

Ward: Bury West - Elton

Item 01

Applicant: Mr Alan Egan

Location: 16 WROXHAM CLOSE, BURY, BL8 1EN

Proposal: CHANGE OF USE OF PUBLIC OPEN SPACE TO PRIVATE GARDEN AND BOUNDARY FENCE/WALL (RETROSPECTIVE)

Application Ref: 50010/Full

Target Date: 28/07/2008

Recommendation: Approve with Conditions

Description

The site is a part of a grassed network of public open space with a tarmaced footpath connecting various residential roads. Where the open spaces passes the side of the applicant's property the open space was laid out to a width of 10.5m which then narrowed to 6.5m at the side of 70 Trimmingham Drive.

The occupier of 70 Trimmingham Drive has further extended their side garden almost up to the tarmac path reducing the width of the open space to 5.9m. There is no record of consent for this work or when it was carried out.

The applicant has partially extended the side garden by a width of 2 metres and constructed a low brick wall the new front garden and has applied to further enclose the garden at the rear/side by timber panel (1.8m high) boundary treatment. The application is therefore partially retrospective and partial proposed.

Relevant Planning History

None

Publicity

14 & 27 Wroxham Close, 70-74 Trimmingham Drive, 1-11 & 15 Rollesby Close were written to on the 5th June 2008. As part of formal procedures associated with an application that departs from the Development Plan the application has been advertised in the Bury Times on 10th July 2008 and within the vicinity of the site on 9th July 2008.

A letter of objection has been received from 7 Rollesbury Close and an e-mail from 8 Wroxham Close which have raised the following issue:

- Loss of open space which breaks up the estate and should be preserved.
- Other requested for garden extensions have been refused.

Consultations

Highways Team – No objection subject to official closure of adopted highway

Leisure Services Section – No comment

Environmental Health – No objection subject to conditions

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

RT1/1 Protection of Recreation Provision in the Urban Area

Issues and Analysis

The land which is the subject of this planning application is owned by Bury Council. The Leisure Services Section are currently considering the applicant's request to purchase the land. This is a separate issue to the need for planning permission and also the need to gain formal authorisation to close the land as adopted highway.

The main considerations of this application are the impact of the proposal on the loss of public open space and visual amenity.

Loss of Public Open Space – When viewed from the north-east (Trimingham Drive) the 2m wide strip of land does not extend beyond the original and existing side garden of 70 Trimingham Drive, and hence cannot be viewed from this angle. When viewed from the top of Wroxham Close to the south-west the garden extension would be seen against the existing boundary fence at the rear of 70 Trimingham Drive and hence is not considered to be particularly intrusive and would not obscure views through the open space

The width of the open space alongside the garden extension would be reduced to a minimum width of 8m of public open space. This width of land is still considered to provide an adequate open space and separation of the houses abutting the space. The loss of the limited amount of public open space in this instance is therefore considered to be acceptable having regard to Bury UDP Policy No. RT1/1-Protection of Recreation Provision in the Urban Area.

Visual Amenity – The proposed 1.8m high concrete post and wooden panel fence is typical of a boundary fence surrounding a garden at the rear of a residential property. The 1.8m/1m high brick pillars with 0.5m high wall (already built) with wooden or wrought iron fence between is a conventional design for enclosing a garden at the front of a dwelling. Therefore given the above the proposal is considered to be acceptable in terms of visual amenity pursuant to Bury UDP Policy No. EN1/2-Townscape and Built Design.

Comments on Representations

- Given the size and position of the site in relation to the size of the public open space as a whole the loss of this limited amount of land is not considered to have a significantly detrimental effect on its recreation or amenity value.
- There is no record of any previous planning applications for garden extensions in the immediate area.

Departure from Unitary Development Plan - Whilst the application will result in a loss of land designated as Protected Recreational Land in the Unitary Development Plan it will not have a substantial impact on the whole area of the designation. As such the loss of the land will not warrant refusal of the application or referral to the Government Office for the North West.

Summary of reasons for Recommendation

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses, in particular Bury Unitary Development Plan Policy No. RT1/1 - Protection of Recreation Provision in the Urban Area; it is considered that the proposed development is acceptable because it would not cause demonstrable harm to the open space on the residential estate.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings received on 30th June 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 Bury UDP Policy EN1/2 - Townscape and Built Design.

2. 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.

3. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.

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

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

Ward: Bury West - Elton

Item 02

Applicant: Mrs Debbie Bosnjak

Location: LA BELLEZZA, 70 WALSHAW ROAD, BURY, BL8 1PA

Proposal: EXTENSION OF EXISTING GROUND FLOOR HAIRDRESSING SALON INTO PART GROUND FLOOR OF FLAT 70A WALSHAW ROAD & REPLACING EXISTING CONSERVATORY WITH TRADITIONAL EXTENSION

Application Ref: 50204/Full

Target Date: 27/08/2008

Recommendation: Approve with Conditions

Description

Two storey red brick corner property at the end of a row of terraced houses on the north side of Walshaw Road. The ground floor operates as a hairdressers with residential accommodation to the rear and above. There is a hard standing enclosed by 1.5m railings to the front with ramped access to the front entrance. The rear yard is accessed from the rear alleyway and enclosed by a 1.8m brick wall.

There are no parking restrictions on the north side of Walshaw Road in front of the premises or along Whittles Street to the side. There is a single yellow line on the southern side of Walshaw Road opposite and double yellow lines diagonally opposite, in front of 67 to 83 Walshaw Road.

The existing floor area to the hairdressers is 28sqm (inc.toilet). The salon would be extended by into the lounge at the rear, adding a further 22sq m to the existing salon (50sq m in total). Consent has been granted for use of the basement as treatment rooms and this would bring the total floor area to 74sq m if it were to be implemented.

Relevant Planning History

46929 - Conversion of cellar to treatment rooms to be used with existing hairdressing salon - Approved 27/10/2006 at Planning Control Committee.

43374 - Change of Use from Dwelling to A1 Shop (hair/nail salon) - Approved 11/11/2004

38899/02 - Change of Use from shop/office to dwelling - Approved 27/03/2002

25888/91 - Change of Use from 1st floor flat to Offices - Approved 23/05/1991

Publicity

Neighbours have been notified by letter on the 4th July at 66, 67, 67a, 68, 69a, 70a & 72 Walshaw Road, 1, 3, 8, 10 & 12 Whittle Street. One objection has been received from a neighbour (No address supplied). The objection can be summarised as follows:

- intensification of the use will increase pressure on parking around the site.

Consultations

Highways Team - No objection.

Environmental Health - No comment.

BADDAC - No objections.

Unitary Development Plan and Policies

EC4/1 Small Businesses

S1/5 Neighbourhood Centres and Local Shops

EN1/2 Townscape and Built Design

SPD11 Parking Standards in Bury

Issues and Analysis

Proposal - The proposal is for the majority of the ground floor to be taken over for the business. This involves the existing lounge being used as an extension for the hairdressing salon and the conservatory being demolished and rebuilt as a treatment room. The kitchen will remain on the ground floor and the one bedroom on the first floor will be converted to a lounge and as such the 3 bedroom flat will become a 2 bedroom flat. The amenity space for the flat remains at the rear of the premises and servicing for the hairdressers will be via the front as existing. Having regard to the demolition of the conservatory and the replacement by a brick built extension this can be assessed against Development Control Policy Guidance Note 6 - Alterations and Extensions to Residential Properties. As such it would be acceptable as it is only 2.6m deep and the guidance says that a single storey pitched roof extension that projects no more than 3m along the boundary is acceptable. Given that the existing conservatory is a similar size with a 'solid' end on the boundary the new extension will have no greater impact on the neighbouring property than the existing conservatory and as such it is acceptable in terms of its impact on the residential amenity of the neighbour.

Use - The increase in floor space from 28sqm to 50sqm in this scheme, or a maximum of 74sqm if the basement scheme should be implemented at a later date. Whilst this is a large increase in area it is well below the maximum floor area of 200sqm specified in the Policy S1/5 - Neighbourhood Centres and Local Shops. This policy seeks to retain local shops catering for the day to day needs of residents. The existing hair salon is a small scale successful local facility that has found that its customer base has grown and whilst it had proposed to use the basement for treatment rooms, a proposal approved by the PCC, the conversion of the cellar to treatment rooms has proved impracticable. The extension of the salon on the ground floor will enable the premises to be used by all visitors which will be an improvement over using the basement and will still allow the residential use to be retained at first floor. It is not intended that the conversion of the basement consent should be revoked as the scale of the development even if it were implemented, would still be well below the threshold set in Policy S1/5. Given the size of the floor area concerned it is considered that the proposal will accord with UDP Policy S1/5 and is acceptable.

Parking and Servicing - The Hairdressers is located on a bus route in the middle of a large residential area. The road outside the site has unrestricted parking and the business has no off street parking at the moment. Development Control Policy Guidance Note 11 - Parking Standards in Bury, would indicate that a maximum of 3 parking spaces should be provided to meet the needs of the existing and proposed floorspace, however there are no parking spaces for the existing use and the needs of the additional floorspace would be met by one additional space. However, for 'Local Shops' it is recognised that these standards are excessive and as such each application should be viewed on its own merits. Given the fact that there is a need for only one additional parking space for the development proposed, there are no parking restrictions on the main road outside the site, that the site is on a main bus route and is in easy walking distance of its customers, it is not considered the lack of off street car parking would justify a refusal of permission.

Proposal that relate to small and growing business are also assessed against UDP Policy EC4/1 - Small Businesses, which states that they are generally acceptable providing they do not cause problems such as 'noise, smell...excessive traffic generation'. With regards to servicing, the rear yard area will remain and the bins will continue to be located in this area of both the flat and the hairdressers. As such this is considered acceptable. Deliveries to the hairdressers are of a small scale and this will continue to be via the front door that is also acceptable. As such the proposal is considered to conform with UDP Policy EC4/1 - Small Businesses.

