inquiry was held into the Council's decision to refuse planning permission for the above scheme. At the inquiry the Council sought to defend its decision on the basis of the following:

- Its conflict with employment planning policy
- The suitability of the site for employment use
- The over-supply of housing land
- The unsuitability of the site for housing
- The adverse impact of the Conservation Area

In all of the above matters, the Inspector was in agreement with the Council and subsequently dismissed the appeal.

45679 – Conservation area consent for demolition of existing mill at Irwell Bridge Mill, Kenyon Street, Ramsbottom. Refused 3 February 2006

48183 – Partial demolition, conversion, alteration and extension of existing mill buildings to provide B1 office accommodation, 12 apartments, new and segregated access and car parking at Irwell Bridge Mill, Kenton Street, Ramsbottom. Refused – 28 September 2007

The application was refused as the proposal:

- Would result in the loss of employment land/conflict with employment planning policy
- The unsuitability of the site for residential development
- Insufficient information in relation to flood risk and insufficient information with regard to part of the extensions and alterations to the buildings
- The impact of the size, materials and design of the proposed development upon the Ramsbottom Conservation Area.

48217 – Conservation area consent for selective and partial demolition, alteration and extension of existing mill to form B1 offices, 12 apartments and segregated access and parking at Irwell Bridge Mill, Kenyon Street, Ramsbottom. Refused – 28 September 2007
The application was refused as the proposal would lead to the loss of a significant building in the conservation area and these works were not required to facilitate an approved development scheme.

49635 – Conservation area consent for selective and partial demolition, alteration and extension of existing mill buildings to form B1 offices, additional new access and car parking at Irwell Bridge Mill, Kenyon Street, Ramsbottom. Received – 28 March 2008.

Publicity

The neighbouring properties (1 – 13 Peel Brow; 1 – 11 Kenyon Street; Peel Bridge Mill, Waterside Mill, Irwell Saw Mills, ISM Waste Services & Ross Vale Tyres, Kenyon Street) were notified by means of a letter on 3 April and a press notice was posted on 10 April. Site notices were posted on Kenyon Street and Bridge Road on 8 April 2008. 2 letters have been received from the Ramsbottom Heritage Society and Irwell Street Metals, Kenyon Street, which have raised the following issues:

- The proposed development would not preserve or enhance the special character or appearance of the area, as the proposed development is too high and the materials are out of character with the mill
- The modern design and materials for the glazed link do not pay sufficient attention to the relationship between the proposal and the architectural qualities of the site
- Object to the use of synthetic slate, as a large number of original slates have been removed from the building
- Object to the use of zinc in the proposed north gable elevation end and the proposed lift overrun.
- The demolition of the building would result in the loss of a significant building, which contributes to the character of the conservation area
- It is important to retain the building as it is the last remaining complete mill in Ramsbottom and contributes to the Victorian character of the town
- The proposed new entrance on Kenyon Street would reduce the land available for resident's and other parking

- Impact of the proposed development upon traffic generation along Kenyon Street and the junction with Peel Brow
- The access issues have been brought to the attention of the Highways team and Environmental Services previously
- The impact of noise from the industrial premises upon the proposed development
- References to the Inspector's decision on the appeal against the refusal of applications 43066 & 45679

Consultations

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

Drainage Team – No objections

Waste Management – No objections

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

Environmental Health – Pollution control – No comments

Environmental Health – Commercial unit – No response

Environmental Health – Public health – No response

Environmental Health – Urban renewal – No response

Landscape Practice – No response to date

Conservation Officer – Ramsbottom Conservation Area was extended in 2004 to ensure that Irwell Bridge Mill was protected whilst its future was under consideration. The mill fabric is generally complete within its site and is the product of an 1864 original construction and an 1881 partial reconstruction following a fire. There have been minor 20th century alterations, and recently the roofs have been partially stripped and vandalism has occurred. The early development of the mill and its description and interpretation are outlined in an archaeological recording report commissioned by the Council from Matrix Archaeology in 2005.

