

Ward: Bury East - Redvales

Item 01

Applicant: Michael Duffy Developments

Location: CHURCH BUILDINGS, WARTH ROAD, BURY, BL9 9NG

Proposal: 71 DWELLINGS (RESERVED MATTERS APPLICATION)

Application Ref: 49831/Reserved matters

Target Date: 13/08/2008

Recommendation: Refuse

Description

The site, occupying 1.2ha, is situated at the end of Warth Road on its northerly side. The road frontage with some 75m of depth into the site includes vacant commercial buildings and an associated yard formerly occupied by a haulage company Park Royal Haulage Ltd. This company has moved to another premises but still owns most of the application area. Beyond the developed area the land is a level open disused area where significant former vegetation cover has been stripped and cleared.

The westerly boundary is with the embankment of the Metrolink line. To the east there are terraced houses on Openshaw Fold Road. Here the boundary is with garden plots and a residential car park. Beyond the houses the boundary is with Openshaw Fold Road which at this point is a narrow lane used mainly by pedestrians. There are rear gardens to houses in Whewell Close, Read Close and Inglewhite Close on the opposite side of the lane. Just beyond the northerly boundary of the land there is a small area of wetland in the same ownership as the land. Further on, beyond the other side of Openshaw Fold Road, is the back of the Derby High School. The application land takes in the whole width of Warth Road which, at this point, would need to be made upto adoption standard. On the opposite side of the road there is the former Macphersons industrial premises now subdivided into separate industrial units to form Warth Industrial Park.

On 19th September 2007 outline planning permission was granted for residential development on the site (ref. 47911). The permission does not specify the number or type of residential units and all matters of detail, except for access, are reserved for subsequent approval. It is a requirement of the permission, secured by a planning condition and a s106 Agreement, that all of the units would be affordable housing. Vehicular access would be via an improvement to Warth Road between the junction with Openshaw Fold Road and the Metrolink where there is a bridge under the line to land belonging to the owners of Warth Industrial Park Hamilton Heath Estates Ltd. An estate road off the improved Warth Road would serve the proposed housing. At the northerly end there would be an emergency access from Inglewhite Close. The permission also includes a condition requiring approval to be obtained to further details of the highway improvements to Warth Road

The application is for the determination of the detailed matters reserved by the outline consent including appearance, landscaping, layout and scale. The submitted scheme involves the erection of 71 houses including 65 terrace units and 6 semi-detached. Most of the units would be small two storey two and three bedroomed houses. However, there is also a somewhat larger type with four bedroomed accommodation and including a third floor set in the roofspace. 16 units of the larger type would be provided. The layout is based on a long straight access road following close to the north westerly boundary with the Metrolink line. The houses would be either set fronting the access road or grouped along and around a set of short cul-de-sacs on the easterly side of the access road. Other than an emergency access link with Inglewhite Close there would be no direct link with Openshaw Fold Road.

The application is accompanied by a Design and Access Statement, an Extended Phase 1 Habitat Survey, a landscaping scheme and a Transport Statement.

It should be noted that, since the submission, the applicant has declared that the southerly side of Warth Road within the application area is owned by Hamilton Heath Estates. Although details of access are not the subject of the application, having received approval as part of the outline consent, the submitted layout includes a change in alignment of the improved Warth Road specifically to avoid the Hamilton Heath ownership.

Relevant Planning History

35526/99 - Outline residential development including access. Approved on 15th December 2000.

41752/03 - Renewal of 35526/99. Refused on 11th February 2004 for the following reasons: That the site is previously undeveloped and its release would be contrary to RPG13 and PPG3 as sufficient sites have been identified within the Borough to meet PPG13 requirements. That the application contains insufficient information regarding potential flood risk assessment. The appeal was dismissed on 25th April 2005 for the reason that there was no justification for the take up of this Greenfield site against a back ground of an oversupply of land for housing development.

44543 - Erection of a 2.4m high steel galvanized post and palisade fence. Refused on 27th June 2005 because the industrial appearance of the fence would be detrimental to the visual amenities of the area.

45136 - Deemed planning application as a result of an appeal against an enforcement notice for fencing, storage of containers, regrading of land and importation of materials for levelling land and creation of hardstandings. An appeal dismissed. The Notice was upheld and planning permission refused on 14th December 2005.

46788 - Outline residential development. Withdrawn on 13th December 2006.

47911 - Outline residential development based on a scheme that comprises 100% affordable housing. Approved on 19th September 2007.

Publicity

70 properties were notified on 19th May 2008. These include 30 – 62, Hamilton Heath, Ace Supply Co. Ltd. and Park Royal Haulage Ltd., Warth Road, 2 - 40 Openshaw Fold Road, 1 - 7 Mellor Drive, 1 – 7 and 2 – 8 Bealey Drive, 2 – 16 Whitewell Close, 1 – 11 Read Close, 8, 39, 41, 50 and 52 Inglewhite Close and Derby High School, Radcliffe Road. Site notices were displayed from 5th June 2008 and a press notice was published on 29th May 2008.

Four letters of support have been received from 22 and 28 Openshaw Fold Road, Fuel Flask Ltd and St Developments Ltd of Warth Road. The main points raised include:

- The development will greatly improve the area and reduce vandalism and trespassing.
- Local shops will benefit
- The area will be greatly enhanced due to the addition of housing and the reduction in HGV traffic.

Consultations

Highways Team - The response will be reported. It is understood that there are significant concerns regarding the design of the emergency access, the layout not being in accordance with Manual for Streets, the narrowing shown of Warth Road, the need to properly incorporate the junction of Warth Road and Openshaw Road and the access under the Metrolink.

Drainage Team – No objections.

Environmental Health – Recommend contaminated land conditions

Landscape Practice – An emergency access road is required due to the distance from Warth Road/Radcliffe Road junction being over 250m

Waste Management – Comments awaited.

Environment Agency – Comments awaited.

GMP Architectural Liaison – Footpaths at the rear of plots should be gated with key operated locks. All plots should have in curtilage parking or garaging with concern about use of detached parking bays and parking spaces along the emergency access. Dwellings

should face each other to give good surveillance. There should be areas of defensible space between gable walls and the public space.

Serco Metro – Comments awaited.

GM Fire & Rescue Service – Confirm the need for a 4m wide emergency access road as the distance from the junction of Warth Road and Radcliffe road is in excess of 250m.

BADDAC – the scheme is expected to be designed to Lifetime Homes Standards. As an absolute minimum details of a level approach to each house should be shown as well as details of pedestrian dropped kerbs to the estate road.

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/5	Crime Prevention
EN1/6	Public Art
EN6/4	Wildlife Links and Corridors
EN7/2	Noise Pollution
RT2/2	Recreation Provision in New Housing Development
HT5/1	Access For Those with Special Needs
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
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
PPS3	PPS3 - Housing

Issues and Analysis

Design and Appearance – The submitted scheme has a disappointing form and layout. It is based on a highly engineered highways layout derived from the design principles of Design Bulletin 32 (DB32) that have been superseded by the currently applicable Manual for Streets. Much of the public realm would be dominated by highway works and the presence of parked cars. The uniform rows of house units lacking articulation would provide little visual interest or sense of place.

The design of the scheme runs contrary to current policy requirements. UDP Policy H2/2 is concerned with ensuring that good standards of layout are maintained within residential development in order to provide a good quality residential environment. This aim is supported by the consultation draft of Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury. This sets out design processes and standards including an objective to achieve the incorporation of well designed frontages and landscaped areas to create a positive first impression and the achievement of a well designed public realm. PPS3 - Housing (paras. 12 to 19) promotes good design in housing developments and states that "*..good design should contribute positively to making places better for people. Design which is inappropriate in its context or fails to take opportunities available for improving the character and quality of an area and the way it functions should not be accepted*". Furthermore, the guidance states that "*Local Planning Authorities should develop.... design policies that set out the quality of development that will be expected in the local area, aimed at: - Creating places, streets, and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character.*" In addition, it is stated in the PPS that a matter to be considered when assessing design quality is the extent to which the proposed development "Takes a design-led approach to the provision of car-parking space, that is well-integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly". It is considered that the proposal fails to achieve the standard of design expected in accordance with current policies that seek good residential design.

Residential Amenity - The houses would be sufficiently well separated from each other and from existing residential property to the south. Therefore, existing residents would not

be adversely affected. In response to publicity there have been no objections and four letters expressing of support.

Affordable Housing - The site is within an area where the current housing restrictions under SPG7 apply and most of the land is considered to be land that has not previously been developed. One of the circumstances under which residential development is acceptable is where 100% of the units would be affordable housing. This type of provision is ensured through the existing s106 Agreement associated with the outline consent. Furthermore, condition 5 of that consent also requires 100% affordable housing provision. The applicant has an arrangement with a registered social landlord (RSL) and no further planning agreement or condition is required to ensure the 100% affordable housing provision within the development.

Previously Developed Land – Under the sequential approach to release land for housing, previously undeveloped (Greenfield) land would not be considered appropriate. However, at the outline application stage the scheme was permitted as it was providing 100% affordable housing and this was considered to represent an exceptional circumstance to allow the site to come forward for housing.

Highways Issues - Highways Team are concerned about the design of the proposed vehicular and pedestrian access arrangements and highways layout which they consider to be sub-standard and contrary to current residential street design guidance in Manual for Streets. They are also concerned that there is insufficient information provided to enable the acceptability of the proposed emergency access to be properly assessed. Highways Team recommend that the application should be refused due to these concerns.

Wildlife Issues – The adjoining Metrolink line is a Wildlife Corridor and the outline consent requires the scheme to make provision for a minimum 3m wide buffer zone next to the corridor. The scheme provides for this feature between the main access road and the Metrolink boundary. The application includes details of planting within this buffer zone including a wildflower seed mix and native hedging plants and trees.

There is a small wetland area immediately to the north of the site within the main site owner's control. The existing s106 Agreement makes it a requirement for a scheme to be submitted for approval and carried out to secure the future preservation and enhancement of this Feature of Ecological Value. The outline permission also includes a condition concerning the protection of this feature during the construction process by a suitable temporary barrier. The requirements concerning the protection, preservation and enhancement of the wetland area are already ensured through the outline consent and the associated s106 Agreement.

The existing buildings within the site have the potential to provide habitat for bats that are a protected species. A survey report for bats was submitted with the outline application. Whilst no evidence of their presence was found, a condition was attached to the outline permission requiring a resurvey prior to any demolition taking place. In addition, the outline planning permission includes conditions requiring the timing of demolition and clearance work to be such as to prevent disturbance or harm to nesting birds and the removal of Japanese knotweed.

Recreation Provision - Under UDP Policy RT2/2 there is a requirement for new housing developments of 10 or more dwellings to make provision for the recreational needs of new residents. Condition 6 of the outline planning permission requires this provision to be made. In this case, it is acceptable that the provision could be through an off-site contribution of £60,072.18. This would need to be secured through a s106 Agreement and, in this case, this can be achieved through a variation being made to the terms of the existing s106 Agreement associated with the outline consent.

Public Artwork - The development would exceed the 25 unit threshold at which there is a requirement for the proposal to include an element of public artwork in accordance with

Policy EN1/6 and the associated SPG Per Cent for Public Art. The requirement has been set down by Condition 3 of the outline permission. It is proposed that there would be public artwork provided on site. The details of the artwork have not been provided and any consent should include a condition requiring approval of these details and a stipulation to ensure that the approved artwork is implemented.

Disabled Access - The design of the development shows raised thresholds on the house details, lacks sufficient detail to show pedestrian dropped kerbs on the main estate road and does not include houses designed to Lifetime Homes Standards. Therefore, the proposal is contrary to Policies H2/2 and HT5/1 that encourage the design of developments to cater for the needs of persons with special needs.

Secure Design - The police have responded that certain aspects of the design would be deficient in terms discouraging the incidence of crime. It is considered that of the matters the police have raised there is most concern about the security of a network of rear access footpaths within the layout and situations where there is a lack of natural surveillance and defensible space within the curtilage of houses with end gable walls. The design of the development is not considered to be acceptable in terms in terms of secure design and it would, therefore, conflict with Policy EN1/5.

Conclusion - The design of the proposed development does not provide a good quality residential environment and this includes significant deficiencies in terms of the highway design, disabled access and secure design aspects of the scheme. It is considered, therefore, that the application ought to be refused.