Objection - The issue of parking has been covered in the above report. Whilst there will be some increase in activity at the site it is not considered that this will be such as to warrant refusal of the application.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reasons for granting permissions can be summarised as follows;-
Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations, especially those on parking and consultation responses; it is considered that the proposed development is acceptable because it would not cause demonstrable harm to interests of acknowledged importance and will comply with Unitary Development Plan Policies S1/5 - Neighbourhood Centres and Local Shops and EC4/1 - Small Businesses.

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 816/1, 2 & 3 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 03

Applicant: Mrs S Greenhalgh

Location: HIGHER BARN FARM, MOOR ROAD, HOLCOMBE, RAMSBOTTOM, BL8 4NY

Proposal: CONSERVATION AREA CONSENT FOR DEMOLITION OF PORTAL FRAME
AGRICULTURAL BUILDING.

Application Ref: 49778/Conservation Area
Consent

Target Date: 31/07/2008

Recommendation: Approve with Conditions

Description

The building subject of the application is set close to Moor Road within a surrounding area of upland pasture. It is within Holcombe Village Conservation Area above a steep hillside that is next to Helmshore Road.

The barn/shippon is a simple portal framed agricultural building with a shallow pitched corrugated metal roof. It is understood that the building is about 30 years old.

The application is accompanied by a Design and Access Statement, a Bat and Barn Owl Survey and an Engineering Report concerning the structural condition of the buildings affected by both the conversion and new build elements of the main scheme.

In the Design and Access Statement the justification given for the removal of the building is that it is no longer needed for agricultural purposes and that it not a building which sits well with the more traditional stone built buildings and dwellings around it. The statement also puts forward the view that the demolition and replacement of the building by a more traditional stone building will enhance the group of traditional buildings at the site and also the conservation area.

By way of further explanation the proposed demolition would also have facilitated the proposals contained in application 49777 referred to below, which have now been refused.

Relevant Planning History

30668/95 - Conversion and extension to form dwelling. Approved on 2nd March 1995.

35743/99 - Renewal of planning permission ref.30668/95 for the conversion and extension of existing farm buildings to form a single dwelling. Approved on 13th October 1999.

43139 - Variation of condition no.1 to extend planning permission 35473 by a further 5 years. Approved on 5th October 2004.

49777 - Conversion of garage/shippon/farm buildings to detached dwelling, including demolition of portal frame building; erection of single and two storey extensions and alteration/extension to roof. Refused on 18th July 2008 for reasons including the following:

- Inappropriate development in the Green Belt,
- Visually harmful to the character and appearance of the Holcombe Village Conservation Area,
- At variance with the special landscape character of the area
- Insufficient information provided to demonstrate that the filling of the swimming pool could take place without detriment to local water supply reliant on spring/well water.

Publicity

8 properties were notified on 16th and 27th June and 2nd July 2008. These include Holcombe C of E Primary School, Helmshore Road, Margaret Haes Riding School, Moor

Road, Higher Barn House, Moor Road, and 85 - 95 Helmshore Road. Site notices were posted on 27th June 2008. A press notice was published in the Bury Times on 26th June 2008.

Four letters have been received concerning the application. These are from Harcles Hill Farm, Moor Road, Dawes Bank, Holcombe, 4 Redwing Road, Greenmount and from the Holcombe Society. The letters from Dawes Bank and 4 Redwing Road refer to this application by number as well as the associated application ref 49777. However, the texts of these letters refer exclusively to issues arising from application 49777 for the conversion and extension of buildings and new build development to create a new house to which the residents have objected. However, the issues that can be taken into account in assessing this application for conservation area consent are restricted solely the merits of the demolition of the agricultural building on the special character and appearance of the conservation area and such a concern is not specifically raised in these letters. Thus, these letters should not be treated as objections to the application.

The letters from the Holcombe Society and Harcles Hill Farm include concerns about the main development proposal but are also an objection to this application. The letter from the Holcombe Society describes the building group as "... a very pleasant cluster of 18th century farmhouse, barn and out buildings.." and also adds that "... this development if successful would sadly mean the end of another working farmyard and barn and the possibly subsequent knock on effect of this on the appearance and quality of the land around the farm." The occupier of Harcles Hill Farm raises a similar concern stating that "All this building would leave the farmland without any storage for stock feed, and I am afraid the quality of the landscape may suffer if it is not maintained as an agricultural unit."

Consultations

Conservation Officer - The building does not make a positive contribution to the character or appearance of Holcombe Village Conservation Area.

Unitary Development Plan and Policies

EN2/2 Conservation Area Control
PPG15 PPG15 - Planning and the Historic Environment

Issues and Analysis

Conservation Area - The building proposed for removal is a relatively recent portal framed agricultural building of no particular individual merit. Whilst the building confirms the former agricultural nature of the site and is part of an existing building group, this does not constitute sufficient argument for its retention.

The matters for consideration of a conservation consent application are set down within PPG15 paragraphs 4.25 to 4.29. The main test is in paragraph 4.27 and refers to the contribution the building makes to area character. It could not be said that the building makes a positive contribution to the character or appearance of the conservation area.

Notwithstanding the decision to refuse the associated application ref. 49777 for planning permission, it is considered that there is no case to also refuse this application for conservation area consent to demolish a non-descript agricultural building. There are no special issues concerning the timing of the removal of the building.

Once the building is removed its site would be well screened from Manor Road by the existing high dry stone boundary wall along this road. On the southerly side the demolition would expose a previously external wall to the adjoining stone shippon building that would, once again, become an external wall but would not be in public view. On the northerly boundary the building forms the boundary to a field and this may need to be re-defined by a new means of enclosure. This could, for example, be achieved by retaining the lower part of the wall to the building to become a free standing wall. On the easterly side there is only the

existing external yard area. It is considered that there are no special issues in terms of impact on visual amenity arising from the exposure of adjoining structures following the proposed demolition.

The Bat and Barn Owl Survey Report - The survey found no evidence of the presence of either bats or barn owls. However the report provides a mitigation plan to address the possibility of the protected species being found to be present during the work. The plan is based on a precautionary approach and a worse case scenario. The applicant's attention should be drawn to this recommendation through an informative being included on the decision notice.

Structural Concerns - The submitted Engineering Report concludes that the building to be demolished and the adjoining building are in overall satisfactory condition. There is nothing in the report to suggest that the removal of the building could jeopardise the retention of the adjoining building.

The Objections - One of the objections refers to the group of buildings as being a very pleasant cluster of 18th century farmhouse, barn and outbuildings. However, the existing house is not involved in the proposals and, whilst there are old outbuildings, the barn/shippon is a modern structure. Regarding the point made in both objections concerning demolition it would be very difficult to demonstrate that the loss of the barn is likely to have a possible knock on detrimental effect on the appearance and quality of the farmland around the farm and hence that it would materially harm the appearance of the conservation area. The farm has not been functioning for some time with no apparent effect on the visual character of the surrounding land. Also, this adjacent land is not shown in the application as being in the ownership of the applicant and it must, therefore, be under the control and management of other parties.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permission can be summarised as follows;- The loss of the building would not be materially detrimental to the character and appearance of the Holcombe Village 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 7757 P02, 7757 P06, 7757 E03, unnumbered 1:1250 Location Plan, Design & Access Statement, Bat & Barn Owl Survey, Engineering Report 8291 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 04

Applicant: Aldi Stores Ltd

Location: LAND AT RAILWAY STREET, RAMSBOTTOM, BL0 9AL

Proposal: PROPOSED MIXED USE DEVELOPMENT COMPRISING 1543 SQ M FOOD RETAIL UNIT (CLASS A1) AND 278 SQ M COMMERCIAL UNIT (CLASS B1/B8) AND ASSOCIATED CAR PARKING AND SERVICING

Application Ref: 49973/Full

Target Date: 04/09/2008

Recommendation: Approve with Conditions

Description

The application site is located in the town centre of Ramsbottom and is outside but adjacent to Ramsbottom Conservation Area on Square Street. There is a stone wall which forms the boundary of the application site with Square Street and there is 2 metre high green palisade fencing to the boundaries with Kay Brow and Railway Street. There is a two storey building and various prefabricated buildings on site used as offices. The remainder of the site is in use as a car park.

There is a small car park, vehicle repair garage and craft shop to the north. The TNT Depot is located to the south of the site and the site is bounded by Railway Street to the east and beyond is the East Lancashire Railway. The site is bounded by Square Street and a nursery business to the west and three to four mill buildings on the opposite side of Square Street. The mill buildings have either been converted to residential or have planning permission in place for conversion to a residential use.

There is a stone wall which forms the boundary of the application site with Square Street and there is 2 metre high green palisade fencing to the boundaries with Kay Brow and Railway Street.

The proposal is a mixed use commercial development, which would comprise a food retail unit and a separate commercial unit (use class B1 - offices/light industry or B8 - storage and distribution). The food retail unit would have a floorspace of 1543 square metres and the commercial unit would have a floorspace of 278 square metres. The proposed buildings would be of a modern design and would be single storey with a monopitch and split roof. The proposed buildings would be constructed from stone with stone coloured render panels with silver cladding for the roof. The proposal would also involve the formation of a shared car park for the development, which would provide 89 spaces, 6 disabled parking spaces, 3 parent and child spaces, cycle parking and associated works. The proposed development would involve the retention and erection of a stone wall to the boundaries with Square Street and Railway Street and a 2.4 metre high paladin fence would be provided to the northern boundary.