Ramsbottom was a 19th century mill town though few mills now remain. Irwell Bridge Mills is one of the few remaining industrial structures left in the town, and is particularly important to the history and character of the riverside and eastern part of the town. There have been 4 years of discussion about the building's future, involving a range of proposals. The current proposal now appears to involve a use that is generally acceptable. Discussions with the applicant/agent have led to the continuing refinement of the proposals, but with some of the Council's requirements not being accepted. Within the latest debate about English Heritage's comments, the applicant/agent has decided that the riverside building should be considered as proposed (but with some alterations to window details), that the retention of the northern section of weaving shed is impractical, but that the revisions to retain more of the Kenyon Street wall can be accommodated. The building is not listed and therefore the key factor is the impact of the proposal on the area's character, rather than the preservation of building fabric as a whole. There are some reservations about a number of elements of the scheme, i.e. the height of the riverside building and the design repercussions of minimising this, the detail of the flood wall requirements within the riverside elevation, and some of the design elements of the glazed reception area. However, we are now at the stage where the future of the building needs to be secured. We have also come a long way from the proposal for demolition in 2004.

The proposal does retain a significant amount of the building's external fabric, general arrangement and building form. Overall the new more modern interventions are away from the prominent views, or are of limited extent – and much less than in previous schemes. There are some internal features that are to be retained and restored. The proposed pedestrian bridge is a positive element in the proposals.

On balance I have no objections to the current applications for planning permission and conservation area consent. They will lead to the protection of the area's special character and appearance, and the use of the buildings will be to the benefit of this part of Ramsbottom. However, there are a number of areas where additional control over changes is necessary and I request that these are covered by appropriate conditions. These are –

1. Detailed treatment of the rope race.
2. Full details of any rebuilding or alteration of the mill wall to the riverside, to the yard wall to Kenyon Street, and to the new entrance areas.

3. Works for the revealing and restoration of the original arched wall to the boiler house.
4. Details of the roller shutter set beneath the glazed reception area.
5. Sample window opening and frame details, covering the range of window types put forward, in both elevation and section.
6. Prior approval of materials.
7. A detailed scheme for the hardstanding areas, particularly the main entrance area and the Kenyon Street car park.
8. Details of the Kenyon Street highway works.

Wildlife Officer – A bat survey should be submitted prior to the determination of the application

Policy – Given that the proposal involves an employment site, it should be subject to UDP Policy EC2/2. Under this policy, the Council will seek to retain employment land and premises. This proposal involves conversion to create a B1 office building which would ensure the continued use of the site for employment purposes. In this respect, the proposal is considered to accord with EC2/2.

Protected recreation - the red edge of the development encompasses part of a landscaped riverside amenity space. Supporting information does not appear to explain what this liner strip would be used for, e.g. pedestrian/vehicular access. The site was previously allocated for new recreation provision in the current UDP under RT2/1/8.

BADDAC – The proposal is for a medium sized commercial development giving employment to over 100 people, with a high probability that members of the public will require access.

English Heritage – Irwell Bridge Mill is unlisted and is located within the Ramsbottom Conservation Area and the two storey mill forms an important part of the riverside scene. The weaving sheds set the scale and character of the Kenyon Street and many of the internal elements and fixtures survive including the base of the stack, the rope race and engine sheds. The building has been vacant for some time and is deteriorating through materials theft.

English Heritage are supportive of the proposal for the sensitive re-use of the mill complex and the proposal has included many well-thought out interventions to protect the historic interest of the surviving structures.

The proposal to keep the weaving shed intact and raise the new mezzanine set back from the perimeter of the building by one bay is a logical compromise and the design could be further improved if a matching bay could be retained to the north side, forming a cover to the proposed parking.

It may also be possible to widen the footpath, which would enable a visibility splay to be constructed beyond the existing weaving shed wall. If engineering dimensions permit, this would allow for the utilisation of the existing arched opening on Kenyon Street as the car park entrance.

The scheme includes some blocking up of the river and yard facing window openings in order to achieve the proposed floor-ceiling heights and keep the four storey building from rising to an unacceptable height. If possible, the window openings should retain their existing proportions.

Environment Agency – Additional information has been submitted, which has overcome the residual flood risks associated with the proposed development. PPS25 states that the aim of decision-makers is to steer development to areas at the lowest probability of flooding by applying a 'Sequential Test'. If the Council is satisfied that the requirements of the sequential test have been addressed, there are no objections to the proposal, subject to the inclusion of a condition relating to flood risk.

GM Police Architectural Liaison – The building lies on the public domain and vulnerable to attack at weak points./ All glazing to lower levels accessible from ground level should incorporate laminated glass to minimise the risk and impact of vandalism

United Utilities – No response to date

Unitary Development Plan and Policies

EC1/2 Land Suitable for Business (B1)
 EC2/2 Employment Land and Premises

EC3/1	Measures to Improve Industrial Areas
EC5/2	Other Centres and Preferred Office Locations
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
TC1	Town Centres
Area	Railway Street/Bridge Street/Peel Brow
RM5	
PPG15	PPG15 - Planning and the Historic Environment
PPS23	PPS23 Planning and Pollution Control
PPS25	PPS25 Development and Flood Risk
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD11	Parking Standards in Bury

Issues and Analysis

Principle - The proposed development would involve the conversion and extension of the existing mill to form 2675 square metres of offices (use class B1). The application site is located adjacent to the employment generating area and within the town centre.