Recommendation: Refuse

Conditions/ Reasons

1. The design of the development is excessively dominated by highway surfaces and the presence of parked vehicles. In addition, the layout of the houses would lack visual interest and a sense of place as well as lacking design features to discourage crime. Overall, the development would not provide a good quality residential environment and, as such, the proposal is contrary to policies H2/2 - The Layout of New Residential Development and EN1/5 - Crime Prevention of the Bury Unitary Development Plan, Development Control Guidance Note 16 - Design and Layout in New Development in Bury (Consultation Draft) and PPS3 - Housing.
2. The proposed vehicular and pedestrian arrangements to the proposed development and the layout of the highways within the site are sub-standard, which would be detrimental to highway safety and maintaining the free-flow of traffic on the adjacent roads and contrary to current residential street design guidance.
3. The application and submitted plans contain insufficient information to enable the acceptability of the proposed emergency access arrangements to be properly assessed.
4. The development does not make sufficient provision for the needs of persons with special needs in regard to the following matters:
 - The provision of a level approach to each house
 - The provision of pedestrian dropped kerbs to the estate road.
 - The provision of dwellings designed to Lifetime Homes Standards.

The proposal would, therefore, conflict with policies H2/2 - The Layout of New Residential Development and HT5/1 - Access for Those with Special Needs of the Bury Unitary Development Plan and Development Control Policy Note 16 - Design and Layout of New Development in Bury (Consultation Draft).

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 item was deferred for a site visit by Members at the Planning Control Committee meeting on 17 June 2008.

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 within a reasonable time. However, should the agreement not be signed, then 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 the following correspondents:-

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, 28, 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.

Neighbour Notification - An administrative error resulted in letters being sent to objectors on 10 June 2008 incorrectly advising them that the application had been withdrawn. This error was rectified on 12 June 2008 informing **ALL** objecting correspondents that the item was still being considered and was to be presented to the Planning Control Committee on 17 June 2008 for consideration. However, the Planning Control Committee decided to carry out

a site visit to inspect the site for themselves. All objectors have been notified that the site is to be visited by Planning Control Members on 22 July 2008 and of the main Committee meeting later that day.

Consultations

Traffic - They confirm that there are no objections but recommend the following two conditions be attached to the granting of any planning permission ensuring the surfacing of car parking and to ensure turning facilities are provided to enable vehicles to leave the rear parking area in a forward gear.

Drainage - No objections.

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 so 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.

Footpath - There is a paved footpath that crosses the site and whilst it is not a definitive right a way, it may be a right of way through usage. Under the Planning Acts, there is no requirement to advertise proposals that affect a non definitive right of way, only definitive ones as there are separate procedures under Highways Legislation to deal with this matter.

The footpath is paved and may be a well used route. However, the footpath, which leads from the corner of the Co-op and stops at the Health Centre car park, provides a short cut through private land to Watling Street. Should the health centre decide to fence off their own car park, such as for security reasons, this would render the paved pathway useless. Furthermore, the existing formal route along the adopted highway to Watling Street would not add any significant greater distance to a journey and is a safe and well used recognisable route.

In addition to these matters, the proposed development is for a use and on a site, which as discussed in the main report, is located close to public amenities, health provision and transport facilities. All these are key considerations for any special needs development to comply with the UDP Policy H4/2 - Special Needs Housing. As such, the development is considered to be appropriate in terms of siting and land use and outweighs the retention of the pathway.

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 choice 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 accommodate 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 validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

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

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

8. 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.
15. 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.

16. The turning facilities indicated on the approved plans shall be implemented, to the written satisfaction of the LPA prior to the development hereby approved being occupied, to enable vehicles to enter and leave the site in forward gear. The turning facilities shall subsequently be maintained free of obstruction.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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

Ward: Bury West - Church

Item 03

Applicant: Voadafone Ltd

Location: BOLTON ROAD, (OPPOSITE 347-349), BURY

Proposal: PRIOR APPROVAL DETERMINATION FOR THE INSTALLATION OF 10M HIGH REPLICA TELEGRAPH POLE (11.4M IN TOTAL) SUPPORTING 3 NO. SHROUDED ANTENNAS AND 1 NO. ASSOCIATED EQUIPMENT CABINET

Application Ref: 50068/Telecom
Determination (56 Days)

Target Date: 28/07/2008

Recommendation: Approve with Conditions

Description

The proposed development is located at the back of the footway on the northerly side of Bolton Road and is directly opposite Nos 347 & 349 Bolton Road, with further residential properties to the east and west.

To the rear of the application site is a grassed area, which is 14 metres wide and contains mature trees. Directly to the rear of the grassed area is an access road, which runs to the rear of 1 – 21 Wellington Square (residential properties).

At the rear of the grassed area are three residential properties, which front onto Reigate Close. To the west of the site, there is a grassed area with mature trees and beyond is a 2 metre stone wall and the Grade II listed Lancashire Fusiliers War Memorial.

To the west of the site there a recently installed telecommunications mast on behalf of O2. The mast is in the form of a mock telegraph pole and was granted on appeal on 26 September 2007. There is a bus shelter which would be located between the existing mast and the site of the proposed mast.

The applicant seeks consent for the prior approval for the erection of telecommunications equipment, including a 10 metre telegraph pole (11.4 metres in total), antennae and associated cabinet. The applicant has confirmed that no works will be required to the surrounding mature trees.

Relevant Planning History

47333 – Prior approval application for the installation of a radio base station consisting of a 12.5 metre telegraph pole, canon type D cabinet and ancillary development at pavement at Fusiliers Association, Orpington Drive, Bury.

Prior approval required and refused – 30 January 2007

47768 – Prior approval application for telecommunications installation of a radio base station consisting of a 12.5 metre telegraph pole, cabinet and development ancillary thereto at Bolton Road (opposite 363), Bury. Allowed on appeal - 26 September 2007

Publicity

114 properties within 100 metres of the application site were notified by means of a letter and site notices were posted on 6 June 2008. One letter of objection has been received, from the occupiers of Nos. 345 Bolton Road, which has raised the following issues:

- The visual impact of the proposed mast upon the locality
- The siting of the proposed mast is too close to residential properties
- Impact of the proposed development upon health

Consultations

Highways Team – No objections

Drainage Team – No objections

Environmental Health (Pollution Control) – No objections, as a statement confirming that the application complies with ICNIRP guidelines has been submitted

Conservation Officer – As the proposed mast would be slightly further away from the listed Lancashire Fusiliers monument than the mast recently approved and now erected. I consider that the setting of the monument will therefore not be affected by the current proposal.

Landscape Practice – No objections, as the application indicates that no works will be undertaken to the trees

Local Area Partnership – No response to date

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/4 Street Furniture

EN1/7 Throughroutes and Gateways

EN1/10 Telecommunications

EN8 Woodland and Trees

EN2/3 Listed Buildings

HT2 Highway Network

PPG8 PPG8 - Telecommunications

Issues and Analysis

Health issue - Current government guidance (PPG 8) with respect to the potential health risks, states that providing such proposals meet the ICNIRP guidelines, local authorities should not consider those aspects, or any concerns about them, any further. In this case, the applicants have indicated that the proposal will meet the ICNIRP guidelines.

Supporting information - The applicant has provided a list of 23 sites, including installations on various buildings and installations on the highway, which were considered but were discarded in favour of this submitted proposal. The 23 sites were discarded as either the site provider was not interested in the proposal; the presence of surrounding trees would result in a mast which would be prominent in the street scene; the site would not provide the required coverage; the presence of underground services prevented construction or the pavement was not wide enough to allow for an installation and the safe passage of pedestrians.

The list of potential sites included the possibility of sharing with the existing mast on Bolton Road, which was allowed on appeal (47768). The submitted information states that it would not be possible to share this site without redevelopment and in order to achieve the required coverage for the two operators, the height and bulk of the mast would have to be increased. It is considered that if the height and bulk of the mast was increased, it would become a prominent and detrimental feature in the locality which would make the mast a prominent feature in the locality. The applicant has provided information which justifies the need in terms of improved coverage for this site. Therefore, the proposal is considered to be in accordance with Policies EN1/10 and EN8/2 of the adopted Unitary Development Plan.

Visual amenity - The site for the proposed development contains mature trees to the north and east. No works are proposed to any of the trees on the application site and it is considered that the proposed development would not be prominent within the street scene, when viewed from Bolton Road or from the dwellings fronting onto Reigate Close. Existing street furniture in the vicinity of the site includes a bus shelter and sign, lampposts and an recently constructed mast and associated equipment cabinet. The proposed mast has been designed so as to reflect and match the street furniture in the vicinity. Therefore, it is considered that the proposed development would not look out of place within the locality, subject to conditional control and would not appear as an unduly intrusive feature in the surrounding landscape. The proposed development has been sited at the rear of the footway and it is considered that the proposed development would not reduce the width of the footway to a substandard level and therefore, would not impact upon highway safety.

Therefore, the proposal is in accordance with Policies EN1/2, EN1/4, EN1/7 and HT2 of the adopted Unitary Development Plan.

Impact upon the listed building - The Lancashire Fusiliers War Memorial, which is a grade II listed building, is located some 70 metres to the west of the application site. The proposed mast would be slightly further away from the war memorial than the recently constructed mast. It is considered that the existing street furniture and the mature trees would provide a busy background or screening for the proposal, and the Inspector concurred during the recent appeal (47768). The Conservation Officer has no objections to the proposal and it is considered that the proposed development would not have an adverse impact upon the setting of the listed war memorial. Therefore, the proposed development would be in accordance with Policy EN2/3 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;- Having due regard to both National and Local Policy, in particular UDP Policy EN1/10 (Telecommunications), it is considered that the proposed development is acceptable in relation to health and safety issues, due to the submission of the relevant Certificate under ICNIRP. The location of the proposed apparatus would not be unduly prominent within the street scene and would not be detrimental to the setting of the adjacent Grade II listed war memorial. Therefore, the proposed development is considered to be acceptable. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered 63509_001 A, 63059_002 A, 63059_003 A, 63059_004 A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
2. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

Ward: Prestwich - Sedgley

Item 04

Applicant: Shefa Mehadrin Ltd

Location: 49-53 BURY NEW ROAD, PRESTWICH, M25 9JY

Proposal: EXTENSION AND ALTERATIONS TO EXISTING KOSHER MEAT AND GROCERY SHOP (RESUBMISSION)

Application Ref: 49822/Full

Target Date: 12/08/2008

Recommendation: Approve with Conditions

Description

The site comprises of two Class A1 - Retail units and an access area to offices above that are within Sedgley Park District shopping centre. They are an existing double food store unit (49 Bury New Road) and a barbers shop (51 Bury New Road) that have a cumulative ground floor retail floor area of 176sq m with the same amount of offices/storage above (part of which is 53 Bury New Road). The three units are at the junction of Buckingham Road and Bury New Road. Directly to the north on Bury New Road is a BT Telephone Exchange building. There are rows of shops facing on the opposite side of and to the south on Bury New Road.

There are 6 existing car parking spaces at the side of 49 Bury New Road that are at right angles to the road. These are sub-standard in length and are accessed over the pavement. The properties are serviced by a gated access road to the rear from Buckingham Road.

At the rear of the site is 2 Buckingham Road, a residential property that is slightly elevated above the level of the service yard of the site. It has a ground floor lounge/'back room' window and first floor bedroom window on the rear elevation. The cill of the lounge window is approx. 1.6m higher than the level of the service yard. On the side elevation of the two storey outrigger facing the site is a back door with window at the side and first floor bathroom/WC windows.

The application proposes a ground floor extension behind 51 Bury New Road with a first floor extension across the full width of the rear of both shop units. The internal layout would be altered to create one 209sq m ground floor retail shop area with level access from Bury New Road, a 37sq m partial upper ground floor kitchen/food preparation area at the rear and a 240sq m office/records area/storage floor above at first floor level above. The site layout plan shows three parking bays at the side parallel to the road and a service area at the rear accessed from Buckingham Road.

Relevant Planning History

48298-Temporary consent for 2 refrigerator at rear for 4 months-Refused 06/08/2007

48650-Temporary consent for 18 months for 2 storage containers at the rear (refrigeration units to be disabled)-AC 26/10/2007 – This permission expired on 01/05/2008 and is being currently being monitored by the Enforcement Team.

49351-Extension and alterations to existing shop-Refused 20/03/2008 –This application was refused due to insufficient information to be able to fully assess the proposal.

Publicity

Immediate neighbours were written to on the 18th June 2008. Three letters of objections has been received from 2 Buckingham Road (x2) and 51 Bury New Road (barbers) which

have raised the following issues:

1. Noise from deliveries and stacker truck from 0730hrs to 2030hrs is already unacceptable. Building work will add to the noise and upset.
2. Heavy goods vehicles are making daily deliveries not once a week with other delivery vehicles arriving daily from 0615hrs.
3. Metal access gate being dragged along the ground up to 2015hrs any day which can be heard in any room of the house.
4. Loss of privacy to kitchen.
5. Use of land not in their ownership despite solicitors letters.
6. Damage to garden wall by their stacker trucks not yet repaired.
7. They are running a wholesale business as well as the shop outlet, with the stacker truck loading up wooden pallets to delivery vans throughout the day which adds to the noise and upset to the household.
8. The tenant at the barbers shop says the applicant has already blocked off the rear entrance and gated off the unadopted road at the rear. Is he going to encroach further on to the land he leases?