Relevant Planning History

32911 – Erection of prefabricated office block at TNT Depot, Railway Street, Ramsbottom. Approve with conditions – 27 March 1997

34366 – Alteration to existing site entrance /fencing and car parking to provide controlled/safe access at TNT Depot, Railway Street, Ramsbottom. Approved with conditions – 20 July 1998

37373 – Single storey extension to existing prefabricated offices and link to existing building

at TNT Depot, Railway Street, Ramsbottom. Approved with conditions – 6 March 2001

38053 – Replacement of existing 2.4 metre fence at TNT Depot, Railway Street, Ramsbottom. Approved with conditions – 5 September 2001

Publicity

The neighbouring properties (58, 60, 99 Square Street; Flats 1 – 6 Old Engine House, Square Street; Apartments 1 – 6, The Corner House, Square Street; Cobden Mill; TNT, Kay Brow garage, Railway Street) were notified by means of a letter on 10 June and a press notice on 19 June in the Bury Times. Site notices were posted on 11 June 2008.

Three petitions, containing 199 signatures have been received and object to the proposed development for the following reasons:

- There are enough supermarkets in Ramsbottom
- The proposed development would lead to the closure of many small shops and would be detrimental to Ramsbottom

11 letters have been received from the occupiers of 99 Square Street; The Flower Gallery 12 Bridge Street; 15 Ducie Street; 39 Stanley Street; Ramsbottom Heritage Society; 54 Stanford Hall Crescent, Bury; 148 Market Street, Edenfield, which have raised the following issues:

- A third super market would have a detrimental impact upon the independent retailers of Ramsbottom
- Concern relating to the hours of opening from early in the morning to late in the evening
- Impact in terms of noise from staff, shoppers, traffic and wagons
- Loss of trees to make way for the servicing area
- Impact of increased traffic in the area
- Proposed materials should be more traditional
- The existing TNT building is the only surviving building from the Meadow Mill/Crow Mill complex and should be retained

Consultations

Highways Team – It has been indicated that the Highways team consider that the layout is acceptable, but require some amendments regarding the travel plan.

Drainage Team – No objections

Environmental Health - Contaminated land – No objections, subject to the inclusion of conditions relating to contaminated land. A basic site investigation was received with the application. It is considered that the reporting is limited in scope and further investigation and risk assessment work will be required in order to fully assess the contaminated land issues at the site. However, given the non-sensitive end use, sufficient information was available to enable full contaminated land conditions to be placed on any grant of planning permission.

Environmental Health – Pollution control – No objections, subject to the inclusion of a condition relating to noise levels.

Conservation Officer – Following the submission of revised plans, it is considered that the proposed works to the boundary wall on Square Street are acceptable. The inclusion of two stone panels adjacent to the main entrance on the front elevation and stone coloured render would be acceptable.

Waste Management – No objections

BADDAC – Seek clarification with regard to the crossfalls and gradients across the car park to ensure accessibility and concerned that there are no customer toilet facilities.

Environment Agency – No objections, subject to the inclusion of conditions relating to surface water treatment and contaminated land.

GM Police Architectural Liaison – No objections, subject to the recommendations in the Crime Impact Statement are carried out.

GM Archaeological Unit - No objections to the proposal, subject to the inclusion of conditions requiring a programme of building recording prior to the demolition of the office building and a programme of archaeological recording in relation to any buried remains of the mills prior to the commencement of the groundworks.

United Utilities – Object to the proposal, as a water main crosses the site and appears to

runs under the proposed Aldi foodstore building. Access is needed for operating and maintaining it and no development will be permitted in close proximity to the main. An access strip of no less than 5 metres wide measuring at least 2.5 metres is required on either side of the centre line of the water main.

East Lancashire Railway – No objections.

Unitary Development Plan and Policies

EC1/2	Land Suitable for Business (B1)
EC3/1	Measures to Improve Industrial Areas
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/6	Public Art
EN2/1	Character of Conservation Areas
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
RT4/1	Tourism Development
S1/2	Shopping in Other Town Centres
S2/1	All New Retail Proposals: Assessment Criteria
S3/1	New Retail Dev Opportunities Within or Adj Town Centres
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
TC1/2	Pedestrian/Vehicular Conflict in Town Centres
TC2/2	Mixed Use Development
Area	Square Street
RM4	
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises
EN1/11	Public Utility Infrastructure

Issues and Analysis

Principle - The application site is located within the town centre and is allocated in the Unitary Development Plan as being suitable for employment, retail and leisure and tourism uses. As a result, the proposal must be assessed against the following policies:

Policy EC1/2 states that the site is suitable for business (B1) and office uses. Development for other uses will only be permitted in exceptional circumstances and in accordance with other policies and proposals in the plan.

Policy S2/1 states that the Council will support new retail proposals which are within or immediately adjoining the main shopping area of existing centres; sustain or enhance the vitality and viability of a centre; are accessible by public transport and are in conformity with other policies of the plan

Policy S3/1 states that on land within and immediately adjoining the main shopping area of the borough's town centres, proposals for new retail development will be permitted. However the proposals will be expected to be appropriate in scale and character to the areas which they serve, make adequate provision for access, car parking and servicing and accord with other policies of the plan.

Policy RT4/1 states that the Council will encourage the proposals for the development of

appropriate visitor related attractions and facilities throughout the borough.

Area RM4 states that the Council will consider favourably proposals for retail, business (B1), office, leisure, tourism, community and car parking uses in the Square Street area of the town centre.

It is considered that a commercially based mixed use development would be appropriate on the site and consistent with the policy context. The proposed food retail store would be adjoining the main shopping area of the town centre and would be accessible by public transport, thereby complying with retail policies.

The Council has commissioned consultants (Drivers Jonas) to undertake a Retail Study for Bury and this was last updated in September 2007. The Study update was approved by the Council's Executive Committee on 12 September 2007 as a material planning consideration in the determination of development proposals involving retail provision.

The Drivers Jonas Retail Study highlights the fact that the main convenience shopping destinations for people in the Ramsbottom area are the Asda and Tesco stores in Bury and Rawtenstall and that this represents significant expenditure leakage from Ramsbottom town centre. Similarly, the Study also identifies that in terms of the vitality and viability of Ramsbottom town centre, representation by convenience retailers is limited which explains the level of expenditure leakage to these other destinations. The Study does acknowledge that, in order to compete more effectively with the stores in Bury and Rawtenstall, Ramsbottom may be better served by one larger superstore although it also recognises that this would be difficult to achieve and is dependent on the aspirations of the existing food retailers.

Drivers Jonas have been consulted on the application proposals and have specified that, in the absence of a proposal to replace the smaller convenience retailers with one larger store, the provision of a range of convenience retailers represents the next best way of satisfying retail needs and minimising the effects of expenditure leakage to the other destinations. In terms of retail capacity for convenience goods, the Drivers Jonas Report specifies that the Borough, including Ramsbottom, has the capacity to accommodate 2,600 square metres of net sales by 2010, rising to 2,800 square metres by 2012. This is in addition to the Morrison scheme in Whitefield that is currently under construction. The application proposes a retail store with a net sales area of 1,125 square metres. This does not exceed the identified convenience retail capacity for the Borough.

The provision of the proposed industrial unit would ensure that the proposal conforms to the other relevant policies (EC1/2) in the Unitary Development Plan. SPD14 states that due to the shortfall of employment land within the borough, where a site is no longer viable for retention in employment use, a mixed use development should be brought forward, incorporating an element of employment uses. Whilst this proposal would result in the loss of employment land, the site has also been allocated as suitable for retail use. As a result, it is considered that the mixed use approach of an industrial unit and a retail store is acceptable and would not conflict with the aims of SPD14. It is considered that the proposed development would be acceptable in principle. Therefore, the proposed development would be in accordance with Policies EC1/2, S2/1 and S3/1 of the adopted Unitary Development Plan and would not conflict with the aims of SPD14.

Design & impact upon the surrounding area - Policy EC3/1 states that the Council will especially be concerned with improving older industrial areas and premises and will encourage and implement measures to:

- improve the condition and appearance of buildings;
- improve access, servicing and car parking arrangements;
- facilitate the re-use of vacant buildings;
- improve the visual appearance of the area and
- promote good standards of design in all developments.

Policy S2/1 states that having successfully established the principle of the development, all retail proposals will be considered with regard to their environmental impact. As a result, the proposal should have regard to:

- their surroundings in terms of design, scale, height and bulk and colour of materials;
- the design of the proposal with regard to safety and security for shoppers, workers and visitors;
- the effects on the amenity of the nearby residents or businesses by reason of noise, smell, litter or opening hours;
- access and where appropriate facilities for the mobility impaired and
- the provision of adequate servicing and car parking.

The proposed buildings are single storey and would incorporate a monopitch and split roof, which would create gable elevations to Railway Street. The main entrance for the proposed commercial building would be located on the southern elevation so as to face the small parking area. It is considered that the glazed entrance and screens would ensure an active frontage and there would be large glazed elements on the northern elevation to ensure the building is of architectural interest and ensure visibility throughout the site.

The gable elevation of the proposed retail store would consist of full height glazed panels, which would wrap around the building and would ensure an active frontage onto Railway Street as well as the southern elevation, where the main entrance would be located. The proposed buildings are of a modern design and would provide a contrast with the more traditional style of buildings in the locality. Following comments from the Conservation Officer, the colour of the render for the proposed retail store has been changed from white to stone and the two panels adjacent to the main entrance will be stone. Revised plans will be submitted to indicate this and these will be included in the supplementary report.

Planning permission is in place for the conversion of Cobden Mill to apartments and an apartment block is currently under construction to the west of the site. The proposed buildings are at a lower level than the surrounding buildings and would be single storey and would not therefore have an adverse impact upon the amenity of the future occupiers of these properties in terms of outlook. All of the openings on the proposed buildings have been located so that they would overlook land on the application site and therefore, would not prejudice any future development on the adjacent sites.