Policy EC2/1 states that in employment generating areas, the Council will allow development for the uses specified, which in the Ramsbottom employment generating areas includes Business (B1), general industrial (B2), warehousing (B8) and leisure and tourism uses.

Policy EC2/2 states that the Council will seek the retention of existing employment land and premises outside the Employment Generating Areas except where it can be clearly demonstrated that an existing employment site or premises is no longer suited in land use terms to continued employment use. In these circumstances consideration would be given to alternative development, providing it would not conflict with the character of the surrounding area and other policies of the Plan.

Area RM5 of the town centre policies for Ramsbottom states that this area of the town centre is suitable for a variety of uses including leisure and tourism, business (B1) and industrial uses (B2 and B8).

The application site is considered to be appropriate in land use terms for continued employment use, as it lies within a wider area of employment uses along Kenyon Street. The continued use of this site for employment purposes would accord with the proposed land uses for this area and would not conflict with the surrounding land uses or designations and the Inspector's decision letter supports this view. Therefore, the proposed office development is in accordance with Policy EC2/2 and would not conflict with the aims of Policy EC2/1 of the adopted Unitary Development Plan.

Noise Issues - Policy EN7/2 states that in seeking to limit noise pollution, the Council will not permit development which could lead to an unacceptable noise nuisance to nearby occupiers or amenity users and development that would be close to a permanent source of noise.

The proposed office units would result in a reduction of noise levels, when compared to the previous use of the mill and would act as a buffer between the existing industrial premises and the residential dwellings, which back onto Stead Street. As a result, it is considered that the proposed development would result in a reduction of noise levels for the occupiers of the nearest residential properties. Therefore, the proposed development would be in accordance with Policies EC2/1 and EN7/2 of the adopted Unitary Development Plan.

Design and impact upon surrounding area - The proposed development would result in the demolition of a section of the boundary wall along Kenyon Street and part of the weaving shed structure, thereby creating an internal courtyard where parking facilities would be provided. The proposed north and south elevations indicate that there would be no alterations in relation to the proposed offices. The proposed internal elevation for the workshops would be fully glazed and while this is a modern approach, it is considered that this would not detract from the character of the building or the conservation area. The proposal to keep the weaving shed intact and raise the new mezzanine set back from the perimeter of the building by one structural bay is a logical compromise and is welcomed by English Heritage.

English Heritage also commented that it would be preferred if part of the weaving shed roof could be retained on the northern side. However, a letter has been submitted by the agent, from the Health & Safety Executive to the then owner of the site, stating that a number of the cast iron columns are classed as vulnerable in a survey and that if vehicles were to be moving near these columns, they should be protected. As a result, it is considered that it would not be possible to retain the columns, which support the roof and allow vehicles to move in this area, which would dramatically reduce the number of parking spaces which could be accommodated on site. Therefore, it is considered that on balance, a section of the weaving shed roof to the north of the site could not be retained, due to structural issues, the resulting loss in parking and the archway did not provide for safe access and egress from the site onto Kenyon Street.

In order to create a new access onto Kenyon Street, it would be necessary to remove a section of the boundary wall on Kenyon Street. The proposed plans originally indicated that 10.5 metres of the wall would have to be removed to allow for the necessary visibility splays. It is considered that the enclosing wall is an important part of the historic fabric of the building and English Heritage suggested that the footpath could be extended out to allow for the retention of more of the boundary wall. The extension of the pavement was not viable, but on various site visits there were a number of cars parked along this stretch of the wall. As a result, it is considered that the proposed visibility splay could be reduced, as it would be impeded by the parked cars, which would allow for more of the boundary wall to be retained. The agent has submitted an amended plan to show this detail and it is considered that the retention of a significant element of the boundary wall would be of benefit to the appearance of the conservation area. Therefore, the proposal is in accordance with Policies EN1/1, EN1/2, EN2/1 and EN2/2 of the adopted Unitary Development Plan.