Consultations

Highways Team – Recommends refusal on the grounds that the proposal would be an intensification of the use of a site with inadequate parking and servicing arrangements and would be detrimental to road safety and maintaining the free flow of traffic.

Drainage Team – No objections

Environmental Health Team – No objection subject to condition

BADDAC – No objection

Unitary Development Plan and Policies

C082	Mountheath Industrial Park/Bury New Road
S1/3	Shopping in District Centres
EN1/2	Townscape and Built Design
S2/1	All New Retail Proposals: Assessment Criteria
S2/3	Secondary Shopping Areas and Frontages
S3/2	New Retail Development Opportunities Within District Centres
EN1/8	Shop Fronts
HT5/1	Access For Those with Special Needs
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
SPD6	DC Policy Guidance Note 6: Alterations & Extensions

Issues and Analysis

Principle – Bury UDP Policy S2/1 – All New Retail Proposals: Assessment Criteria states the Council will support proposals for new retail development that are within or immediately adjoining the main shopping area of existing centres, that sustain or enhance the vitality and viability of the centre and are accessible by public transport. The proposal will improve a long established business within Sedgley Park District shopping centre that is directly adjacent a main public transport corridor and the principle of the proposed extension is considered acceptable subject to its conformity with other policies of the Bury UDP. These are;

Parking – Development Control Policy Guidance Note 11 – Parking Standards in Bury states that for a 209sq m retail shop/240sq m office/storage development a maximum of 13 parking spaces should be provided (1 parking space per 25sq m for food Class A1 retail use and 1 per 35sq m for Class B1 office use). However the proposal is for an extension to existing retail units with alterations to the internal layout that will create an extra 33sq m of retail floor space and 64sq m office/storage and this could require upto 4 additional parking spaces in addition to the existing provision on the site.

The existing car parking on the site is considered to be unsafe because of its layout and the submitted plans show an alternative layout providing a maximum of 3 spaces parallel to Buckingham Drive. These 3 spaces are considered to be available now and therefore the issue is whether the Council should now require a further 4 parking spaces.

The development both existing and as proposed clearly do not provide parking to the full standards contained in the Guidance Note. However the Guidance Note does state that smaller developments within local shopping centres could have reduced levels of car parking.

The Highways team have recommended refusal, but have as yet to support this recommendation except to advise that there is seen to be a parking problem in this location. There is therefore a dilemma in that most of the retail use is existing, the extensions are modest, and the property is sited within a District Centre, which could lead to the conclusion that the principles of this development are acceptable. Furthermore the extension would enhance the viability of an existing food store that provides specialised food for the residents of the surrounding area pursuant to Bury UDP Policy No. S2/1-All New Retail Proposals: Assessment Criteria and SPD11-Parking Standards in Bury.

Servicing - The servicing of the proposed shop is via the existing rear access from Buckingham Road. The proposed site layout shows a fork lift truck area and a 1st floor goods loading window.

The Highways team have advised that the servicing is inadequate and therefore have recommended that permission be refused because of the poor servicing arrangements. It should however be acknowledged that these properties have a long established use of the current servicing arrangements and that typically, in many District Centres, the properties are serviced from the existing highways and do not have dedicated servicing arrangements. Further more the limited nature of the extended use would not justify a requirement to provide significantly improved facilities. The existing servicing facilities are therefore considered to be acceptable pursuant to Bury UDP Policy No S2/1-All New Retail Proposals: Assessment Criteria and SPD11-Parking Standards in Bury. However to safeguard the amenity of the occupiers of the surrounding residential properties conditions to control both the hours of operation of the fork lift truck and times of goods deliveries are recommended.

Visual and Residential Amenity – The design of the proposed extension at the rear is considered to be in keeping with the existing terrace shops with materials are to match the existing. The scale and massing of the proposal is considered to be in keeping with the existing street scene when viewed from both directions on Buckingham Road.

The proposal does not cross a rising 25° line on a 45° line taken from the mid-point of the lounge window cill at 2 Buckingham Road towards the proposal. The windows on the two storey outrigger facing the site are to non-habitable rooms where there is no separation distance requirement. Therefore it complies with the requirements of the Development Control Policy Guidance Note 6: Alterations & Extensions to Residential Properties in relation to the separation distance of the proposal to the lounge window on the rear elevation.

The proposal includes a ventilation system to abate odours from the kitchen/food preparation area. A condition is recommended that the ventilation system is fully installed in accordance with the details included as part of this planning application and thereafter maintained as such to safeguard the amenity of the occupiers of the surrounding properties.

Access for All – There is level access in the shop front on the Bury New Road frontage to enable access to the retail shop area and a lift is shown which gives access to all floors. Therefore the proposal conforms to the requirements of Bury UDP Policy Nos. EN1/8-Shop Fronts and HT5/1-Access For Those with Special Needs.

Comments on Representations -

1. & 2. A certain amount of noise and disturbance is normal within a district shopping area.

However conditions have been recommended to restrict the hours of operation of the fork lift truck and goods deliveries to safeguard the amenities of the surrounding properties. The noise and disturbance due to the construction of the proposal is not a consideration for this planning application.

3. This is a matter of how the site is managed and, if necessary, for Environmental Health to investigate as an issue of nuisance.
4. The size and position of the proposal accords with the requirements of DCP Note 6: Alterations & Extensions to Residential Properties in terms of effect on a non-habitable room window.
5. & 6. These are civil issues between the land owners and are not a material planning issues.
7. The agent has sent a letter that states the proposal is purely for a Class A1 Retail Outlet with associated offices and storage above and has no manufacturing or distribution elements. The main food manufacturing and storage/distribution elements for the business are carried out at other sites outside of Bury.
8. The proposal does include the site of the existing barbers shop. Notice has been served on the barbers shop owner and a neighbour notification letter sent to the occupier of the barbers shop. It is a matter for the landlord of the barbers shop to notify the leaseholder if the terms of his lease has been or is going to be altered.

Summary of reasons for Recommendation

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

The application has been considered after studying the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses, in particular Unitary Development Plan Policies EN1/2-Townscape and Built Design, S1/3-Shopping in District Centres, S2/1-All New Retail Proposals: Assessment Criteria, S2/3-Secondary Shopping Areas and Frontages, S3/2-New Retail Development Opportunities Within District Centres, EN1/8-Shop Fronts, HT5/1-Access For Those with Special Needs, EN7/1-Atmospheric Pollution and EN7/2-Noise Pollution and SPD11-Parking Standards in Bury and DCP Note 6: Alterations & Extensions to Residential Properties.

Given the existing retail use on the site, the limited extent of the proposed extension and the location in a District Shopping Centre it is concluded that proposals will not have a significantly adverse impact on the existing highways, the character of the area or the amenity of local residents. It would not therefore cause demonstrable harm to other interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 607/1, 607/2, 607/3 607/4a, 607/5a, 607/6, 607/7 & 607/8a as modified by the letter from Amar Egan Associates dated 4th July 2008 and the ventilation scheme details validated on 17th June 2008. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of

design pursuant to Bury UDP Policy EN1/2 - Townscape and Built Design.

3. The 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. The proposed window to the first floor records and storage space located on the rear elevation facing 2 Buckingham Road shall be fitted and maintained with obscure glazing in perpetuity.
Reason. To protect the privacy of adjoining occupiers.
5. No deliveries shall be received at the site or despatched from the site outside the hours of 0800hrs to 2000hrs on any day.
Reason. In the interests of residential amenity pursuant to Bury UDP Policy S2/1-All New Retail Proposals: Assessment Criteria and EN7/2-Noise Pollution.
6. Any loading/unloading or other activity that involves the use of a fork lift truck shall be confined to between 0800hrs to 2000hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Bury UDP Policies S2/1-All New Retail Proposals:Assessment Criteria & EN7/2-Noise Pollution.
7. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating/dispersing fumes and odours which will ensure no loss of amenity to local residents has been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions. The installation shall be so designed such that the maximum noise emitted does not exceed NR25 (Noise Rating) in the bedrooms of the nearest residential property, with the windows of that residential property being open in the normal manner for ventilation purposes.
Reason: To protect the amenities of occupiers of nearby properties.
8. The car parking indicated on the approved plans 607/8a shall be demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to work commencing on the building hereby approved 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.

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

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 to the completion of the s106 Agreement concerning recreation provision. The Agreement should be signed and completed within a reasonable time. However, should this not occur the delegated authority should be given to the Assistant Director (Planning, Engineering and Transportation) to refuse the application.

The application was deferred at the last meeting of the Committee for a site visit

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 as 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 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. He also claims that the pedestrian route would be on his land.

Regarding the question of ownership the agent has provided further information to demonstrate that the proposed pedestrian route is within the applicant's ownership. The information includes a legal deed plan as well as Ordnance Survey plans and a more detailed drawing with the boundary plotted. The pedestrian route would coincide with an existing enclosed passage about 1m wide between the back wall of the public house and a fence between the passage and a separate plot of land. On site it is evident that the route is within the curtilage of the public house.

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 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.
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, 2005/12/05 Rev F, 2005/12/06 Rev B, 2005/12/07 Rev D and the 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: Prestwich - St Mary's

Item 06

Applicant: Irwell Valley Housing Association

Location: PARK HOTEL, LOWTHER ROAD, PRESTWICH, M25 9GP

Proposal: THREE STOREY BLOCK OF THIRTY APARTMENTS WITH CAR PARKING AND ASSOCIATED WORKS

Application Ref: 49718/Full

Target Date: 29/07/2008

Recommendation: Minded to Approve

Minded to Approve subject to the receipt of a satisfactory s106 Unilateral Undertaking concerning recreation provision. The Agreement in its finalised and satisfactory form should be received within a reasonable time. However, should this not occur, the delegated authority should be given to the Assistant Director (Planning, Engineering and Transportation) to refuse the application.

Site visit requested by the Assistant Director of Planning, Engineering and Transportation Services

Description

The application concerns the cleared site of the former public house the Park Hotel that was situated at the junction of Lowther Road and Gale Road. The surrounding area is residential and the pub was the only commercial use for some distance. The houses situated opposite the site and next to its boundaries are two storey semi-detached and detached units. There are mature trees on parts of the site and seven of the trees are the subject of a Tree Preservation Order.

There are marked changes of level both within and outside the site. The highest part of the site is the northern section where the pub car park was located. The rest of the land is about 2m lower. Gale Road has an incline rising to the junction with Lowther Road and is about 2.5m lower next to the south westerly section of the site. The site boundary here includes a substantial brick retaining wall with the existing semi-detached houses opposite the land set at this lower level. In contrast, Lowther Road and the houses on the opposite side of this road vary from a similar level to about 1m higher than the site level.

The proposal involves the erection of a three storey block of 30 two bedroomed apartments set in an L shaped configuration next to the highway frontages. All of the apartments would be Affordable Housing. The footprint of the block would be indented at the road junction where the main pedestrian approach to the block would occur and a public artwork would be sited. The vehicular access would be near to the easterly end of the Lowther Road frontage. The remainder of the area on the easterly side of the block would be set out mainly as car parking with 30 spaces to be provided including two disabled spaces. The block would be a traditionally designed brick building with a hipped concrete tiled roof. It is proposed that, with the exception of a poplar tree at the rear of the site, all of the protected trees would be retained. As well as the poplar, several minor unprotected trees are intended to be removed. It is proposed to plant 11 new trees, including 6 near the Lowther Road and Gale Road junction and 5 more within the car park area.

A brick bin store with a hipped roof would be situated close to the vehicular entrance between the entrance and the open amenity area at this end of the block. There would also be a cycle store in a similar design to be situated at the southerly far end of the car parks.

The application is accompanied by a Design Statement, a Design and Access Statement,

Crime Impact Statement, an Arboricultural Report and a Geo-Environmental Investigation.

Relevant Planning History

44729 - Erection of a three storey block of 27 apartments with car parking and associated works. Withdrawn on 17th January 2006.

Publicity

44 properties were notified on 30th April 2008. These include 100 – 124, 63 – 67, 85 and 87 Lowther Road, 33, 44 – 50 Scott Road, 14 – 26 Carr Avenue, 2 – 14 Carlford Grove and 2 – 12 Gale Road. Site notices were posted on 13th May 2008 and a press notice was published on 8th May 2008. All of the addresses were notified on 2nd July about the receipt of revised details.