The application site has a boundary with Square Street, the centre of which forms the boundary of the Ramsbottom Conservation Area. Revised plans indicate that two thirds of the boundary wall would be retained. The remaining third of the boundary wall would be stepped down so that it would be the same height as the proposed boundary wall on the boundary of Square Street and Kay Brow. It is proposed that the stone, which will be removed from the existing wall would be re-used in the construction of the proposed wall (0.9 metres high). The Conservation Officer has no objections subject to the inclusion of conditions relating to the materials. As a result, it is considered that the proposed works to the wall along Square Street is acceptable and would not detract from the character of the conservation area.

There would be paladin fencing located along the northern boundary and a close timber boarded fence would be erected inside the existing stone wall on the western boundary with the nursery. It is considered that the proposed boundary treatments would match those in the locality and are acceptable. The proposed refuse storage area would form part of the 0.9 metres stone wall and is considered to be adequate in size. The Waste Management team has no objections to the proposal. Therefore, the proposed development is in accordance with Policies EC3/1, EN1/1, EN1/2, EN1/3, EN2/1 and S2/1 of the adopted Unitary Development Plan.

The proposed landscaping plan is considered to be acceptable in terms of the general layout. However, it is considered that detailed issues of species mix and the separation of the car parks through different surface treatments should be controlled through the inclusion of a condition requiring the submission of a landscaping plan. The existing trees are poor in

quality and the majority are located in close proximity to the boundary wall, which may render it unsafe in time. As a result, the existing trees will be removed and replaced, which would result in the retention of the boundary wall along Square Street and the remainder of the site, which is considered to be important to the character of the area. A revised landscaping plan has been received to reflect the removal and the location of the replacement trees. Therefore, it is considered that the proposed development would be in accordance with Policy EN1/3 of the adopted Unitary Development Plan.

United Utilities has objected to the proposal as there is a water main which crosses the site and appears to run under the proposed retail store. United Utilities will not permit development in close proximity to the main. The applicant and United Utilities have agreed in principle to divert the water main and a condition shall be placed on any grant of planning consent requiring the submission of a scheme detailing the diversion works. However, this is not a material planning consideration.

Pollution issues - The proposed commercial building would be used for either B1 or B8 purposes and it is considered that a B1 use would accord with Policy EC1/2 of the Bury Unitary Development Plan. It is considered that a B8 use would also be appropriate as it would be located on the boundary of the employment generating area, where B8 uses are already acceptable in principle. The proposed commercial/light industrial building would be some 50 metres away from the nearest residential property and therefore, it is considered that the proposed development would not have an adverse impact upon residential amenity in terms of noise, through the control of the hours of use and the hours of delivery. The Pollution Control team has no objections to the proposal on this basis, subject to the inclusion of a condition, which would ensure that the existing noise levels at the boundary of the site are not exceeded. Therefore, it is considered that the proposed development would comply with Policy EN7/2 of the adopted Unitary Development Plan.

Protected Species - A bat survey has been submitted as part of the application and the survey states that there was no evidence that bats are using the building and its potential for roosting is low. The Wildlife Officer has no objections to the proposal, subject to the inclusion of conditions relating to the recommendations of the bat survey. Therefore, it is considered that the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Parking and Access - The proposed development would involve the relocation of the existing access to a position further south, which would result in better visibility at the junction with Railway Street. As part of the proposed development the boundary wall at the junction of Railway Street and Kay Brow would be lowered to 0.9 metres, which would result in much better visibility at the junction of Railway Street, Square Street and Kay Brow. Any deliveries to the proposed retail store would utilise the loading bay which is located to the north of the store. There would be a ramp leading to the loading bay, which would have a gradient of 1:18, with goods being unloaded directly into the proposed store. It is considered that there would be adequate turning facilities for any heavy goods vehicles within the car park, through the use of the hatched area. The Highways Team has no objections to the layout of the site and the proposed development is considered to be in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

DCPGN11 states that the maximum parking standards for a food retail store consist of 1 space per 16 square metres of floorspace, 3 disabled bays (6%) and cycle parking. The parking standards state that for a B1 business unit, there should be 1 space per 40 square metres; 2 disabled bays or (5%) and cycle parking. Therefore the application site should contain 102 spaces, 7 disabled bays and cycle parking as a maximum. The proposed development would provide 89 parking spaces, 6 disabled spaces, 3 parent and child spaces and cycle parking. It is considered that although the proposed development would not provide the maximum parking standards, there is an acceptable level of provision as the application site is located within a highly accessible town centre location. Therefore, it is considered that there would be adequate parking facilities and the proposed development

would not be detrimental to highway safety. Therefore the proposal will be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and DCPGN 11.

The Council has sought to improve the accessibility of the site in relation to the town centre by the improvement of the footpaths in the area. The improvements would involve the resurfacing of the pavements from the pedestrian link on Square Street to the town centre along the application site and Railway Street, from the pedestrian access to the proposed commercial building towards the town centre along the application site. The applicant has agreed to provide these improvements and it will be secured through a condition. Revised plans will be submitted to indicate this and will be included within the supplementary report.

The proposed development would incorporate level access into both the proposed buildings and the provision of the disabled parking spaces is welcomed. The applicant has clarified that there would be a small crossfall across the car park as requested by BADDAC. It is considered that the crossfall would be so minimal that the site would be accessible. There would be no customer toilet facilities provided at the proposed retail store, but there would be a fully accessible toilet for staff. It is considered that the proposed development would be accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Summary of reasons for Recommendation

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

The proposed uses are acceptable in principle and would not have an adverse impact upon the occupiers of the surrounding properties. The proposed development would be acceptable in terms of height, scale and design and the proposed development would not have an adverse impact upon the character and appearance of the conservation area. The proposed development would not be detrimental to highway safety. There are no other material considerations that outweigh this finding.

Recommendation: 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 0193 MID Red line plan, 0193-100, 0193-101 REV G, 0193-103, 0193-104 REV A, 0193-102 REV B and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

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

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

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

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

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment

Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

8. Following the provisions of Condition 7 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
9. Prior to the commencement of the development hereby approved, a survey shall be undertaken to establish the ambient noise levels at the boundary of the site and shall be submitted to and approved in writing by the Local Planning Authority. Noise from the proposed development shall not increase the prevailing ambient noise levels contained in the approved survey, as measured at the boundary of the site.
Reason. To protect the amenity of the neighbouring residents pursuant to Policy EN7/2 of the Bury Unitary Development Plan.
10. The buildings hereby permitted shall not be open to customers outside the following times: 06.00 to 23.00 on a daily basis.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S1/2 – Shopping in other town centres of the Bury Unitary Development Plan.
11. No deliveries shall be made to the building hereby permitted outside the hours of 08.00 to 19.00 on any day.
Reason. In the interests of residential amenity pursuant to Policy S1/2 - Shopping in town centres of the Bury Unitary Development Plan
12. Samples of the stone, render and roofing material 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. Only the approved details shall be implemented as part of the development.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
13. A sample panel of stonework and mortar, demonstrating the colour, texture, face bond and pointing, not less than 1 sq.m in size, for the boundary wall on Square Street shall be erected on site for inspection, and approval in writing, by the Local Planning Authority prior to the commencement of the development. Samples of the roofing materials shall also be made available for inspection on site. Thereafter the development shall be constructed in the approved materials and manner of construction.
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.
14. The development hereby approved shall be carried out in accordance with the recommendations in the Crime Impact Statement, unless otherwise agreed in writing with the Local Planning Authority.
Reason. In the interests of crime prevention pursuant to Policy EN1/5 - Crime

Prevention of the Bury Unitary Development Plan.

15. Prior to the commencement of the development hereby approved, a scheme for the provision of drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development.
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 - New Development and Flood Risk of the Bury Unitary Development Plan.
16. Prior to the commencement of the development hereby approved, details of the diversion of the water main shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development.
Reason. In the interests of an effective public utilities infrastructure pursuant to Policy EN1/11 - Public Utility Infrastructure of the Bury Unitary Development Plan.
17. The footpath from the pedestrian link on Square Street to the town centre for the extent of the application site and the footpath from the pedestrian access to the commercial building to the town centre for the extent of the application site shall be resurfaced prior to the occupation of the buildings hereby approved.
Reason. To improve the accessibility of the site to the town centre pursuant to Policy HT6/1 - Pedestrian and Cyclist Movement of the Bury Unitary Development Plan

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 05

Applicant: Mr Abbott

Location: WOODHEY, WOODHEY ROAD, RAMSBOTTOM, BL0 9RD

Proposal: RESIDENTIAL DEVELOPMENT - ONE DWELLING

Application Ref: 50087/Full

Target Date: 15/08/2008

Recommendation: Approve with Conditions

Description

The application site forms a rectangular plot measuring 24m by 18m. It is currently vacant and lies to the north-east of Woodhey Road. No.40 Woodhey Road is situated across from the site and Nos.8 and 9 Royal gardens share the side and rear boundaries to the west and north respectively. The open land to the east forms part of Woodhey High School and an area of public open space in the form of a grassed common is located to the south west. Royal Gardens is a gated community made up of coursed stone and slate detached houses (three storey including accommodation in the roofspace). The Sycamore tree in the north east corner of the site is protected by a Tree Preservation Order.

No.8 Royal Gardens shares the western side boundary. It has two sets of ground floor windows in the side gable facing across the site. One set are secondary windows to a rear lounge and the other are windows to a kitchen. There is a smaller utility room window facing down the side gable. At first floor level there are two small en suite and secondary bedroom windows. On the side of No.9 Royal Gardens is a ground floor window to a dining room within 1m of the north/ rear boundary.

The proposed detached house would be centrally positioned within the plot. The building would be three storeys in height with additional accommodation in the basement for garaging and a gym (4 storey in total). It would have a depth of 13m at its maximum and a width of 14m. It would be constructed in coarsed stone with a stone soldier course and stone quoins. The roof would be made up of stone tiles in the form of three smaller pitched roofs with stone copings. Windows would be timber framed.

The access into the basement would be formed by a ramp from Woodhey Road. The basement would also accommodate a bin store and a small domestic gym.