The proposed conversion of the central building to office use would result in the retention of the original openings and the proposed window openings would match the original in terms of size, style and design. The proposed development would incorporate six rooflights and the Conservation Officer has no objections, subject to conditional control. Therefore, it is considered that the conversion of the central element of the mill buildings would preserve and enhance the character of the conservation area and would accord with Policies EN1/1, EN1/2, EN2/1 and EN2/2 of the adopted Unitary Development Plan.

The scale, bulk and height of the proposed extension to the mill buildings along the riverside has been the subject of much discussion between the applicant and the Council during the pre-application process. When compared to the previous application, the two 'tower' elements have been deleted and the overall height of the proposed extension has been reduced through the lowering of the floors of the mill building and incorporating horizontal

frames on the third floor to reduce the vertical emphasis of the proposed building. The ground floor would be utilised as parking, due to the close proximity to the river and the potential for flooding. As a result, the ground floor openings would be blocked up and some of the openings at ground and first floor would be blocked up to disguise the lowered floors. English Heritage state that the window openings should be retained in their existing proportions. The agent has submitted an amended plan, which incorporates louver vent panels to obscure the lowered floor, but would result in the openings being retained in their original proportions.

The majority of the buildings within Ramsbottom, including the existing mill buildings are predominantly two storeys in height. However, due to the topography of the town, there are also three and four storey buildings. The proposed four storey building would be located adjacent to the riverside and the agent has submitted a section plan, which shows the proposed riverside building in context with the adjacent residential properties on Peel Brow and Kenyon Street. The proposed riverside building would be 1.75 metres higher than the roof of the adjacent residential properties and it is considered that when viewed from the riverside that the proposed building would not be overly prominent in terms of its design. The proposed riverside building would be appropriate in terms of its massing and height and would make a positive contribution to the conservation area. The proposed building would consist of stone, with a glazed section on the third floor, with aluminium window frames and it is considered that the proposed materials and design of the frames, ensure that the proposed building would remain recognisable as a mill building. The Conservation Officer has no objections to the proposal subject to the conditional control of all the materials and frames. The internal elevations of the proposed riverside building would be fully glazed and while it is noted that this is a modern approach, it is considered that this element of the proposal would not be seen in the main views of the Conservation area and is acceptable. Therefore, it is considered that the proposed riverside building is appropriate in terms of height, massing and scale and would enhance the appearance and character of the conservation area and would accord with Policies EN1/1, EN1/2, EN2/1 and EN1/2 of the adopted Unitary Development Plan.

The connecting building between the proposed riverside building and the central building is currently in a state of disrepair, with only the roof frame remaining and is currently open to the elements. This building would be retained at first floor level and would be used as the main reception area to the buildings. The proposed reception area would be fully glazed and would utilise the existing roof structure. It is considered that the proposed reception area would represent a modern link between the two more traditional buildings and would result in the retention of part of the mill fabric. It is considered that the proposed reception building would be a focal point of the proposal and would not be detrimental to the character of the conservation area. The proposed plans indicated that there would be a security shutter located at the front of the reception building for crime prevention purposes. Following discussions with the applicant, the proposed security shutter has been repositioned some 3 metres back from the front of the proposed reception building. As a result, the shadows from the building would screen the shutter from view. Therefore, it is considered that the proposed development would not have an adverse impact upon the character and appearance of the conservation area and would be in accordance with Policies EN1/1, EN1/2, EN2/1 and EN2/2 of the adopted Unitary Development Plan.

The proposed development would result in the retention of a significant amount of the external fabric of the mill buildings as a whole. The rope race, which is considered to be an important part of the historic fabric, would be retained along with the two stone archways underneath the reception area, which were originally part of the boiler house. The Conservation Officer has no objections to the proposal, subject to conditional control relating to the detailed treatment of the rope race and the restoration of the two stone archways. Therefore, it is considered that as the proposed development would retain a significant amount of the external fabric of the building, the proposed development would be of benefit to the character and appearance of the conservation area and would accord with Policies EN1/1 EN1/2, EN2/1 and EN2/2 of the Unitary Development Plan.

Residential Amenity - The proposed development would not have a greater impact upon the amenity of the occupiers of the nearby residential properties at Stead Street. The proposed office buildings adjacent to the riverside would be some 50 metres away from the existing residential properties and would not directly overlook the rear curtilage of the existing properties. The proposed office units within the former weaving sheds would be no closer to the existing dwellings than the existing building and there would be no openings along the southern elevation, which faces the existing dwellings. The proposed development would result in a reduction of noise, compared to the previous use of the buildings. Therefore, it is considered that the proposed development would not have an adverse impact upon the amenity of the existing dwellings on Stead Street.