Four objections have been received. These are from 100, 112, 122 Lowther Road and 10 Gale Road. The main concerns include:

- The building would be too high.
- 30 flats is excessive.
- There is not the space for such a development to be accommodated by this small area.
- This is an inappropriate type of development for an area of two storey houses.
- Concern about the carbon footprint of 30 - 60 cars accessing the area every day.
- There is no parking for visitors or sufficient spaces for residents with two cars as this is also a busy bus route. There would be overspill parking on Lowther Road and Gale Road which may lead to road safety issues.
- Will the applicants for the flats be vetted to ensure that undesirable persons such as drug addicts, alcoholics or child sex offenders would not become residents?
- Will there be any overspill from Salford or Bury as this is a quiet residential area?
- There are too many flats in Prestwich.
- Why doesn't Irwell Valley build the flats on the Claremont Residential Home site instead because that area already has flats around it?
- Concerns about loss of light (100 Lowther Road and 10 Gale Road).
- Concerns about loss of privacy at 10 Gale Road due to the scale of the building and inclusion of windows overlooking their property.
- Wants reassurance that the property would be no higher than the old building.
- Would the hawthorn tree in the car park be affected as there may be a conservation order related to it?

Consultations

Highways Team – Recommend condition to ensure the satisfactory implementation of the highway works and car parking facilities.

Drainage Team – No objections.

Environmental Health – Recommend contaminated land mitigation conditions.

Landscape Practice – Concern that building should be clear of the canopies of protected trees. Only permeable surfaces should be used within the canopy of the protected trees next to Lowther Road. Parking spaces should be avoided next to a protected lime tree. Accordingly, revisions have been made to the scheme in the light of the above comments and involve a relocation of part of the block to ensure that it would be sufficiently clear of two protected trees and an amendment to part of the car park to ensure that no parking spaces would be below the canopy of the lime tree. These revisions have rendered the scheme acceptable to Landscape Practice subject to an appropriate condition concerning details of the work in the area where the building would be near protected trees.

Waste Management - No objections.

GMP Architectural Liaison – Glazing on lower accessible areas should be laminated glass. The development should be designed to achieve Secure by Design.

United Utilities - No objections subject to drainage being on a separate system for foul drainage and surface water run off.

GM Fire & Rescue Service – No objections.

GMPTE - Applicant will need to follow the procedures to secure the movement of the existing bus stop on Lowther Road with the bus stop to remain within the site frontage.

BADDAC – Concerns expressed about lack of information in the Design & Access Statement concerning accessibility/inclusive design, need for Lifetime Homes Standards accommodation, level thresholds to communal entrances, and level footpath approaches from footpaths and car parks and to the bin store. In response to these comments the applicant's agent attended a meeting with BADDAC. Subsequently, a revised Design and Access Statement and revisions to the details have been received in response to the issues raised. The revisions are related in more detail in the Issues and Analysis section below.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/6	Public Art
EN4	Energy Conservation
EN4/1	Renewable Energy
EN4/2	Energy Efficiency
EN7	Pollution Control
EN8	Woodland and Trees
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
SPD11	Parking Standards in Bury
PPS3	PPS3 - Housing
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Principle – The site is within an area that is residential and thus the development would be an appropriate use in terms of the surroundings.

The current restrictions on new housing development as set out in SPG7 are applicable within the area where the site is located. However, one of the exceptions to the policy allows residential development if it involves affordable or special needs housing and this would apply only to developments offering 100% affordable or special needs housing in accordance with the identified housing needs in the Borough. In this case all of the apartments would provide affordable housing and the applicant is a housing association and therefore an approved Registered Social Landlord (RSL). On this basis the development is acceptable in principle. A condition should be imposed to ensure that all of the housing would remain affordable as defined in SPD5 - Affordable Housing.

Residential Amenity – In considering the details of the development there is a concern to ensure that the three storey elevations would not cause an undue loss of privacy and outlook to the surrounding houses. This concern arises particularly on a part of the Gale Road frontage where an abrupt increase in levels at the site boundary would result in the ground floor level of the being about the equivalent of one storey above the ground floor of the house. However, the block would be set back by 11m from the frontage and the separation to the houses at the nearest point would be about 25.3m. This would be 0.7m less than the equivalent recommended separation distance between a main elevation of a

domestic extension and that of a neighbouring house (26m) set down for domestic extensions and nearby houses in SPG6 and taking into account differences in height or levels. The separation distance is considered to be sufficiently close to that recommended for domestic extensions to be acceptable in terms of the impact on the amenities of the affected dwellings.

Along Lowther Road the separation distance to the houses opposite would be about 21.5m and this would compare to the recommended distance set down in SPG6 of 23m (three storeys to two storeys). In this location, however, the block would be set at a level of about 1m lower than the houses opposite making the slightly lower distance acceptable.

The southerly end of the block would be situated within 3m of the end of 20m long back gardens to semi-detached houses on Carr Avenue. This elevation would be set at a significantly higher level than the houses, equivalent to about one storey in height. However, the only openings in the elevation of the block facing these properties would be a ground floor doorway and two obscure glazed hall and landing windows one on each of the upper floors. It is considered that the relationship between the block and the houses in question is acceptable due to the separation distance and the lack of overlooking from the block. The relevant elevation has been amended to show that the windows in question would be obscure glazed and any consent should include a condition to ensure that the obscure glazing is installed and continues to remain in place.

Design and Appearance – The apartment block would be of a traditional brick built design generally in harmony with the design of surrounding housing. However, most of the housing in the area is two storeys but the block would be three storeys high. The layout would ensure that main elevations with access points would face both street frontages. Also, there would be a point of focus next to the Lowther Road/Gale Road junction and an open area including the main point of pedestrian access and a public artwork feature would be provided in this position. Visual relief would be provided by landscaped frontages, a private amenity area within the internal part of the layout and the retention of protected trees.

Concerning the acceptability of a three storey development on the site it should be noted that this is a dominant corner site within the street scene which calls for a stronger definition by its built form than conventional two storey development. However, the stronger form should not have a materially detrimental impact on the existing neighbouring houses. The demolished public house was a large three storey building and formed a strong feature within the streetscape of Lowther Road and Gale Road. The proposed building would be positioned to perform the same function as the original building in providing a visual punctuation to the street scene and a visually strong corner between Lowther Road and Gale Road. In terms of the impact on nearby residential properties this was considered in some detail within the previous section with the conclusion is reached that the height of the development would be acceptable in terms its impact on neighbouring houses.

The scheme has been amended to enlarge and improve the area available for external amenity use. Such an area would be provided near the Lowther Road frontage between the building and the vehicular entrance. It would be enclosed from Lowther Road to provide a satisfactory level of privacy and its dimensions and shape would be sufficient to provide an adequate amenity space.

Concerning the submitted landscaping details, these show the general structure of landscape treatment and any consent should include a condition requiring the submission of full details of this aspect of the development. The condition should ensure that the new tree planting would involve semi-mature specimens.

The highways aspect of the design and layout is acceptable and Highways Team has no objections subject to there being conditions attached to any permission concerning the satisfactory implementation of the highways works and the car parking provision.

Overall, it is considered that the design and appearance of the development is acceptable

including the height of the building and that, therefore, there would be no conflict with UDP policies H2/1 and H2/2 .

Protected Trees - The scheme has been amended to secure an appropriate set back of the block from protected trees next to Lowther Road and to set car parking spaces clear of a protected lime tree. The proposals would involve the loss of one tree that is the subject of the tree preservation order. This is a large poplar situated at the back of the site growing close to other trees. The Arboricultural Survey recommends its loss as the tree is considered to be over-mature, short-lived, and not worthy of retention. The removal of the tree would allow the successful retention and development of the adjacent trees. The scheme makes provision for the planting of 11 new trees. Landscape Practice has no objections to the scheme as amended.

Car Parking - The development provides for 30 car parking spaces including two disabled spaces set next to the main entrance at the rear. The car parking standards in SPG11 set down a maximum provision and there is a different maximum level of provision in high access and low access areas. The development would have two bedroomed accommodation and the maximum provision for the development which is in a low access location is 2.5 spaces per unit (75 spaces). However, the development is situated along a bus route with a stop outside the site on Lowther Road and this gives good accessibility and should be taken into account in considering the amount of car parking provision. The maximum provision in a high access area is given as much lower at 1.5 spaces per unit (45 spaces).

In the submitted Design and Access Statement there is a statement to justify the proposed car parking provision. In this regard SPG 11 is referred to and the availability of alternative modes of transport including:

- The local shops and facilities within walking distance (the Neighbourhood Shopping Centre at Butterstile Lane about 350m away),
- The bus stop on the frontage providing for routes to Bury, Manchester, Bolton, Pendleton and to North Manchester General Hospital.
- The provision of on-site secure storage for 28 cycles.

It is also stated in the Design and Access Statement that 100% car parking provision would be in conformity with Irwell Valley Housing Association's operational requirements and that this figure is based on similar schemes within the Greater Manchester area and on the take up of parking spaces by occupants.

On this basis, including the case put forward on behalf of the applicants, it is considered that a car parking provision at a rate of one parking space per unit, including shared visitor parking, could be accepted.

Planning Obligations – As the development would not include an area for recreational provision there is a requirement under Policy RT2/2 for a one-off contribution to be made towards recreation provision in the local area. For the proposed development this would amount to £12,352.80 and needs to be secured through a s106 Agreement. The applicant has provided a draft s106 Unilateral Undertaking to cover this requirement and any consent should not be issued until the Undertaking is signed.

The layout shows that a public artwork element would be provided as an integral part of the development within the frontage area at the Lowther Road/ Gale Road junction. No details are provided of the artwork and the design and implementation of the artwork is capable of being dealt with through a condition. This situation also applies to the requirement for the provision of 100% Affordable Housing which can also be ensured by means of a condition rather than through a s106 Agreement.

Disabled Access – The scheme has been amended to provide level access to all entrances, dropped kerbs onto car parking surfaces and ramped access (maximum gradient 1 in 20)

with hand rails provided to the bin store facility. These changes are sufficient to address the main concerns of BADDAC. In the revised Design and Access Statement it is confirmed that compliance with Homes for Life Standards will be required as the development will be funded by the Housing Corporation.

The Objections -The concerns raised concerning the relationship to existing houses in terms of the height of the building and the car parking provision are considered in the above sections.

The scheme achieves an adequate level of car parking provision and amenity space and is considered to be acceptable in terms of the retention of trees and the relationship to the highway frontages and to neighbouring properties. This does not support the contention that the provision of 30 flats is excessive.

Most of the surrounding residential development includes two storey houses. However, central government advice in PPG3 promotes the provision of a good mix of housing types and the proposed development of apartments set within the surrounding houses would accord with the advice in paragraph 23 of the PPS where it states "For smaller sites, the mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the area". The concerns expressed about the type of residential occupiers that would be accommodated is not a valid planning consideration.

One resident is concerned about the possible loss of a hawthorn tree. Of the two hawthorns one is in a frontage location, is protected by the TPO and would be retained. The other one is within a central area of the scheme, is not protected and would be removed. It should be noted that the scheme includes provision for replacement tree planting.

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 height, design and appearance of the development is acceptable. The provision made for car parking and amenity space is adequate. The impact on surrounding houses is acceptable, as is the impact on protected trees within the site.

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. 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. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The trees to be planted apart of the scheme shall have a girth at planting of not less than 20cm as

measured at 1 metre of ground level. The landscaping scheme 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.

4. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a method statement concerning the work to be carried out within the vicinity of the retained trees. The development shall not commence unless and until the measures required by the approved scheme have been implemented to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.

Reason: To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design, EN8 - Woodland and Trees and EN8/1 - Tree Preservation Orders of the Bury Unitary Development Plan.

5. All of the apartments within the development shall be affordable housing as defined within paragraphs 2.8, 2.9 and 3.3 to 3.15 of Development Control Policy Guidance Note 5 - Affordable Housing Provision in new Residential Development.

Reason: The provision of 100% affordable housing would render residential development acceptable where it would otherwise be in conflict with current housing restrictions secured by Development Control Policy Guidance Note 7 - Managing the Supply of Housing Land in Bury.

6. No apartment shall be occupied unless and until details of the public artwork provision have been submitted to and approved by the Local Planning Authority. The artwork shall accord with the requirements of Development Control Policy Guidance Note 4 - Per Cent for Public Art. The approved artwork shall be completed to the written satisfaction of the Local Planning Authority and before 15 of the apartments are occupied.