Relevant Planning History

49459 - Detached Dwelling - Refused 4/04/2008

47205 - Revised House Type to previous approved dwelling (40985) - Refused 1/02/2007

40985 - Detached Dwelling - Approved 1/08/2003

36316/00 - Detached Dwelling - Approved 5/07/2000

Publicity

Neighbours were notified by letter on the 26th June at 1-9 Royal Gardens, 40 and 42 Woodhey Road and Woodhey High School. Objections were received from No.40 Woodhey Road and No.8 Royal Gardens and can be summarised as below:

- The new house is too big and not aesthetically pleasing.
- Out of character with the area.
- Increase traffic problems and conflict with public using Woodhey Road.
- Loss of light into No.8 Royal Gardens.
- The property could be split up into smaller units at a later date.

Consultations

Highways Team - No objection.

Drainage Team - No objection.

Environmental Health - No objection subject to contamination conditions.

GM Police - No objection.

United Utilities - No objection

Landscape Team - Suggests the Sycamore on the site is retained and tree protection measures taken.

Unitary Development Plan and Policies

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

EN1/2 Townscape and Built Design

HT2/4 Car Parking and New Development

EN8/1 Tree Preservation Orders

SPD7 DC Policy Guidance Note 7 - Managing the Supply of Housing

SPD11 Parking Standards in Bury

Issues and Analysis

Principle - The principle of a house on this site has been established by the previous planning consent for a detached dwelling in 2003 of which a start has been made. The proposal is for a change of house type and would not be subject to the current housing restrictions policy detailed in the Policy Guidance Note 7 Managing the Supply of Housing Land in Bury.

Visual amenity - Whilst the roof has been broken up into three smaller elements the style of the house with the coursed stone elevations, stone pitched roofs is not dissimilar to surrounding properties. In terms of massing the building would not appear as significantly larger than the neighbouring properties on Royal Gardens. It would appear larger than No.40 Woodhey as that property is at a lower level and sits slightly below Woodhey Road. The house would be generally in line with the rear elevations of No.4 to 8 Royal Gardens which have a frontage onto Woodhey Road. Given the general design and massing and finishing materials the house should not appear incongruous on the street scene or when viewed from the public open space to the south west.

Residential Amenity - The proposal has to be assessed on the basis that the previously approved three storey dwellinghouse (with basement parking) can be erected on the site. In comparing the impact of both the previous and current scheme it is considered that the latest scheme would not be materially worse than the previous scheme in terms of residential amenity and in some respects the latest scheme would be an improvement.

In terms of No.8 Royal Gardens the living room windows on the side cannot be given a great deal of weight as they are secondary or non habitable windows and the main windows are on the rear elevation facing over the rear garden.

The window in the side of No.9 Royal Gardens is a dining room window which is a habitable room. However, the position of the new house is an improvement of the previously approved scheme in that it allows more space between the window and the rear elevation of the new house (9.3m against 5m) and improves privacy by omitting living room windows that face towards No.9.

Traffic - The new dwelling would not cause undue highway safety issues. The ramp down to the basement parking for three cars is considered to be acceptable.

Trees - The scheme already approved would have resulted in the loss of the Sycamore tree and as such the loss of the tree is not considered sufficient reason to warrant refusal of the application.

Objections - The issues of the house being too big, not aesthetically pleasing and out of

character have been dealt with in the main report above. In relation to the other issues they can be answered as follows:

Traffic issues - The house would not increase traffic generation beyond the previously approved scheme.

Loss of light - It is not considered that the revised scheme would be materially different in terms of the impact on light levels into No.8 or 9 Royal Gardens when compared to the previously approved scheme.

Conversion of the property to multiple units - The proposal is not for multiple units. Any proposal for a conversion of the property to multiple units would require planning permission and any application would be assessed on its merits and against UDP policy at that time.

Given the previously approved scheme for a house on the site it is considered that the current proposal complies with UDP policies listed above.

Summary of reasons for Recommendation

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

The application has been determined in the light of the approved application for a detached house in 2003 (LPA ref:40985). The proposed house is not considered to be out of keeping with the character of the area and does not present any serious amenity issues with regard to the neighbouring properties. There are no serious highway safety issues arising. 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 DA2-00, 01, 02, 03, 04, and 05 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only those materials thereby approved shall be used in the construction.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development

being brought into use.

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

5. Notwithstanding the terms of the General Development Order 1995, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 and Classes A to C of Part 2 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
6. 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.
7. Following the provisions of Condition 6 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.
8. 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.
9. 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.

10. 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.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 06

Applicant: Mrs Sue Grimshaw

Location: HILL END FARM, MOORBOTTOM ROAD, HOLCOMBE, BURY, BL8 4NS

Proposal: PROPOSED COVERED Paddock (RESUBMISSION)

Application Ref: 50164/Full

Target Date: 18/08/2008

Recommendation: Approve with Conditions

Description

Hillend Farm is situated on the lower eastern slopes of Holcombe Hill and has been used for the training of show ponies for past ten years. In April 2007 it was granted a licence to operate as a stud. The area is within the Green Belt and Holcombe Conservation Area and is also an Area of Special Landscape within the West Pennine Moors. The farm itself which is accessed from Cross Lane to south, comprises approximately 20 acres with the main farmhouse and stables set down from Moorbottom Lane. The main farm house and adjacent stables are stone built and are situated to the north of an open paddock. To the east of the paddock, across the private drive is a timber stable building which sits at the top of the paddock that slopes up from Holcombe Old Road. Running along the driveway up to the buildings and along field boundaries are hedgerows and mature trees.

To the north and west fields run up to Holcombe Hill. To the east residential properties form a ribbon development along Holcombe Old Road. To the south and west are further residential properties accessed from Cross Lane.

The application is for a covered paddock. The applicant states that there is a need to construct this in order to provide a safe and dry environment for the breeding and training/exercising of ponies. The advice to provide a covered paddock came from the veterinary surgeon when the applicant was first granted a stud licence in 2007.

The proposed building would have a footprint measuring 26m by 18m. The eaves height (east elevation) would be 3.5m with a maximum ridge height of 6m. The building would be constructed with timber boarding to the main elevations and a shallow pitched concrete sheet profiled roof with rooflight to allow natural light into the interior. It would be set into the existing hillside using a 'cut and fill' technique.

The building would be positioned in a paddock below the existing timber stables and hardstanding on the eastern side of the existing cluster of buildings that includes the farmhouse. It is proposed to build up the ground on the eastern side to form a screen mound. A hedge (Hawthorn, Blackthorn and Hazel) would extend around the exposed southern and eastern elevations and additional trees (Ash and Oak) would be planted close to the south-east corner in an effort to help screen the building. The arena would be accessed from the north elevation which would open onto a hardstanding which in turn ramped up to the existing hardstanding in front of the existing timber stables.

A number of options were considered prior to submitting the application. These were:

- 1) The existing paddock - this site sits up above the access road and would be more visible from the surrounding countryside.
- 2) Below the farmhouse - This was ruled out as a high pressure gas main runs under the site.
- 3) South of the timber stables - A more prominent site and closer to the nearby public footpath

Relevant Planning History

48796 - Covered paddock - withdrawn 10/12/2007 to enable further negotiation to take place.

39328 - Replacement of stable with barn to store machinery - Approved 18/9/2002

30166/94 - Conservation area consent for demolition of livestock shelter - Approved 6/10/94

30128 - Replacement Livestock Shelter - Approved 6/10/94

29402/93 - Lighting columns for horse training - Refused 2/6/94/10/94

28575/93 - Extension to existing stable building - Approved 8/7/93

27821/92 - Horse Training Area - Approved 21/1/93

Publicity

The following occupiers have been notified by letter on 25th June: 83, 85, 87, 89, 91, 101, 101A, 103, 109, 109A, 111, 115, 145 and The Gate House Holcombe Old Road, The Croft, Meadow Heys Moorbottom Road and The Plant House, Pinfold Cottage (The Holcombe Society) Cross Lane, Dawes Bank, Norcot, 20 Westwood Road, 53 Rodney St Liverpool, 6 Claybank Drive, 1 Lumb Carr Rd . The application was advertised as affecting Holcombe Conservation Area in the Bury Times on the 3/07/2008 and site notice posted on the 25th June on Cross Lane.

12 Objections received from the Holcombe Society, 91, 103 (2 separate letters), 115 Holcombe Old Road, The Croft Moorbottom Road, Dawes Bank, 1 Lumb Carr Road, The Plant House, 4 Redwing Road, 20 Westwood Road and Nolan Redshaw on behalf of a number of local residents (addresses not known), are summarised below:

Objections:

- The proposal is contrary to Green Belt policies and those policies relating to the conservation area, Area of special Landscape and West Pennine Moors.
- The new building does not maintain the openness of the Green Belt.
- Detrimental to the character of the Conservation Area and Area of Special Landscape in which the site is located.
- The building appears as disproportionate to the size of the existing cluster of buildings at the farm.
- The design and materials to be used are not sympathetic to the location.
- Detrimental impact on views from Holcombe Hill and from footpaths up to it.
- The siting of the building is worse than the previously proposed location from 115 Holcombe Old Road.
- The screening of the building would be much reduced in the winter months.
- Approving the proposal would set a dangerous precedent for similar development in future.
- Uncertainty as to what would happen to the building should the site change hands.
- Existing lighting is intrusive in the landscape.
- Why is there a need for a covered paddock as the existing paddock is seldom used.

Five representations, in support from The Gate House Holcombe Old Road, 27 Thornfield Road, Tom Nook Farm, 6 Brookside Crescent and 6 Clay Bank Drive, are summarised below:

- The new building would not be detriment from surrounding views.
- Hillend Farm is a well kept establishment and any new development would be in keeping and of an equally high standard.
- There is a need for a covered paddock in this area given the weather conditions.

Consultations

Highways Team- No objection.