Flood Risk - The application site is located adjacent to the River Irwell and is within a high risk flood zone. A Flood Risk Assessment (FRA) was submitted as part of the application. Whilst the proposed development would be located in a high risk flood zone, the proposal involves the re-use of an existing building for a 'less vulnerable' use and would secure the future of an important building in the Ramsbottom Conservation Area. Therefore, it is considered that the proposed development would not conflict with the aims of the sequential test contained in PPS25. The ground floor of the proposed riverside building would be used for parking to comply with the guidance in the FRA which states that there must be no openings within the western elevation below 127.1 metres. The submitted plans indicate that the existing openings would utilise powder coated louver panels above 127.1 metres and would be infilled with masonry below this level.

The Environment Agency is in agreement with the content of the report and the assessment of the residual risks associated with the proposed development and has no objections, subject to the inclusion of a condition relating to the flood resistant materials for the openings to the ground floor parking. Therefore, it is considered that the proposed development would not have a detrimental impact upon flood risk and would comply with Policy EN5/1 of the adopted Unitary Development Plan and government guidance in the form of PPS25.

Protected Species - As the proposal involves demolition and conversion of the mill buildings, a bat survey, which was undertaken approx one year ago, has been submitted as part of the application. The bat survey concludes that the buildings can be demolished with very low risk to roosting bats. However, due to the time which has lapsed since the report was conducted and in light of the deterioration of the building, it is considered that an additional survey should be undertaken prior to the demolition of parts of the buildings and this will be secured via a condition. There would be no implications for nesting barn owls, although care must be taken to avoid disturbing nesting birds between March and August. Therefore, it is considered that the proposed development would not harm a protected species and therefore is in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Parking and access - The proposed development would involve the provision of a new access onto Kenyon Street, by demolition of a section of the mill wall to serve the proposed office units. As a result of the comments from English Heritage relating to the retention of the boundary wall and the presence of parked vehicles on the footpath adjacent to the boundary wall, the requirement for the full visibility splay is not necessary as the visibility would be impeded by the parked vehicles. Also, this allows for the retention of more of the boundary wall and therefore the historic fabric of the mill complex.

There would be adequate provision for cycles and the proposed development would provide 40 parking spaces. SPD11 (Parking standards) states that for offices, the maximum standard is 1 space per 40 square metres of floorspace, which would result in a total of 66 spaces for the proposed development. In mitigation for the apparent shortfall of car parking spaces (26 spaces), the following factors need to be acknowledged:

- the application site is in close proximity to Ramsbottom town centre, which has good access to public transport
- the last use of the building (B2) operated without any off-road parking provision

- the application involves the provision of a footbridge, which would improve the pedestrian links to the town centre.

The highways team has no objections to the proposal, subject to the inclusion of conditions relating to the provision of parking. The applicant has agreed to provide the bridge instead of the per cent for art contribution and therefore, no details of the proposed bridge have been submitted and would be subject to a separate application. However, the provision of the bridge (percent for art contribution) would be secured through conditions and a Section 106 agreement.

There would be level access to the proposed workshops and accessible stairs have been provided to the mezzanine level. There would be level access to the proposed offices in the central element of the mill complex and a lift would be provided. The main entrance to the proposed riverside building would be located at the southern end of the eastern elevation and would provide access to a lift and accessible stairs to the first floor reception area. Therefore, it is considered that the proposed development would be fully accessible to all and would not be detrimental to highway safety and is in accordance with Policies HT2/4, HT4 and HT5/1 of the adopted Unitary Development Plan.

Demolition - The existing mill buildings represent one of the last surviving mills in the area and are located in a prominent position adjacent to the river and within the town centre. The proposed development would involve the demolition of the central section of the mill buildings, part of the weaving sheds and the removal of a section of the enclosing wall along Kenyon Street to facilitate conversion to offices. It is considered that the enclosing wall and the weaving sheds form part of the important historic fabric of the site and contribute to the character and appearance of the conservation area. In light of the comments from English Heritage in relation to the retention of more of the weaving shed roof and the arch detail in the boundary wall to Kenyon Street, the applicant has submitted revised plans, which indicate that more of the boundary wall is to be retained. However, the archway detail and part of the weaving shed roof on the northern elevation cannot be retained due to structural issues, the resulting loss in parking and the archway did not provide for safe access and egress from the site onto Kenyon Street. It is considered that the proposed development would retain a significant amount of the buildings external fabric, general arrangement and building form and the demolition works would not be detrimental to the character of the Ramsbottom Conservation Area.