Reason: - To ensure that the development would contribute to satisfying the need for public art and to create additional visual interest in the street scene and to promote a sense of well being pursuant to Policy EN1/6 - Public Art of the Bury Unitary Development Plan and the associated Development Control Policy Note 4 - Per Cent for Public Art.

7. No development shall take place unless and until the details of the means of enclosure in and around the development has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried other than in accordance with the approved details.

Reason: In the interests of amenity and to secure a satisfactory development pursuant to policies EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan:

8. 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.

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

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
10. Following the provisions of Condition 9 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
11. Any soil or soil forming materials brought to site for use in 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.
12. Following the provisions of Condition 9 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.
13. No development shall take place unless and until the details of the exterior lighting

have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed prior to the first occupation of the apartments.

Reason: In the interests of amenity and to secure a satisfactory development pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/5 - Crime Prevention and EN7 - Pollution Control of the Bury Unitary development Plan.

14. The windows shown on the south elevation of the apartment block shall be fitted with obscure glazing and this type of glazing shall continue to remain in place
Reason: In order to protect the amenities of the adjacent residential properties by avoiding a loss of privacy through overlooking, pursuant to Policy H2/1 - The Form of New Residential Development of the Bury Unitary Development Plan.
15. The development hereby approved shall not be first occupied unless and until the highway improvement works indicated on approved plan reference 3132/2.11 Rev. E, including the reinstatement of the redundant vehicular accesses onto Lowther Road and Gale Road to the adjacent footway levels, have been implemented to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design in the interests of road safety.
16. The car parking indicated on the approved plan reference 3132/2.11 Rev E 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.
17. This decision relates to drawings numbered 3132/1.01A, 3132/1.02, 1081_01, 3132/2.11(E), 3132/2.13 (C), 3132/2.14(C), 3132/2.15 A, 3132/2.16, 3132/2.17, Arboricultural Survey Ref 1081/DR.05 (July 2005), Design and Access Statement, Design Statement, Crime Impact Statement, Geo-Environmental Investigation REC Report 41867p1r0. and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 07

Applicant: Mr & Ms Louden & Ball

Location: TO THE REAR OF 55-59 RAMSBOTTOM LANE, RAMSBOTTOM, BL0 9BY

Proposal: CHANGE OF USE OF PART OF GARDEN TO REAR OF 55-59 RAMSBOTTOM LANE TO FORM TWO CAR PARKING SPACES

Application Ref: 49859/Full

Target Date: 16/07/2008

Recommendation: Approve with Conditions

Description

The site is a piece of land at the rear of 55-59 Ramsbottom Lane across an unmade road behind the row of terrace properties. It is approximately 1m higher than the road level and rises steeply up towards 7 Heatherside Road at the rear. The land is largely overgrown and forms part of extensive gardens to the properties to the west, which are covered by a Tree Preservation Order (TPO 18).

There are parking restrictions at the front of the properties on Ramsbottom Lane.

The application site has a frontage of 16 metres onto the lane and is some 13 metres deep. The proposal is however to cut in to the land by 2 metres forming a 9 metre long parking bay, sufficient for 2 vehicles. The excavated area would be treated with a gravelled surface and a stone retaining wall up to 2 metres high would be constructed at the rear of the bay.

Relevant Planning History

48065 – A detached garage on the site was refused on the 29th June 2007. This application was refused due to lack of sufficient information to be able to assess the proposal fully.

Publicity

Immediate neighbours were written to on the 27th May 2008. Two letters of objection have been received from 53 Ramsbottom Lane which has raised the following issue:

- Concerned about effect on the trees and stability of the land

Consultations

Highways Team – No objection

Landscape Section – No objection

Unitary Development Plan and Policies

HT2/4 Car Parking and New Development

EN1/2 Townscape and Built Design

EN8/1 Tree Preservation Orders

EN8/2 Woodland and Tree Planting

Issues and Analysis

The main considerations of this application are the impact of the proposal on highway safety, the trees protected by the Tree Preservation Order and visual amenity.

Highway Safety – The position, design and size of the two parking spaces comply with the requirements of Development Control Policy Guidance Note 11 - Parking Standards in Bury and is not considered to have an adverse impact on highway safety pursuant to Bury UDP Policy No HT2/4-Car Parking and New Development

Tree Preservation Order – The submitted arboricultural survey indicates that there are no trees affected by the extent of the proposed excavations and that the design and position of the retaining structure will not endanger other trees on the site. The arboricultural survey indicates that a Willow tree elsewhere on the site is showing signs of decline and should be replaced. This has been confirmed by the Landscape Section and a condition is recommended for the Landscape Section to agree on site the siting for its replacement by an Oak tree. Given the above the proposal is considered to comply with the requirements of Bury UDP Policy EN8/1-Tree Preservation Orders.

Visual Amenity – There is an existing low stone wall to the site frontage and this stone is to be re-used and supplemented with reclaimed stone to match to face the retaining structure and topped with reclaimed coping stones. This is considered to be in keeping with the materials of the surrounding walls and buildings pursuant to Bury UDP Policy EN1/2-Townscape and Built Design.

Comments on Representations – The proposal is considered acceptable in terms of effect on the trees as stated above under Tree Preservation Order. Whilst no structural calculations have been received as part of this application the stability of the land is a material consideration. Therefore a condition is recommended that prior to work structural details, to ensure the stability of the land, be submitted for approval. It is therefore considered that the concerns of the objector have been addressed.

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 a proposal that will not to have a detrimental effect on the surrounding trees protected by Tree Preservation Area No. 18 nor the character of the surrounding area. It will not affect the amenities of surrounding residents nor adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered gg-00, gg-01A and gg-02B as modified by the two e-mails from gary@ppy-design.co.uk dated 2nd and one dated 4th July 2008. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to Bury UDP Policy EN1/2 - Townscape and Built Design.
3. Samples of the materials to be used to face and top the wall shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

4. Prior to work commencing on site a structural design for the wall together with a method statement for the construction process shall be submitted to and approved in writing to the Local Planning Authority. The work shall then be completed in accordance with the approved details.
Reason. To safeguard the stability of the surrounding land.
5. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
6. Before the car parking spaces hereby approved are first brought into use the siting and planting method of the Oak tree to replace the Willow (T6 in Survey by Mulberry) shall be agreed in writing and then planted in accordance with the details in the first subsequent available planting season. If the tree dies, becomes severely damaged or diseased within 5 years of planting it shall be replaced by trees of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 08

Applicant: Catford & Longford Ltd

Location: THE RED HALL HOTEL, MANCHESTER ROAD, RAMSBOTTOM, BURY BL9 5HA

Proposal: PROPOSED BEDROOM EXTENSION BLOCK; ALTERATIONS TO GROUND AND FIRST FLOORS INCLUDING SINGLE AND TWO STOREY EXTENSIONS; ALTERATIONS TO CAR PARK AND ACCESS (RESUBMISSION)

Application Ref: 49938/Full

Target Date: 23/07/2008

Recommendation: Approve with Conditions

Description

The site comprises the existing 20 bedroom hotel, restaurant and grounds known as The Red Hall located on Manchester Road, north of the M66 in Ramsbottom.

The site is located in the Green Belt and is immediately adjacent to a small group of houses on and just off Manchester Road with open land to the north and east and opposite a roadside cafe and various commercial uses at Gollinrod Farm.

The proposal is for a redevelopment of the site which will involve the construction of a new two storey bedroom block (16 bedrooms) adjacent to the existing block, extensions to the existing restaurant and communal areas and the re-roofing of the existing flat roofed single storey extensions to the north of the original two storey farm building which now houses the reception and restaurant. Alterations are also proposed to the layout of the car park and main access to the site from Manchester Road. All the proposed works are contained within the existing site occupied by the hotel and its grounds.

Relevant Planning History

The site has a long planning history relating to the use as a hotel and restaurant since 1978 when the original business was established based on the buildings forming Red Hall Farm. In August 1983 (14874) consent was granted for the flat roofed single storey extension to the north and east of the main building. In December 1985 (17656) consent was granted for the 20 bedroom block and the existing car park was laid out and since that time no development of the site has taken place.

More recently a similar but larger scale application to the one now being considered was submitted and subsequently withdrawn by the applicant to allow negotiations with the Planning department over the form and appropriateness of the development in the Green Belt (49686).

Publicity

The following properties have been notified of the development: Gollinrod Farm, Halfway House Cafe, J&H Hinchcliffe Haulage, 1, 2 and 3 South Side, Gollinrod, 321, 323, 323A, 325, 327, 329, 339, 341, 360, 362, 366, Higher Gollinrod Bungalow & Higher Gollinrod House, Manchester Road, Top O Th Hoof Farm and Hoof Farm, Bury Old Road.

The site has been advertised in the Bury Times on the 28th May as a Departure from the Unitary development Plan, a site notice was placed on the 29th May and the following properties were informed of the application

No comments have been received as a result of this publicity.

Consultations

Highways Team - No objections subject to standard conditions

Drainage Team - No objections subject to standard informative's

Environmental Health - No comments

Greater Manchester Police Architectural Liaison Unit - No objections but have offered

advice on Secure by Design principles.
BADDAC - Comments awaited
Fire Officer - No objections
Landscape Practice - Comments awaited

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
HT2/4 Car Parking and New Development
OL1/2 New Buildings in the Green Belt
RT4/1 Tourism Development
SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11 Parking Standards in Bury
PPG2 PPG2 - Green Belts
PPS7 PPS 7 Sustainable Development in Rural Areas
RT4/3 Visitor Accommodation
EN8/2 Woodland and Tree Planting

Issues and Analysis

Appropriateness of the development in the Green Belt - This is a key issue in the consideration of the application.

There is a presumption against development in the Green Belt unless it is for agriculture, outdoor recreation, forestry or fisheries or 'very special circumstances' have to be demonstrated as to justify its development. It is up to the applicant to demonstrate these 'very special circumstances' and a Planning Statement and Design and Access Statement, together with a business plan have been submitted to support this argument.

With regards to the 'very special circumstances' the following is relevant to the consideration of the case:

Policy RT 4 - Tourism and in particular RT4/3 - Visitor Accommodation supports new visitor accommodation providing that it is:

- appropriate in terms of design
- suitable access
- has the necessary servicing and parking
- has satisfactory compliance with development control policies for the Green belt and other open land areas.

The policy further states 'Extensions to existing accommodation and conversion of existing buildings to provide further bed spaces will be viewed favourably, where other development criteria are met'.

The latest information available shows that since the adoption of the UDP in 1997 the shortage of accommodation for tourists has remained. Currently there are 330 rooms in Bury and consent has just been granted for an additional 110 rooms at Townside, a total of 440. Current demand stands at 700 rooms, according to the latest survey work carried out on behalf of the Council in 2006. As such the need to supply suitable visitor accommodating is a 'very special circumstance' and providing the scheme meets the development control criteria set out in Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt it will comply with UDP Policy OL1/2.

Compliance with Development Control Policy Guidance Note 8 - New Buildings in the Green Belt - This Policy document sets out a series of criteria against which developments should be assessed.

Generally, all proposals for new development will be assessed with regard to:

- the purposes of including land in the Green Belt and the potential impact upon the openness of the Green Belt;

In this case the land upon which the development is taking place is already used for a hotel/restaurant and servicing of the buildings and as such the 'use' of the land has been established since 1978. The impact of the development on the openness and character of the area is considered below.

- any traffic considerations;

The existing use has an access from Manchester Road that is currently sub standard and the new layout brings the access up to standard. In addition whilst the development will intensify the use on the site sufficient parking and servicing space (via a separate existing access off Manchester Road) is available within the site to ensure there is no detrimental impact on traffic. Additionally, the re-aligned access to the main building and service yard will improve the current situation.

- noise and air pollution issues;

The intensification of the use should not lead to a material increase in these concerns.

- access for people with disabilities;

The new premises have been designed with the requirements of the Disability Discrimination Act and the comments of BADDAC are awaited and will be reported in the Supplementary Report.

- sustainable transport initiatives e.g. access to public transport and provision for cycle parking;

This is not seen as a key issue given the rural location of the site, however, it is in close proximity to the junction of the M66 Motorway and is on a bus route between Bury & Ramsbottom.

- features of wildlife value and biodiversity

There are no features to be taken into consideration on this site.

Specifically design considerations include:

Sighting and Visual Design - The proposed new 2 storey 16 bedroom block will be situated between the existing two storey 20 bedroom block and the residential properties fronting Manchester Road. As such it will be seen in relation to the existing development on the site and will not impact adversely on the openness or character of the Green Belt. The replacement of the existing flat roofed single storey kitchen and restaurant on the northern side of the building with a pitched roofed building using traditional materials fronting the main aspects will be an improvement on the current impact the buildings have on the countryside.