Drainage Team - No objection.

Environmental Health - No comment.

Baddac - No comment.

National Grid - High Pressure Gas Pipeline runs across Hill End Farm. Need to liaise with National Grid.

United Utilities - No comment.

Conservation Officer - The proposal should not have a harmful impact on the conservation area. No objection subject to condition requiring finishing colour to be approved.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/3	Landscaping Provision
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/1	Designation of Green Belt
OL1/2	New Buildings in the Green Belt
OL4/7	Development Involving Horses
OL7/2	West Pennine Moors
EC4/1	Small Businesses
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD10	Planning for Equestrian Development
PPG2	PPG2 - Green Belts
PPS7	PPS 7 Sustainable Development in Rural Areas
PPG15	PPG15 - Planning and the Historic Environment

Issues and Analysis

Policy Background - Mollocas Stud Limited operating from Hill End Farm is a well established rural business which has been successful both in Britain and internationally. As such UDP Policies EC4 and EC4/1 which relate to small and growing businesses are relevant to this application. EC4 states that the needs of small and growing businesses are met by looking favourably on proposals for such developments, where these do not conflict with other policies and proposals of the plan. EC4/1 states that proposals will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area and where they do not conflict with other policies.

UDP Policy OL1/2 - New Buildings in the Green Belt states that new build within the Green Belt is inappropriate unless it is for agriculture, essential facilities for outdoor recreation, limited extensions or infill to existing villages. Proposals falling outside these categories is inappropriate development and by definition harmful to the Green Belt. Any proposal will only be permitted in 'very special circumstances' and after the applicant has demonstrated why in these circumstances permission should be granted. Development Control Guidance Note 8 - New Buildings and Associated Development in the Green Belt supports Green Belt Policy.

National Planning guidance set out in PPG2 - Green Belts sets out criteria for new building in the Green Belt. One of the criteria lists essential facilities for outdoor sport and recreation as being acceptable an form of development. 'Essential facilities' are noted as being genuinely required for the uses of land, which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Small stables for outdoor sport and outdoor recreation are given as an example. In cases where the development is regarded as inappropriate, onus is on the applicant to show why permission should be granted and each case should be taken on its own merits.

Further national advice set out in PPS 7 Sustainable Development in the Countryside states that equestrian activities such as training and breeding can play an important economic role in helping to diversify rural communities. It suggests that local policies should be in place to provide for a range of suitably located facilities.

UDP Policy OL4/7 - Development Involving Horses indicates that equestrian activities will be acceptable where they would not have an adverse effect on the appearance of the rural area. High standards of design, construction and maintenance will be expected as part of

any development. Supporting this policy is the Guidance Note 10 - Planning for Equestrian Development, adopted in January 2007. Paragraph 4.7 of this document relates to exercise arenas, though does not specifically refer to covered arenas. It states that a typical size should be no larger than 40m by 20m and located as inconspicuously as possible.

Policy OL7/2 - West Pennine Moors supports the aims of the West Pennine Moors Plan which tries to ensure that the character of the area is protected. It states that development should have regard to its impact on agriculture, water catchment, settlements, landscape, ecological and historic features.

Policy EN1/1 - Visual Amenity states that development will not be permitted where proposals would have a detrimental impact on public views from prominent or important buildings and in areas of environmental interest such as Green Belt, Special Landscape Areas and conservation areas.

Policy EN1/3 - Landscaping Provision states that developments should have appropriate landscaping.

National Guidance from PPG15 Planning and the Historic Environment refers to the need for development in conservation areas to preserve or enhance the area's character, with the lowest possible standard being that the development should not cause harm to that character. The Unitary Development Plan's conservation area policies EN2, 2/1 and EN2/2 seek to preserve and enhance the character or appearance of conservation areas. Policy EN2/2 Conservation Area Control in particular states that development will only be acceptable if it preserves or enhances the special character of the conservation area with consideration given to the size and design of new buildings and their relationship to the surrounding area.

Policy EN9/1 - Special Landscape Areas supports the above policies in that it promotes development sympathetic to its surroundings and high quality design, siting and landscaping.

Green Belt - The proposed covered arena measuring 26m by 18m, although scaled down from the previous scheme and smaller in area than the maximum suggested by Guidance Note 10 - Planning for Equestrian Development, constitutes a large building within the Green Belt. As such this proposal would be regarded as 'inappropriate' development in the Green Belt and it would be for the applicant to put forward a case for 'very special circumstances'.

The applicants have argued that the new facility is essential for the development of the business at Hill End. The new building would have a dual function of providing an appropriate safe and dry place for the breeding stallion to serve mares as part of its function as a stud. The need for a covered paddock in this respect is supported by the applicant's veterinary surgeon who confirms that he advised, on granting the stud licence, that the covered paddock was required for the wellbeing of the horses and that the applicant should not consider serving mares on site until proper facilities are established. It is also stated that the covered paddock would also provide better training and exercise facilities for the show ponies on a 'year round' basis and be particularly valuable during winter and in periods of bad weather when the ponies need to be ready to compete in various competitions and shows. The proposed site is considered to be the most suitable site for the structure which has the least visual intrusion into the landscape and would allow the continued development of the business at Hill End and help sustain the prevailing land use which is important in retaining the area's character.

The proposals include a number of possible locations that were investigated prior to submitting this application. The first proposal involved covering the existing paddock. This was ruled out after concerns that the building would be sited in an elevated position and would be difficult to screen effectively and therefore would be visually intrusive. A second site, in front of the farm house was ruled out because of an underground gas pipeline.

Another location to the south of the timber stables and adjacent to the access road into the farm was not considered appropriate on grounds that it would be more visible from surrounding viewpoints. The last option considered was the current site. By siting the building next to existing stables, cutting into the hillside with mounding and additional screen hedging and tree planting the applicants have attempted to mitigate the visual impact of the proposal on the surrounding countryside to the extent that it would not have a seriously detrimental impact on the character of the Green Belt or Conservation Area. Sections through the site A-A through to D-D indicate the extent of the cut and fill as well as the impact of the additional screen hedge and trees around the building.

When assessing the proposal it is important to consider views from surrounding properties, roads and footpaths. An important aspect would be from the top of Holcombe Hill and Peel Tower itself. Photographs (wide angle and zoom) from this aspect are attached to this report. Looking down from Holcombe Hill and viewing the site from other angles it is clear that the existing timber stables to which the new building will be adjacent do stand out against the hillside not least due to the bleaching effect on the timber. It is considered that should the existing timber stables be stained a darker colour and maintained as such and the proposed finishing materials on the new building could be required by an appropriate condition to be coloured to blend in more with the landscape, reducing further the visual impact of the scheme.

The proposed screen planting around the building would comprise a native hedge (Hawthorn, Blackthorn and Hazel) extending from the existing hedge along the driveway with additional Ash and Oak trees around the south east corner of the building. This planting would in the medium to long term help screen the new building from views from Holcombe Old Road and Cross Lane. Views up to the site from properties on Holcombe Old Road are partly screened by existing hedging and trees along the field boundaries. It is accepted that during the winter months the new building would be more visible however even at these times there would be a veil of cover to mitigate the visual impact. It is proposed that gaps in the existing hedging along Holcombe Old Road and Cross Lane would be 'in-filled' to help reduce the visual impact further.

Conservation Area - Many of the issues arising from assessing the proposal in the light of Green Belt policies relate also to the impact on the conservation area. Both national guidance and local policies should be aimed at positively managing change, not stopping change from taking place. Special regard should be had when assessing development to siting, scale, height, form and massing, and design. Hill End although a horse breeding and training centre retains the character of a farm with the concentration of new and older buildings around the original stone farmhouse. Land around is in pasture, and the use of the land contributes to the character of the area. Holcombe was originally a farming community based on an ancient north/south trackway and the areas character has been established through the original relationship between farming, communication and local weaving. There has been an issue in Holcombe over recent years over the move away from agriculture, and open land falling into disuse. A small part of this has come back in smallholding type uses and some of the remainder has been turned into paddock more on a domestic rather than business scale. The future positive use of land in Holcombe is an important factor in retaining character.

In terms of the conservation area the harm created by previous proposal to cover the existing paddock outweighed any other benefits to the area in terms of economic activity or land use. The current application is comprehensive and can be fully assessed in terms of UDP conservation area policies listed above. In terms of size, siting and design, the proposal, with the building set in to the hillside and the revised landscaping and mounding on the eastern side, would not have a harmful impact on the character of the conservation area if the colour finish is appropriate. The proposed dark brown stain to the timber elevations and dark grey finish to the concrete sheeting on the roof is not ideal and would stand out within the surrounding landscape. A grey/ green finish would be preferable and would be required by an appropriate planning condition should the proposal be approved. Such a condition would require the colour on the new building and the adjacent stable to be

similar or complimentary and be maintained to a particular shade for the life of the buildings.

Highways - The proposal would not have a significant impact on vehicular movements to and from the site. The existing access into the farm is well maintained has good visibility onto Cross Lane. The hardstanding and garaging within the cluster of buildings has sufficient parking and turning facilities for up to 10 cars.

Objections - Openness of Green Belt - Although the applicants have reduced the size of the paddock to a minimum the new building is of a size that would affect the openness of the Green Belt. The impact has however been mitigated to a significant extent by the revised planting proposals which would improve the overall appearance of the site from surrounding vantage points. Whilst there would be a less coverage of the site in the winter months there would still be a significant veil of hedging and tree cover.

Character of the Holcombe Conservation Area - The Conservation Officer, after assessing the scheme in relation to the conservation area does not consider that it would not harm the character of the area for the reasons set out in the above report.

Views from Footpaths/ Holcombe Hill - For the reasons given above it is not considered that the proposal would significantly harm views from surrounding public footpaths. It is considered that the treatment to the existing stable roof and roof of the new building is particularly important to reduce the impact from Holcombe Hill.