Contribution - A contribution of £15,000 would usually be required for public art, but it has been negotiated with the applicant that this contribution would be put towards the provision of a footbridge over the River Irwell. A contribution would be required for the adoption and maintenance of the footbridge and this figure will be reported in the Supplementary Report.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and would not have an adverse impact upon the occupiers of the surrounding properties. The proposed development would secure the future of an important building in the conservation area and would not have an adverse impact upon the character and appearance of the conservation area. The proposed development would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

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

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

2. This decision relates to drawings numbered AL (S) 01 Rev A, AL (S) 02 Rev A, AL (S) 03, AL (S) 04, AL (S) 05, AL (S) 06, AL (0) 00, AL (0) 01 Rev H, AL (0) 02, AL (0) 03, AL (0) 04, AL (0) 05, AL (0) 06 Rev B, AL (0) 07 Rev B, AL (0) 08, AL (0)09, AL (1) 11, AL (1) 12 and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

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

4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

5. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to 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.

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

- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
- A Site Verification Report detailing the conclusions and actions taken at each

stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

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

7. No development shall commence unless and until a Preliminary Risk Assessment report to assess the actual/potential ground gas / landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.

- Where actual/potential ground gas/landfill gas risks have been identified, a detailed site investigation(s), ground gas monitoring and suitable risk assessment(s) shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation / protection measures are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

8. Following the provisions of Condition 7 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and

A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

9. The buildings hereby permitted shall be constructed in materials which would be resistant to damage from the ingress of flood water and with services located at an appropriate level in accordance with details to be submitted to and approved in writing to the Local Planning Authority

Reason. The buildings are within an area at risk of flooding and to accord with Policy EN5/1 of the Bury Unitary Development Plan and PPS25

10. No development should be undertaken until the applicant has secured the implementation of the programme of archaeological work in accordance with a written scheme of investigation approved by the Local Planning Authority.

Reason. To allow for the proper recording of archaeological evidence for research and archive purposes

11. No works shall be carried out to the rope race until full details of its restoration and treatment 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 preserve features of special architectural or historical interest and as provided for under Section 17(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. Prior to commencement of the works, full details of any rebuilding or alteration of the mill wall to the riverside elevation and the boundary wall to Kenyon Street shall be submitted to and approved in writing by the Local Planning Authority. The walls

shall thereafter be rebuilt in accordance with the approved details with existing coursing, cornerstones and feature stones being returned to their original positions.

Reason. In order to preserve the character of the conservation area, in accordance with Policy EN2/1 - Character of Conservation Areas of the Bury Unitary Development Plan.

13. No works shall be carried out to the original arched wall of the boiler house until details of the works for the revealing and restoration 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 preserve features of special architectural or historical interest and as provided for under Section 17(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
14. Details of the roller shutter set beneath the glazed reception area 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.
15. Prior to the commencement of any works to the roof, a specification for the roof lights shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
16. Prior to the commencement of the development hereby approved, details of all the window openings and frames, in both section and elevation shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
17. Notwithstanding the plans, samples of all the materials to be used in the external elevations, including the stone and natural slate, 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.
18. No works shall be carried out on the site until full details of the materials to be used for the hardstanding areas have been submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in complete accordance with those details.
Reason. In order to preserve features of special architectural or historical interest and as provided for under Section 17(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
19. The development hereby approved shall not be commenced unless and until a scheme of footway refurbishment works on the Kenyon Street site frontage, incorporating the proposed car park access, increased kerb heights, tactile paving at crossing points and the provision of bollards at suitable spacings, have been submitted to and approved in writing by the Local Planning Authority. The scheme subsequently agreed shall be implemented to the written satisfaction of the Local Planning Authority before the development hereby approved is brought into use.

Reason. To ensure good highway design and prevent vehicles parking on the footway in the interests of highway safety.

19. A landscaping scheme, including details of the hardstanding areas, 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.

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

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

21. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

22. Prior to the commencement of development, a scheme for the footbridge, including details of the design and appearance shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed and made available for use to the written satisfaction of the Local Planning Authority prior to 25% of the total office floorspace hereby approved being occupied and the footbridge shall remain useable to the public at all times.

Reason. To improve pedestrian links into the town centre and to alleviate the need for further parking on site, pursuant to the following Policy(ies) of the Bury Unitary Development Plan:

Policy HT2/4 - Car parking and new development

Policy HT4 - New development

Policy TC1 - Town centres

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