Scale and Form - The current alterations to the original buildings which form the restaurant and kitchen areas are flat roofed and out of character with the Green Belt. The new buildings are more traditional in style with step pitched roofs, one and two storeys in height and being contained within the existing properties curtilage. As such they will appear both 'in scale' with the surroundings and follow the traditional form of development in the Green Belt. Additionally, the 'urban' style fencing fronting the service area is out of character with the area and details have been provided of the replacement fencing which shows a 'field type' fence with plating to the rear and this is considered to be more in character with the area as a whole whilst giving practical screening to the service area.

Materials and Colour - The proposal to redevelop the current flat roofed extensions with a stone clad building fronting the main public aspects and a pitched roof will more closely follow the scale and form of development in the Green Belt. The new bedroom block is also to be stone clad and this, together with the new slate roofs gives a higher quality of finish to the external appearance that currently exists. As such the use of traditional materials, the replacement of flat roofs with pitched roofs and the general massing of the buildings are considered to be appropriate to the setting in the Green Belt.

Surroundings - The development respects the relationship to both the surrounding countryside and the 'modern' residential properties fronting Manchester Road. In particular distances of over 20m are maintained between the bedroom windows and the habitable room windows of the residential properties adjacent and the layout of the car parking has remained as the existing car parking in relation to the residential properties adjacent. The buildings will be seen in the context of the modern residential development fronting Manchester Road, the existing Red Hall original farm house and with a back drop of the hills when viewed from the south along Manchester Road. Having regard to the above factors the new development will not appear out of place or character with its surroundings.

Parking - DCPGN 11 - Parking Standards in Bury, sets standards for parking. In this case

these standards would require 36 max. spaces for the hotel (1 per bedroom), 46 spaces max. for the restaurant (1 per 7sqm public floor area) and 3 disabled spaces for both the restaurant and hotel, total 6 spaces min. The scheme shows a total of 72 spaces for general use (against a maximum of 82) which is acceptable and 4 dedicated disabled spaces (against a minimum of 6). In addition 3 motor cycle spaces. As such it is considered the scheme accords with the standards set out in Guidance.

Servicing - This will remain as present and is via a separate service yard to the north of the main buildings and this is located away from the residential properties fronting Manchester Road and as such will not affect their residential amenity. The existing service area is currently screened by a 'urban style' timber fence and as this need re-aligning to provide viability splays and the new boundary will be formed by a traditional 'field type' fence with planting to the rear.

Departure - Given the fact that the development is within the Green Belt it is a Departure from the adopted Policy. In this case it is not considered that the impact of the development would be so great as to warrant referral to Government Office for the North West as it only limited in scale and will not have an adverse effect on the overall character of the Green Belt outside the immediate area of the site.

Summary of reasons for Recommendation

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

The application has demonstrated sufficient special circumstances to overcome the principal of development in the Green Belt and as such the proposal conforms with both Unitary Development Plan Policy OL1/2 - New Buildings in the Green Belt and DCPGN 8 - New Buildings in the Green Belt

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 DWG 01, 02, 03, 04 Rev A, 05, 06, 07 & 08 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the natural stone and natural slate to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally

required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..

5. The visibility splays indicated on the submitted 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.

6. The access improvements indicated on the submitted plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is commenced.

Reason. To ensure good highway design in the interests of road safety.

7. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought onto use.

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

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 09

Applicant: Adonstar Ltd

Location: LAND ADJ RIVER IRWELL, HARRISON STREET, RAMSBOTTOM, BURY

Proposal: CONSTRUCTION OF 4 NO. LIGHT INDUSTRIAL UNITS (CLASS B1)

Application Ref: 50041/Full

Target Date: 28/07/2008

Recommendation: Approve with Conditions

Description

The application site is located in an Employment Generating Area and is immediately adjacent to the River Irwell. The site is currently vacant and was last in use as a builder's yard. The site is bounded by industrial buildings to the north, south and east and there is a row of terraced residential properties to the east of the site, which front onto Harrison Street. Access to the site is along Harrison Street and there is a stone wall forming the western boundary of the site with the River Irwell.

The boundary to the Ramsbottom Conservation Area runs along the western boundary of the site and there are open views of the application site from the East Lancashire Railway, which runs on the opposite side of the river.

The proposal involves the provision of four industrial units along the eastern boundary of the site and associated parking and servicing adjacent to the River Irwell. The proposed building would be 5.2 metres to the eaves on the front elevation and 3.8 metres to the eaves on the rear elevation. The proposed building would be 6 metres in height at its highest point. The proposed units would incorporate a mezzanine level, which would be used as an office. The level of the site would be raised from 126.00 to 126.32 to reduce the risk of flooding and a ramped access would be provided in the site

Relevant Planning History

37604 – Erection of 12.5 metre telecommunications monopole, installation of 2 equipment cabinets and development ancillary thereto at N & G Builders, Harrison Street, Ramsbottom. Refused – 20 April 2001

49736 – Construction of 4 No. light industrial units (Class B1) on land adjacent to River Irwell, Harrison Street, Ramsbottom. Withdrawn – 28 May 2008

The application was withdrawn as there was insufficient parking for the proposed units.

Publicity

The neighbouring properties were notified by means of a letter on 3 June and a site notice was posted on 6 June 2008. 8 letters have been received from the occupiers of Nos. 3, 5, 7, 9, 13 15 Harrison Street, Unit 2, 4, Field Mill, Harrison Street which have raised the following issues:

- Loss of daylight to the rear of the residential properties
- Impact of increased traffic on safety of pedestrians
- Impact upon parking for residents
- Impact of noise upon residential amenity
- Impact of noise during construction
- The land boundary on the submitted plans is incorrect and part of the site is in the ownership of the occupiers of Unit 4, which is located on the northern boundary

The neighbouring properties on Harrison Street have been notified by means of a letter on 2

July, with regard to the revised plans.
Any comments will be reported in the Supplementary Report

Consultations

Highways Team – No objections, subject to the inclusion of conditions relating to parking and turning facilities.

Drainage Team – No objections

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

Environmental Health (Pollution Control) – Concerns about the potential impact upon the amenity of the neighbouring residents.

However, it is considered that the proposed development is for Class B1 use, which is defined as a use which can be carried out in a residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, silt, ash, dust or grit. Therefore, the proposed development would not be detrimental to the amenity of the neighbouring amenity.

Conservation Officer – The proposals provide an improved main elevation facing the conservation area and the landscaping will assist in improving views out of the conservation area. However, specific details of the planting should be provided. Also the details of the increase in height of the riverside wall should be controlled through a condition.

Wildlife Officer – The application is adjacent to the River Irwell wildlife corridor and this is a section where there is an opportunity for enhancement in accordance with Policy EN6/4. The provision of the green strip along the boundary with the river wall is welcomed, but the plan lacks detail. Therefore, no objections, subject to the inclusion of a condition requiring details of the design and species of the plants/trees within the green strip.

Environment Agency - No objections, subject to the inclusion of conditions relating to the river wall, materials and a scheme for surface water drainage.

GM Police Architectural Liaison – No objections.

BADDAC – The units have been well thought through from an inclusive perspective. Disabled parking welcomed as is level approach to units. Internal circulation is adequate and the provision of accessible toilets is welcomed.

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
EC3/1	Measures to Improve Industrial Areas
EC6/1	New Business, Industrial and Commercial
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN2/2	Conservation Area Control
EN5/1	New Development and Flood Risk
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/2	Noise Pollution
OL5/3	Riverside and Canalside Development in Urban Areas
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Principle - The proposed development is located within an Employment Generating Area.

Policy EC2/1 states that the Council will only allow development for the uses specified (B1, B2, B8 and leisure and tourism) and other uses will only be permitted where they would constitute limited development or would not detract from the area's value as an employment generating area.

Policy EC3/1 states that the Council will look to improve older industrial areas and will look to improve the appearance of buildings and the area, improve access, servicing and parking and bring into use derelict or vacant land

The proposed use (Class B1) would accord with the uses specified within Policy EC2/1 and would not detract from the area's value as an employment generating area. The site is currently vacant and it is considered that the proposed development would vastly improve the appearance of the area and would bring vacant land into use. The last use of the application site was as a builders yard and it is considered that the proposed development would lessen the adverse impact upon the amenity of the neighbouring residents by reason of noise and disturbance. Therefore, it is considered to be in accordance with Policies EC2/1, EC3/1, EC6/1 and EN7/2 of the adopted Unitary Development Plan.

Siting, design and layout - The proposed units would be constructed as one building and would be located on the eastern boundary of the site, with parking and servicing adjacent to the River Irwell. It is considered that the proposed building is appropriate in terms of height, form and scale and the design of the building, particularly the front elevation, represents an improvement from the previous application. It is considered that the proposed development, including the works to the green strip and the boundary wall would improve the appearance of the site, especially when viewed from the Ramsbottom conservation area. The Conservation Officer has no objections to the proposal subject to conditional control of the works to the boundary wall.

The majority of the openings would be located on the front elevation of the proposed building and would not have an adverse impact upon the amenity of the occupiers of the residential dwellings on Harrison Street. There would be a single door for each of the proposed units on the rear elevation. However, these openings would be screened by the existing 2 metre wall and vegetation.

The agent has submitted revised plans, which have lowered the height of the proposed building on the rear elevation. The proposed building would be 4 metres to the eaves on the rear elevation and 5.5 metres to the eaves at the front elevation. The proposed building would be 1.4 metres lower overall than the adjacent terraced residential properties. The rear elevation of the proposed building would measure 4 metres, which would comply with the 25 degree rule. Therefore, it is considered that the proposed development would not result in a significant loss of light to the occupiers of the adjacent residential properties. The siting of the proposed building has been amended from the previous application to ensure that the building would not project in front of the adjacent residential properties.

It is considered that the proposed development would be appropriate in terms of design, siting and scale and would not have an adverse impact upon the appearance of the conservation area. Therefore, it is considered that the proposed development would be in accordance with Policies EC3/1, EC6/1, EN1/1, EN1/2 and EN2/2 of the adopted Unitary Development Plan.

Landscaping/wildlife links - A section of the application site forms part of the wildlife corridor along the River Irwell.

Policy EN6/4 states that the Council will seek to consolidate and strengthen wildlife links and corridors and will not permit development which would adversely affect the identified areas. Any new development within or adjacent to wildlife links or corridors should contribute to their effectiveness through the design, landscaping, siting and mitigation works where appropriate.

There is a paved pathway and a landscaped strip, which are located between the river wall and the parking spaces. The provision of the landscaped strip would contribute towards the strengthening of the wildlife corridor. However, the application does not contain information in relation to the design or the species of the plants and trees which would be planted in this area. It is considered that this detail could be submitted as part of the landscaping plan and

would be secured through a condition. The Wildlife Officer has no objections to the proposal, subject to a condition relating to the design and details of the plants or trees to be used. Therefore, it is considered that the proposed development would be in accordance with Policy EN6/4 of the adopted Unitary Development Plan.

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. The proposed plans indicate that the finished floor level of the proposed buildings would be set at 126.32 to prevent flooding and the river wall would be increased in height to 1.2 metres, when measured from within the site. As a result, it is considered that the proposed floor level would overcome the potential flood risk issue and the proposed increase in height of the river wall would maintain a flood defence for the proposed building and the surrounding properties. The Environment Agency has no objections, subject to the conditional control of a detailed scheme for the river wall and surface water drainage and control over the materials for the building. Therefore, it is considered that the proposed development would be in accordance with Policy EN5/1 of the adopted Unitary Development Plan and government guidance in the form of PPS25

Highways issues/access - SPD11 (Parking standards) states that for business units (B1), the maximum standard is 1 space per 35 square metres of floorspace. As a result, the maximum standards indicate that there should be a total of 14 spaces for the proposed building as well as 2 spaces for disabled users. Due to the existing conflict between the residents and local business in relation to parking between the existing industrial uses and residents, it is considered that the maximum standards should be applied in this case. As a result, it is considered that the provision of 13 spaces and 2 spaces for disabled users would be adequate and the highways team has no objections, subject to the inclusion of conditions relating to the car parking. As a result, it is considered that the proposed development would be acceptable in terms of parking provision and would address the objection in relation to parking. Therefore, it is considered that the proposal would accord with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Objections – Whilst the land may be in the ownership of the occupiers of Unit 4; however, as the land has been enclosed since 1958 to the exclusion of all others, possessory title has been gained. It should be noted that land ownership is a private matter and is not a material planning consideration.