Design and materials - The simple barn style paddock with an appropriate colour finish would not appear out of context with the surrounding area.

Proximity to properties on Holcombe Old Road - The new building would be approximately 92m to properties on Holcombe Old Road. It would be cut into the hillside and the mounding and screen planting both around the building and along existing hedgerows around the meadow would mitigate its impact from views from the east.

Setting a dangerous precedent - Every application is taken on its merits in the light of policy. Refusing an application on the basis that a precedent is set would not be reasonable.

Future Use - The fact that the site could change hands at a future date is not a reasonable reason for refusing an application.

Lighting - The only external light would be a small bulkhead light over the main entrance doors. This would not have a significant impact on the amenity of the area.

Need - The applicants state that there is a need for the covered paddock to allow the development of breeding operations and training, exercising and inspection of horses as set out in the above report.

Conclusion - The site is clearly in a sensitive location and assessing the impact of what is a sizable building is difficult with many factors built into the equation. It is considered that on balance the new building can be justified in terms of 'special circumstances' in that it is required to allow the business at Hillend to develop and can be adequately screened from the surrounding countryside.

Summary of reasons for Recommendation

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

The proposal would not have detrimental impact on the character of the locality and the impact on the openness of the Green Belt is sufficiently mitigated by the screen planting and external treatment. Residential amenity is not seriously affected. There are no other material

considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the following drawings:
Location Plan 7463/L03A, Option Sites L08, Existing Site Plan L09B, L10D, E07B, E08B, E11A and Design Statement 7463/5.1 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. Samples of the materials with the precise colouring to be used in the external elevations of the new building shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The external finishes shall thereafter be maintained in the colours/shade agreed to the satisfaction of the Local Planning Authority for the life of the building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 - Visual Amenity.
4. Prior to commencement of development, details of the exact colour and shade to be applied to the existing timber framed stables shall be submitted to and agreed in writing by the Local Planning Authority. The external finishes shall thereafter be maintained in the colours/shade agreed to the satisfaction of the Local Planning Authority for the life of the building.
Reason. In the interest of visual amenity pursuant to UDP Policy EN1/1 - Visual Amenity.
5. Samples of the natural stone to be used in the proposed retaining wall shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only those materials subsequently approved shall be used in the development.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 Visual Amenity, OL1/2 New Building in the Green Belt and EN2/2 Character of Conservation Areas.
6. Samples of surface materials to be used on the forecourt 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 EN1/1 Visual Amenity, EN2/2 - Character of Conservation Areas.
7. A landscaping scheme, including the augmentation of the existing hedging indicated in the existing site plans, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building 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.

8. The development hereby approved shall not commence unless and until a scheme of protection for all trees 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.
9. No external lighting shall be installed within the site other than the single 100watt bulkhead light above the entrance on the north elevation indicated in details dated 6th August 2008.
Reason: In the interests of visual amenity pursuant to UDP policies EN1/1 Visual amenity and EN2/2 Character of Conservation Areas.

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

Ward: Whitefield + Unsworth - Besses

Item 07

Applicant: Godliman & Watson Homes

Location: FORMER ALBERT INN, RIBBLE DRIVE, WHITEFIELD, M45 8NA

Proposal: ERECTION OF 6 RETAIL UNITS WITH 15 FLATS ABOVE; ASSOCIATED ACCESS, PARKING, SERVICING AND LANDSCAPING

Application Ref: 50058/Full

Target Date: 09/09/2008

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and DCPGN1 and to secure the provision of affordable housing. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Assistant Director of Planning, Engineering and Transportation Services under delegated powers.

Description

The former public house was demolished prior to the submission of the planning application and the site currently contains the rubble from the demolition. There are two accesses into the site, which are located to the east and west of the mini roundabout, which forms the junction with Ribble Drive and Mersey Drive.

There are residential dwellings to the east and residential dwellings and a office building to the south of the site. There is an access road to the west and a block of 9 retail units with 14 flats above. To the north of the application site, there is a mini roundabout and beyond that a church and further residential dwellings.

The proposal involves the erection of a single building, which would consist of 6 retail units and 15 flats above. One of the retail units will be an anchor unit and this unit would be Class A1. The remaining retail units would be 69 square metres in size and would be allocated for use as a retail unit (A1), financial and professional services (A2), restaurant or cafe (A3), drinking establishments (A4) and hot food takeaway (A5). The proposal would result in the removal of an access point onto Ribble Drive and the formation of the car park to the front of the site and private recreational space at the rear, along with bin stores.

Relevant Planning History

26742 - Installation of 1.5 metre satellite antenna on rear wall of Prince Albert Public House, Ribble Drive, Whitefield. Approved - 13 February 1992

32896 - Double sided free standing 6 sheet advert unit at Prince Albert Inn, Ribble Drive, Whitefield. Refused - 22 May 1997. Appeal dismissed - 13 October 1997

Publicity

The neighbouring properties (1 - 7 Hindburn Walk; 99 - 111 (odds) & 130 - 168 (evens) Oak Lane; 1 - 14 Albert Place; 7, 9 Albert Drive and 1, 2 - 8 (evens) Tweedsdale Close) were notified by means of a letter on 6 June and a press notice was published on 12 June in Bury Times. Site notices were posted on 11 June 2008. 3 letters have been received from the occupiers of 132 Oak Lane, 15 Tweedsdale Close, River Housing (Community Warden), which have raised the following issues:

- Request that the GM Police Architectural Liaison Unit is consulted on the application
- Support the regeneration of the site.
- Impact upon traffic flow, as the road has speed bumps

- Impact of the proposal upon residents in terms of noise
- Object to the closure of the Albert Inn.

Consultations

Highways Team – No objections in principle and awaiting an revised plan to overcome small minor issues with regard to the addition of a 300mm hazard strip and small fence between the parking and pavement on Ribble Drive.

Drainage Team – No objections.

Waste Management – No objections.

Environmental Health - Contaminated land – No objections, subject to the inclusion of conditions relating to contaminated land and the requirement for an asbestos survey prior to the demolition of the existing building.

Environmental Health – Pollution control – No comments.

BADDAC – Welcome disabled parking spaces, but details of the dropped kerbs are required. The crossfall on the footway appears to be excessive and the ATM in the shop front is too high and should be lower. Some form of lift access should be provided to make the flats accessible.

GM Police Architectural Liaison – There is a history of crime occurring within this area. However, there are no objections, subject to the boundary at the rear encompassing 2.1 metre high fencing and some defensible planting in the recreational space at the rear. The provision of the first floor windows are welcomed as it provides natural surveillance. Different coloured paving should be used for resident’s parking to distinguish between retail and residential parking.

United Utilities – No objections to the proposal.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN7	Pollution Control
EN7/2	Noise Pollution
RT2/2	Recreation Provision in New Housing Development
S1/3	Shopping in District Centres
S1/5	Neighbourhood Centres and Local Shops
S2/1	All New Retail Proposals: Assessment Criteria
S3/3	Improvement and Enhancement (All Centres)
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1:Recreation Provision
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
SPD11	Parking Standards in Bury

Issues and Analysis

Principle - There are two key issues to consider as part of this application:

- the level of retail provision and its location
- the provision of housing and its location

Retail - The application site is located within a neighbourhood shopping centre and the application must be assessed against the following policies:

Policy S1/5 states that the Council will seek to retain retailing (Class A1) as the predominant

use in small neighbourhood centres and in new or existing shops to cater primarily for the day to day needs of residents and business.

Policy S2/1 states that the Council will support new retail proposals which:

- are within or immediately adjoining the main shopping area of existing centres;
- sustain or enhance the vitality and viability of a centre;
- are accessible by public transport and
- are in conformity with other policies of the plan

The proposed development would be located within the neighbourhood centre and would be located off the main road through the residential estate. As a result it is considered that the proposed development would be accessible by public transport. While all of the proposed units may not be retained in A1 use, it is considered that an A2 or A3 use may provide a necessary service for the day to day needs of residents and businesses. An A4 or A5 use would contribute to the vitality of the centre and would replace the public house. However, it is important that retailing remains the primary use of the centre and therefore, it is considered that subject to the conditional control of the floorspace, the provision of uses A1, A2, A3, A4 and A5 is acceptable within the neighbourhood centre and would make a positive contribution to the vitality and viability of the centre. The proposed development would result in the provision of two blocks of retail units. However, it is considered that the proposed development would provide a service to the local community and would not conflict with the aims of Policy S1/5 of the adopted Unitary Development Plan.

The proposed anchor unit would have a floorspace of 372 square metres which is larger than the 200 square metres of floorspace which is generally recommended in Policy S1/5. However, it is considered that as the proposed development is located within the heart of the estate and the proposed floor space would not be so large as to attract trips from beyond the local area. On balance, it is considered that the increase in floorspace of 172 square metres would not harm the character of the neighbourhood centre and the regenerative benefits of the proposed development would render the increase in floorspace acceptable nor would the proposed development impact upon other existing centres. Therefore, the proposed development would not conflict with the aims of Policy S1/5 and would be in accordance with Policy S2/1 of the adopted Unitary Development Plan.

Housing - The proposed development involves the provision of 15 flats above the retail units, 7 of which would be affordable units.

Policy H1/2 states that the Council will have regard to the need to direct development towards the urban area; the availability of infrastructure; the suitability of the site in land use terms with regard to amenity and the surrounding land uses.

DCPGN7 (Managing the supply of housing land in Bury) states that no housing development will be permitted within the borough unless it meets certain criteria, such as the change of use of a building back to residential; urban regeneration initiatives with significant and strategic borough wide benefits; or is located within a specific regeneration area. One of the exceptions to the housing restrictions relates to the units being 100% affordable but schemes offering less than 100% can be deemed acceptable in exceptional circumstances.