Summary of reasons for Recommendation

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

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

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered tb16-2-0, tb16-2-00, tb16-2-1A, tb16-2-2A 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. Details of the 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.
8. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
9. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.
10. The car parking and motorcycle 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.
11. No development approved by this permission shall be commenced until details of the proposed river wall strengthening and raising has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
Reason. To ensure the proposed development does not affect and also maintains the existing flood defences pursuant to Policies EN2/2 - Conservation Area Control and EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan.
12. 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 by the Local Planning Authority.
Reason. The buildings are within an area at risk of flooding and pursuant to Policy EN5/1 of the Bury Unitary Development Plan.
13. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal pursuant to Policy EN5/1 of the Bury Unitary Development Plan.
14. No open storage of goods, materials equipment or machinery shall take place on the site at any time.
Reason. To safeguard the amenity of the local residents pursuant to Policy EN7/2 of the Bury Unitary Development Plan.

15. The premises shall be used for use class B1 only 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 EC2/1 - Employment Generating Areas
Policy EC6/1 - New business, industrial and commercial
Policy EN7/2 - Noise pollution

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 10

Applicant: Mr Richard Garner

Location: 43 BOLTON STREET, RAMSBOTTOM, BL0 9HU

Proposal: CHANGE OF USE TO GROUND FLOOR BAR (CLASS A4), BASEMENT RESTAURANT (CLASS A3) AND ASSOCIATED KITCHEN/OFFICE/STORAGE AT FIRST FLOOR

Application Ref: 50050/Full

Target Date: 06/08/2008

Recommendation: Approve with Conditions

Description

The site comprises the premises known as 43 Bolton Street Ramsbottom which is located in the town centre and within the Conservation Area. The building is largely of stone construction and was latterly in use as a cafe at ground floor with a creche in the basement and previously as a A1 use as a furniture store and workshop. The current use as a cafe and creche has now been vacant for some 6 months following the business failing. The premises are two storey fronting Bolton Street with a shop front at ground floor and windows at first floor. The premises are three storey at the rear and this is used for servicing off Back Square Street.

Bolton Street is designated as a Secondary Shopping Frontage in Ramsbottom Town Centre and has a Building Society Agency (A2) use on one side (this is vacant at the moment) and on the other a Dress Shop (A1). The opposite side of Bolton Street is also in the Secondary Shopping Frontage and has a mix of shop, financial services, residential use and restaurants.

Back Square Street is a service street for the frontages on Bolton Street and has a group of residential properties that side onto it with their main frontage being onto Old Ground Street.

The proposal is to change the use of the ground floor to a bar and small restaurant area, the first floor will remain as a food preparation area with an associated office and to change the use of the basement to a restaurant (25 covers). The only external alterations to the elevations are to the rear roof where new fume extractor units are proposed and to the rear yard area where new air conditioning units are to be located.

Relevant Planning History

A proposal for a change of use to a hot food take away was rejected in 2002 (38716) and consent was granted for creche and cafe at the Planning Control Committee in September 2006 (46634).

Publicity

The neighbours have been notified at 23, 25, 29, 31, 32, 33, 34-36, 35, 37, 37A, 38, 39, 40, 41, 42, 44-48, 45, 47, 49, 50, 51, 52-54, 53 and Flats 1 - 12 @ 55, 56, 56A, 58, 58A, 60, 62, 62A, 64, 66, 68, 70, 72, Bolton Street, Summerseat Players Theatre, 2 & 2A Smithy Street, 1, Cross Street, 1, 2, 3, 4, 5, 6 & 8 Old Ground, 34, 36, 38 & 40 Square Street, 16 & 18, St Johns Court and 37 Back Square Street. A press advertisement was placed in the Bury Times on the 26th June and site notice placed on the 18th June 2008.

Two letters of objection has been received from Flat 10, 55 Bolton Street and G Hodgson Electrical located at the rear of 37 Bolton Street on the following basis:

- There are too many licensed premises in Ramsbottom and it can get very noisy at closing time.

- Placing of large bins in street will cause problems
- Difficulty of emergency services accessing premises
- Effect of another restaurant on local area with smells, noise, parking and deliveries off a small street affecting residential amenity.

Consultations

Highways Team - Comments awaited

Drainage Team - Comments awaited

Environmental Health - Comments awaited

Conservation Officer - Comments awaited

BADDAC - Comments awaited

Cleansing Services - No objections

Unitary Development Plan and Policies

EN2/2 Conservation Area Control
 EN2/1 Character of Conservation Areas
 S2/3 Secondary Shopping Areas and Frontages
 S2/6 Food and Drink
 S1/2 Shopping in Other Town Centres
 Area Bolton Street/Bridge Street
 RM3
 EN1/2 Townscape and Built Design

Issues and Analysis

Principal - The site is located within Ramsbottom Town Centre and changes in the character of the shopping streets would be assessed against Unitary Development Plan Policy S2/3 - Secondary Shopping Areas and Frontages in Town Centres. In this case and in terms of the UDP Policy there is no difference between the impact of a cafe (licensed) or bar when where new proposals are assessed and as such it confirms with the policy in this regards.

However, it must also be assessed against the criteria set out in Unitary Development Plan Policy S2/6 - Food and Drink. The cafe was a licensed cafe and also acted as a wine bar in the evenings. The current application shows the ground floor bar area being used in conjunction with the restaurant in the basement. As such both the bar and restaurant uses now need to again be assessed against Policy S2/6. The policy sets out the following tests:

- The amenity of nearby residents by reason of noise, smell, litter and opening hours;
- Whether or not the proposal would result in an over concentration of Class A3 (now Class A3, A4 and A5 since the change in the Use Classes Order) uses, which could adversely change the nature or character of a centre as a whole;
- Parking and servicing provision associated with the proposed development and its effects
- In terms of road safety, traffic generation and movement;
- Provision for the storage and disposal of refuse and customer litter;
- The environmental impact of any ventilation flues and/or ducting.
-

Amenity - The site is located within the Town centre where most activities do impact upon and residential properties nearby. In this case the premises will only have customer pedestrian access from Bolton Street which is one of the main streets in the town centre. Servicing will take place from the rear of the premises and it is proposed that conditions be imposed restricting the hours of this activity and ensuring that no pedestrian access is gained from the rear that could cause disturbance to the residential properties in close proximity to the site. As such, whilst there will be some disturbance from the premises it is not sufficient to warrant its refusal on amenity grounds.

Hours of operation - The applicant has indicated that the hours of operation will be 10am to midnight seven days a week. It is not intended that this be restricted by condition as the Licensing Authority will control this under separate powers.

Use - In terms of this issue the ground floor is already in use as a 'Food and Drink' premises and the basement had permission to be used for Class D1, a non residential community use visited by the public i.e. a creche. The use of the basement as a restaurant will intensify the use on the site in terms of its use for 'Food and Drink'. However, the location is a town centre location and it is set in an area of mixed uses. The premises surrounding the site are in A1, A2 as well as A3 (A3/A4/A5 use) and the A3/A4 use on this frontage will be 35% and will consist of this premise, Bellini and The Cottage Tandoori. Given the amount of the non A3 use (65% of the frontages) in the immediate area this application will not result in an over concentration of A3 (A3/A4/A5) uses in the street.

Servicing and Car Parking - Only deliveries for the premises will take place from the rear and this is unlikely to cause greater disturbance than the previous use. The site is in the town centre with on street parking opposite and off street parking in the various town centre car parks in close proximity.

Refuse and re-cycling - A scheme has been included in the application for the disposal of waste and recycling within the year yard area. Cleansing have been consulted and have no objections to the scheme.

External alterations - There are no alterations to the front elevation and the alterations to the rear, for the extractor fans and air conditioning units will not affect the character of the Conservation Area and as such accord with UDP Policy EN2/2 - Conservation Area Control. It is proposed that a condition be imposed restricting the noise of this equipment so as to protect the amenity of the residents nearby.

Objection - Additional Licensed premises - The site previously held a licence for the sale of alcohol on the premises. Whilst this application will be an intensification of the use on the site it is not considered that this would be sufficient to warrant refusal of the application in terms of Policy S2/6 - Food and Drink or S2/3 - Secondary Shopping Frontages. Bin storage - The scheme has the bins for recycling in the yard at the rear and the main large bin is located with a group of bins used by all the premises in an area of Back Square Street where they do not obstruct traffic. Cleansing and Highways Team have no objections to this provision and as such would not warrant refusal. Residential amenity in Back Square Street - Conditions are proposed restricting the hours and days of servicing from the road, pedestrian access to the site and the type and noise generation of both fume treatment and extraction equipment as well as the air conditioning units proposed in the application. As such it is considered that the impact of the proposed change of use on Back Square Street can be restricted so as not to cause a detriment to the amenity of the area.

Summary of reasons for Recommendation

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

The proposed multi use development of the site for a bar and restaurant will accord with the policies set out in the Unitary Development Plan and will cause no material loss of amenity and ensure that the property is maintained in active use within Ramsbottom Town Centre Conservation Area.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

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

of this permission.

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

2. This decision relates to drawings numbered 08.25.1, 2B and 1752-1 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. There shall be no alterations to the exterior of the building fronting Bolton Street, including windows and doors without the prior approval in writing by the Local Planning Authority. The approved details only shall be implemented.
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, EN2-1 - Character of Conservation Areas and EN2/2 - Conservation Area Control.
4. There shall be no direct means of pedestrian access/egress between the site and Back Square Street save for emergency purposes and the deliveries of goods for the restaurant/bar use. There shall be no access permitted to the creche to be located in the basement for any purpose or at any time from Back Square Street.
Reason. To ensure good highway design in the interests of road safety.
5. No development shall commence unless and until a detailed scheme for treating/dispersing fumes and odours (and noise levels produced from equipment installed as part of the scheme) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as part of the development, unless otherwise agreed in writing with the Local Planning Authority and all equipment installed as part of the approved scheme shall be used and maintained in accordance with the manufacturers and installers instructions.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation and to comply with Bury Councils Unitary Development Plan Policy S2/6 - Food and Drink.
6. No deliveries shall be received, via Back Square Street outside the hours of 09.00 to 18.00 on Mondays to Saturdays .
Reason. In the interests of residential amenity and pursuant to Policy S2/6 - Hot Food and Drink.

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

Ward: Whitefield + Unsworth - Besses

Item 11

Applicant: Life For A Life

Location: PLAYING FIELDS, THATCH LEACH LANE, WHITEFIELD

Proposal: PROPOSED WOODLAND GARDEN WITH FOOTPATHS AND SEATING WITH HARD STANDING PARKING AREA AND 1M HIGH PERIMETER FENCE AND GATES

Application Ref: 50000/Full

Target Date: 06/08/2008

Recommendation: Approve with Conditions

A site visit has been requested by the Assistant Director (Planning, Engineering and Transportation Services).

Description

The proposal concerns an open area of 0.7ha situated on the north side of Thatch Leach Lane. The land is mostly level and overgrown with meadow grass and thickets of shrubs and trees. On the westerly side the area involved takes in part of the linear park established between Thatch Leach Lane and Albert Road. It incorporates a wide strip of mown area of the park. To the east the site has a boundary with residential properties in Ashley Mews, Kingsley Avenue and Grayson Avenue. There is footpath link with the head of Grayson Avenue immediately to the north of the site. The head of Kingsley Avenue is separated from the site by existing railings. On the Thatch Leach Lane boundary of the land there are railings with a vehicular gate. There is an existing drive leading from Thatch Leach Lane to the gate across a 10m wide grassed verge. There is housing on the opposite side of Thatch Leach Lane.

The proposal involves the creation on the land, of a 'Life for a Life' garden, which would be a woodland garden. A variety of trees would be planted with the largest species growing to about 25m high closest to the park and the lowest, growing to about 10m high, to be closest to the residential properties on the easterly side. In the centre zones, the trees would have a potential height of from 15m to 20m. 2m wide paths with three benches as well as open grassed areas would be provided through the garden. A small car park with six spaces would be provided on the southerly edge of the development accessed via the existing 4.1m wide entrance drive and a new timber gate to replace the existing metal one. The car park and paths would be constructed of Geoblock. This provides a solid but porous surface membrane in plastic allowing grass to grow through. Parking spaces would not be delineated and when not being used the car park would have the appearance of a grassed area. The garden would be enclosed by a 1m high timber post and rail fence with no gates provided between it and the adjoining park making the facility self contained. Originally the details included a pedestrian gate leading to the existing footpath linking the park with Grayson Avenue but revised details show this as deleted with only direct access from outside into the garden being via the car park gates.

The woodland garden would be managed by the Life for a Life charity under a lease agreement with the Council. The charity offers the chance to celebrate or commemorate loved ones by planting memorial trees and installing memorial benches in one of 30 woodland locations across the United Kingdom. Alternatively, a tree can be planted to celebrate a new life, a wedding, anniversary or other major event. The charity works with local councils and national utility companies to protect Britain's woodlands. Life for a Life is a not for profit, non-denominational registered charity that makes regular donations to hospices, hospitals and other health organisations.

Relevant Planning History

40362/03 - Erection of teen play equipment and multi-use games area. Withdrawn on 21st March 2003.

Publicity

97 properties were notified on 11th and 18th June 2008. These include 77 – 129 and 62 – 114 Thatch Leach Lane, 1 - 15 and 2 – 8 Grayson Avenue, 1 -31 Stanway Road, 7 – 37 Tamar Close, 1 and 2 Ashley Mews and 1 – 19 and 2 – 20 Kingsley Avenue. Site notices were posted on 20th June 2008.

14 objections have been received from the residents of 1, 3, 4, 5, 6 and 7 Grayson Avenue, 11 and 11a Stanway Road, 1 and 4 Ashley Mews, 16, 19 and 20 Kingsley Avenue and 90 Thatch Leach Lane. The concerns raised include:

- An e-mail with comments has been received from 22 Stanway Road. In terms of the youth nuisance being experienced by residents of Grayson Avenue a suggestion is made that the park entrance at the end of this road should be gated with the residents there each having a key to the gate. This arrangement could be operated similarly to an alley gating scheme.
- The site is already used at night by unruly gangs of youths drinking alcohol and the provision of the woodland garden with benches would serve to make the situation even worse.
- Measures have been taken to reduce the incidence of anti-social behaviour at Grayson Avenue associated with the footpath link to the park. The proposal would serve to undermine the benefits of these measures.
- It would be of benefit to residents if the proposed entrance gate to the path near Grayson Avenue were to be omitted.
- The footpath link into Grayson Avenue should be closed to improve the quality of life for residents.
- The car park would attract youths with fast cars and other anti-social behaviour..
- Increased rubbish
- The new trees would block out light to their houses.
- There is a drainage problem at their house which is next to the site. The creation of paths would upset the natural drainage further leading to additional problems.
- The location of the path would bring people, including vandals, closer to their property with the chippings from the gravel paths providing ammunition for stone throwers.
- The availability of a front and rear access and shrub planting would benefit vandals in terms of being able to carry out damage and quickly move off and also provision of concealment.
- Cannot see the point as the site already has trees and is a marshy area with habitat for frogs and newts.

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Consultations

Highways Team – Comments awaited.

Drainage Team – No objections

Environmental Health – Recommend contaminated land conditions.

Head of Parks & Countryside – Comments awaited.

GMP Architectural Liaison – The footpaths should be as wide as possible and avoid sharp changes of direction to allow unobscured views along them. Vegetation alongside the paths should be kept to 1m maximum height and tree foliage to be kept above 2m from ground level to avoid the creation of hiding places for would be criminals and provide natural

surveillance along the paths. Measures should be employed to prevent unauthorised motorcycle access and the car park should be lit to an adequate and uniform level.

BADDAC - Development will be welcomed by local disabled people. It needs to be clarified that there are no changes in path levels. Back edging to paths is needed to guide visually impaired persons. The car park needs a disabled parking space to be provided. The distances between resting places or seats need to be clarified.

Unitary Development Plan and Policies

RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
CF1	Proposals for New and Improved Community Facilities
EN1/5	Crime Prevention
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
EN7	Pollution Control
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Protected Recreation – The site is part of an area protected under RT1/1 as Recreation Provision in the Urban Area. The rest of the allocation is the adjoining parkland. Policy RT1/1 also supports the improvement of recreational land which is in line with the proposal.

Improvement of Recreational Facilities – The site is part of a wider area identified on the UDP for the improvement of recreational land and facilities and is set down for this purpose in Proposal RT1/2/10. The proposal would not detract from the recreation provision.

Tree Planting – The tree planting proposals are supported by Policies EN8 and EN8/2 under which the Council will support and encourage new woodland and tree planting in the Borough.

Crime Prevention - It is evident from the representations received from local residents that the site and the adjoining parkland are, at times, a source of nuisance from youth anti-social behaviour. The police did not object to the scheme but did offer advice concerning measures within the design that would minimise any potential for the scheme to contribute to this problem. The scheme has been amended in the light of this advice as well as in response to the expressed by local residents.

The amendments include the following:

- Deletion of the previously proposed pedestrian gate at the northerly end of site. This would reduce the likelihood of the facility being used by motorcycles and other trespassers by the fencing around the garden being continuous other than a lockable pedestrian gate from the car park.
- Changes to the layout of the footpaths to provide straight lines and the deletion of shrub planting would assist natural surveillance and avoid the provision of hiding places that are currently available due some of the existing vegetation.
- The footpaths would also be constructed in Geoblock which would avoid any problem of the surface material being used as ammunition for throwing as could be the case with a gravel surface.

In addition, it has been clarified that the trees would be kept clear stemmed to 2m which would maintain good visibility throughout the site. Furthermore the car park would be surrounded by a 1m post and rail fence with two gates one being the double gate for vehicular access and the other a pedestrian gate into the main facility. The gates would be fitted with combination locks with only authorised users having knowledge of the combination.

Lighting would not be provided for the car park as this would be beyond the financial scope of the 'Life for a Life' charity. However, the car park is close to Thatch Leach Lane where there is existing street lighting and the proposed timber rail fencing would not cause an obstruction to light or natural surveillance of the car park. It is also unlikely that the users of the facility would be there after dark. Given the changes, it is considered that the development would provide an acceptable level of secure design and it would not, therefore, be contrary to Policy EN1/5.

Within the objections concerns have been raised about the problems being encountered within Grayson Avenue associated with a park entrance at the head of the avenue. As already stated, the previously proposed pedestrian gate shown in the boundary fence to the development near the park footpath link to Grayson Avenue has been deleted. It is considered that the issues arising at Grayson Avenue need to be addressed separately and should not be allowed to restrict the positive use of this site.

The success of the scheme would rely to a large extent on its management including the management of the grass and planting, footpaths and benches, litter collection as well as the control of the entrance gates to the car park by means of combination locks. The maintenance regime is described as mowing four times a year, all established trees to be kept clear stemmed to 2m and litter picking as and when required. The Council would continue to be the land owner.

Residential Amenity - The site is next to existing houses and most of the issues that have been raised by local residents relate to a concern that the development may be an source of attraction for youth anti-social behaviour. These concerns have been discussed in the preceding section. Another concern that has been raised is that the trees would grow to a size whereby they would cause undue overshadowing of the nearest houses. The scheme has been designed to provide zones of tree planting whereby the potentially tallest specimens would be planted on the park side and furthest from the houses and tree sizes would then be reduced across the site with the lowest growing species, with a maximum height of 10m when mature, to be planted in the area nearest to the residential boundaries. However, in order to prevent the tree planting taking place too close to the residential boundaries, a condition should be attached to any planning permission to ensure that no tree is planted within 8m of any boundary with a residential property.

A concern has been raised by the resident of 19 Kingsley Avenue about poor drainage at the property that is next to the site. It is also evident from observation of the land that drainage is poor on areas of the site near to the boundary with 1 Ashley Mews where the car park is being proposed. To avoid the development impacting adversely on local drainage conditions any consent should include a condition requiring the prior approval to details of a French drain to be created along the part of the site that is situated nearest to the boundary with 19 Kingsley Avenue and Ashley Mews and the implementation of this feature. This would consist of a ditch containing solid fill material that would serve to intercept and absorb an accumulation of excess water.

Disabled Access – It is important that the development should be as user friendly as possible for persons with disabilities. Revised details have been submitted in response to concerns expressed by BADDAC including the paths having a back edging for guidance and the provision of tree seats alongside the paths. The area to contain the paths is level and difficulties associated with changes in level are not anticipated.

Because the Geoblock surfaced car park would not be marked out there would be no identified disabled parking space. However, the size of the car park (equivalent to six parking spaces) and the fact that normally only few users are expected to be at the facility at any one time mean that there should be room for a car containing a disabled person to be parked with sufficient room for a disabled person to exit or enter the vehicle. In terms of ease of access of the Geoblock surfacing for disabled persons this type of surface would be easy to negotiated once it has become vegetated. This normally occurs about a month after the grass seeding process.

Car Parking - There is no maximum or minimum standard for car parking set down in SPG11 - Parking Standards in Bury for this type of development. The development would not attract many users at any one time and it is considered that the small car park being proposed should be a sufficient facility. The main question is whether the car park would attract anti-social activity. However, as related in the section above concerning crime prevention measures would be in place to reduce the possibility of this problem, including a post and rail fence around the car park, lockable gates and the use of Geoblock for the surfacing.

Summary of reasons for Recommendation

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

The development would accord with the recreational status of the land and with planning policy support for new tree planting in the Borough. It would include adequate measures to provide secure design and in response to the needs of disabled users and it would not be materially detrimental to the amenities of nearby residential properties.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. No development shall take place unless and until details of the design and line of a French drain within the area near to 19 Kingsley Avenue and 1 Ashley Mews have been submitted to and approved by the Local Planning Authority. The approved drain shall be in place prior to the woodland garden coming into use.
Reason: In order to protect the amenities of the adjacent residential properties by helping to prevent the development from increasing the incidence of waterlogging and flooding at the adjacent residential properties.
3. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to 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.
4. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed

timescales to the approval of the Local Planning Authority.

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

5. The car parking indicated on the approved plans shall be surfaced and made available for use prior to the development hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety.
6. This decision relates to drawings numbered 100/01 Rev B, 100/02 rev B, 04 J7/02090, Bench Description and the submitted Design and Access Statement 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: Whitefield + Unsworth - Pilkington Park

Item 12

Applicant: Whitefield Golf Club

Location: WHITEFIELD GOLF CLUB, HIGHER LANE, WHITEFIELD, M25 7EZ

Proposal: TOILET EXTENSION TO EXISTING REFRESHMENT HUT ADJACENT 10TH TEE
(RETROSPECTIVE)

Application Ref: 50062/Full

Target Date: 28/07/2008

Recommendation: Approve with Conditions

Description

The application is retrospective and relates to an existing refreshment hut close to the 10th tee. The flat roofed hut, which is constructed in breezeblock and measures 4.7m by 2m, has been extended to incorporate male and female toilets. The additional area is approximately 3 square metres. The blockwork is painted green.

There are residential properties to the north and west with the golf course to the east. The golf course is allocated as Green Belt on the UDP.

Relevant Planning History

08/0069 - Enforcement complaint - 18/02/2007

Publicity

Immediate neighbours notified and site notice posted - Two representations from Nos.155 and 157 Park Lane state that the hut is an eyesore and should be more effectively screened by planting.

Consultations

Drainage Team - No objection.

Environmental Health - No objection.

Baddac - No objection.

Landscape - No objection.

Unitary Development Plan and Policies

OL1 Green Belt

EN1/1 Visual Amenity

RT1/2 Improvement of Recreation Facilities

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

Issues and Analysis

Green Belt – UDP Policy OL1/2 New Buildings in the Green Belt states that development is inappropriate unless it is for, amongst other things, essential facilities for outdoor sport and recreation and other development which preserves the openness of the Green Belt.

UDP Policy RT1/2 Improvement of Recreation Facilities states that favourable consideration will be given to proposals to improve existing recreational facilities.

It is stated by the applicants that the new toilet facilities are required in this location which is half way around the course and far from the clubhouse.

The existing hut is not an attractive building and is not in keeping with the character of the golf course or Green Belt in which it is sited. However the original building was constructed

over 4 years ago and is hence immune to enforcement action. The issue with regard to the extension is whether it has a material impact on the character and openness of the Green Belt.

The increase in the size of the hut, although significant in proportion to the original building, would not have a significant impact on the openness or character of the Green Belt given the original building is in situ. However it is considered appropriate to screen the extended building from views from the objector's properties who have an open aspect onto the golf course. This would be done by planting a hawthorn hedge between the hut and the 10th tee and covering the building with a trellis covering plant such as ivy or virginia creeper.

With the appropriate landscaping the extended building would be considered to comply with UDP policies and guidance listed.

Summary of reasons for Recommendation

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

The extension is modest and with screen planting, should not have a seriously detrimental impact on the character or openness of the Green Belt.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to the revised drawings received on 8th July 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.
2. Details of the Hawthorn hedge and planting over the building indicated in the revised plans shall be submitted to the Local Planning Authority within one month of this permission. The scheme shall be implemented to the written satisfaction of the Local Planning Authority not later than 3 months from the date of this permission. Any plants removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by plants of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/1 Visual Amenity

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