There is adequate infrastructure supporting the site and as the site is bounded by residential dwellings to the east and south, it is considered that the site is suitable in terms of the surrounding land uses and sustainability. The proposed development would be located within the heart of a residential estate, which is suffering from crime and dereliction and is in need of regeneration. There is an existing crime issue in the locality and local Councillors and the Council have been working towards the redevelopment of this site to aid the regeneration of the area for a number of years.

The applicant has entered into detailed negotiations and provided detailed viability statements, which indicate that the only way the proposed development would be viable

would be on the basis of a 30% discount on 7 of the 15 units. It is considered that on balance, the regeneration benefits of the scheme and the provision of 7 affordable units at a discount of 30% off the market value (usually 25% discount from the market value) would be acceptable in this location. It is considered that the applicant has demonstrated exceptional circumstances and the proposed development would comply with the exceptions criteria in SPD7. Therefore, it is considered that the principle of residential development is acceptable and the proposal would accord with the exceptions criteria in SPD7.

Design of building - Policy S2/1 states that having successfully established the principle of the development, all retail proposals will be considered with regard to their environmental impact. As a result, the proposal should have regard to

- their surroundings in terms of design, scale, height and bulk and colour of materials;
- the design of the proposal with regard to safety and security for shoppers, workers and visitors;
- the effects on the amenity of the nearby residents or businesses by reason of noise, smell, litter or opening hours;
- access and where appropriate facilities for the mobility impaired and the provision of adequate servicing and car parking.

Policy H2/1 states that all new residential development will be expected to make a positive contribution to the form and quality of the surrounding area and the height and roof type of the adjacent buildings; the impact of the proposal upon residential amenity; the density and character of the surrounding area and the materials to be used in the development will be assessed

Policy H2/2 states that new residential development will be assessed against car parking provision; access for pedestrians and vehicles; landscaping and safety and security.

The proposed building is modern in design and is considered to be acceptable in terms of height, bulk and scale. The proposed building would have a pitched roof and would be two storeys in height at the rear and three storeys in height at the front in order to lessen the impact upon the occupiers of the residential properties at the rear as much as possible. The proposed dark grey brick would be in keeping with the surrounding buildings (adjacent block of shops with flats above) and the inclusion of the glazed green brick and buff brick would give definition to the elevations. As a result, it is considered that the materials for the proposed development are acceptable and would not be unduly prominent within the locality. The proposed development is considered to be in accordance with Policies H2/1, H2/2, EN1/1 and EN1/2 of the adopted Unitary Development Plan.

The proposed development has been redesigned to enable the main residents' entrance to be located at the front between units 2 and 3. The relocation of the main residents' entrance ensures that members of the public have access to the proposed flats above. As a result, the proposed development would not become a gated community and would be socially inclusive. The relocation of the residents' entrance allows for the natural surveillance of the main entrance by the proposed units and proposed flats above. A separate entrance for residents would also be provided near the proposed bin store as an alternative. Therefore, it is considered that the proposed development is in accordance with Policies H2/2 and EN1/5 of the adopted Unitary Development Plan.

Impact upon surrounding area/residential amenity - There would be over 50 metres between the front elevation of the building and the Church and 45 metres to the front elevation of the dwellings on Ribble Drive. There would be 25 metres between the rear elevation of the proposed building and the blank gable of No. 7 Hindburn Walk and 14.5 metres between the rear elevation and office building to the south. There would be 18.3 metres between the proposed building and the rear elevation of No. 6 Hindburn Walk. However, normally this distance should be 20 metres. The proposed building would be 2 storeys in height on the rear elevation and it is considered that a distance of 18.3 metres is acceptable as No. 6 Hindburn Walk has been built on an angle and does not directly face the rear elevation. Therefore, no main habitable rooms in No. 6 Hindburn Walk are affected by the proposed

development.

The bedroom windows for apartments 11 and 15 have been designed to ensure that there would be no adverse impact upon the amenity of the occupiers of the dwellings on Albert Place and Ribble Drive. The proposed windows for the bedrooms are oriel windows and therefore, the occupier of the proposed apartments has an outlook north and south but not to the east or west respectively. The proposed oriel windows also allow for better natural surveillance of the entrance and servicing areas. Therefore, it is considered that the proposed development would not have an adverse impact upon the amenity of the neighbouring residents. The proposed development would be in accordance with Policy H2/1 of the adopted Unitary Development Plan and the aspect distances contained in DCPGN6.

Pollution issues - The proposed development would replace a public house with retail units and apartments above. It is considered that the proposed retail units would not be open as late as the pub and would create less noise and disturbance than the former pub. It is proposed to restrict the hours of delivery from 09:00 until 20:00 in relation to all the units and the hours of opening from 08:00 until 23:00 in relation to any A3, A4 or A5 uses in order to protect the amenity of the neighbouring residents. The Pollution Control team has no objections to the proposal. Therefore, it is considered that the proposed development would give rise to less disruption than the pub and would be in accordance with Policy EN7/2 of the adopted Unitary Development Plan.

A contaminated land assessment was submitted as part of the planning application and this was considered to be inadequate. However, the Contaminated Land team has no objections to the proposal, subject to the inclusion of conditions relating to contaminated land and an advisory stating that an asbestos survey should be undertaken prior to demolition of the pub building. The demolition of the pub building took place prior to the submission of the planning application but this will be added as an informative for the applicant. Therefore, it is considered that the proposed development is in accordance with Policy EN7 of the adopted Unitary Development Plan and government guidance in the form of PPS23.

Parking and Access - The access to the application site would consist of the existing access to the east of the mini roundabout and the provision of an access onto the road to the west of the site. Parking would be provided at the front of the building for both residents of the proposed apartments and customers of the proposed retail units. It is considered that there would be adequate visibility splays and that the proposed development would reduce the number of access points in close proximity to the roundabout. Therefore, it is considered that the proposed development would not be detrimental to highway safety and would accord with Policy HT2/4 of the adopted Unitary Development Plan.

Parking standards state that the maximum standards for a retail store states that there should be 1 space per 30 square metres of floorspace and 3 disabled bays. The parking standards state that for residential dwellings in an area of high accessibility there should be 1.5 spaces per unit. This would equate to 47.5 spaces and 6 disabled spaces.

The application site contains 37 spaces and 4 disabled spaces. It is considered that although the proposed development would not provide the maximum parking standards, there is an acceptable level of provision as the proposed retail units are designed to offer services to the local community and many people would be in walking distance of the proposed retail units. The application site is located within a highly accessible area with good links to public transport. The highways team has no objections to the level of parking provided. Therefore, it is considered that there would be adequate parking facilities and the proposed development would not be detrimental to highway safety. Therefore the proposal will be in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

The entrance to the proposed retail units and the proposed main residents' entrance would be level. It is not the intention of the applicant to install a lift at this stage. However, the reception area has been designed so that it would be large enough to contain a platform lift,

which would provide full access to all the proposed apartments. In accordance with comments from BADDAC, the ATM has been lowered. It is considered that it would be possible to ensure that the crossfall on the pavement does not exceed a maximum of 1:40 and this will be secured through a condition. Therefore, it is considered that the proposed development would be accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Section 106 Contribution - A contribution is required for off-site recreation provision of £6,176.40. The commuted sum for recreation provision and the provision of seven affordable units shall be secured through a Section 106 agreement. A draft agreement has been sent to the applicant for their 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 would not have an adverse impact upon the occupiers of the surrounding properties. The proposed development would be acceptable in terms of height, form and scale and would not be unduly prominent in the locality. The proposed development would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

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

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

2. This decision relates to drawings numbered KD-L (20) 001, KD-L (20)002A, KD-L (20)003A, KD-L (20)004A, KD-L (20)005A, KD-L (20)006A, KD-L (20)007A, KD-L (20)008A, KD-L (20)009A, KD-L (20)010A, KD-L (20)011A, KD-L (20)012A, KD-L (20)013A, KD-L (20)014A and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

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

4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and

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

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

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

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

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

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

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

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

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

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

8. Following the provisions of Condition 7 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation

Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and

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

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

9. 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. Only the approved details shall be implemented as part of the development hereby approved
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.
10. The use hereby permitted shall not be open to customers outside the following times: 08.00 to 23.00 on a daily basis.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S1/5 – Neighbourhood Centres and Local Shops of the Bury Unitary Development Plan.
11. No deliveries shall be made to the building hereby permitted outside the hours of 08.00 to 19.00 on any day.
Reason. In the interests of residential amenity pursuant to Policy S1/5 – Neighbourhood Centres and Local Shops of the Bury Unitary Development Plan
12. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
13. Prior to the commencement of the development hereby approved, details of the crossfall on the pavement in front of the retail units shall be submitted to and approved in writing to the Local Planning Authority. The crossfall shall be a maximum of 1:40 and only the approved details shall be implemented as part of the development
Reason. To ensure that the development is fully accessible for all pursuant to Policy HT5/1 of the Bury Unitary Development Plan.
14. The shop window shall be retained for display purposes and shall not be painted over.
Reason. In order to retain the retail character of the premises in the interests of visual amenity.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed.
Reason: To protect the residential amenities of the occupants of adjoining

properties.

16. The anchor unit to which this approval relates shall be used for Class A1 and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason. In order to maintain retailing (Class A1) as the predominant use in the Neighbourhood Centre pursuant to Policy S1/5 - Neighbourhood Centres and Local Shops of the Bury Unitary Development Plan

17. Not less than 50% of the floorspace of units 1 to 5 of the development hereby approved shall be allocated to Class A1 use and the area thus allocated shall be indicated on a drawing to be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the building. Thereafter, this percentage split of the use of the ground floorspace shall be maintained, unless otherwise agreed in writing by the Local Planning Authority.

Reason. In order to maintain retailing (Class A1) as the predominant use in the Neighbourhood Centre pursuant to Policy S1/5 - Neighbourhood Centres and Local Shops of the Bury Unitary Development Plan

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

