

**Ward:** Bury East - Moorside

Item 01

**Applicant:** Property Alliance Group

**Location:** LAND OFF CARLYLE STREET BURY

**Proposal:** 10,229m2 CLASS B1 OFFICE DEVELOPMENT WITH ASSOCIATED CAR PARKING

**Application Ref:** 50200/Full

**Target Date:** 30/09/2008

**Recommendation:** Minded to Approve

**This application is Minded to Approve subject to the completion and signing of a s106 Planning Obligation relating to the provision of Per Cent for Public Art and the public usage of a proposed riverside walkway. Should the obligation not be signed within a reasonable time scale then delegated authority should be granted to the Assistant Director of Planning, Transportation and Engineering to delegate refusal the application.**

#### **Description**

This is a 2.3ha site forming part of the Chamber hall Business Park off Castlecroft Road. The site has been previously developed and until recently, there were buildings on the site in Class B2 use known as the Heskeths site, where metal prefabrication took place. The site has been cleared and levelled although there are some areas of scrub along the easterly edge of the site.

To the easterly edge of the site is a public right of way, currently unaffected by the site clearance works and further east still is an access roadway currently under construction to connect the Chamber hall site to Peel Way for vehicular access.

To the west of the site is the River Irwell, to the south at a higher level is the Bury Bridge road network and to the north of the site is grassland forming part of the wider Chamber hall site.

The application is seeking full planning permission for the erection of 10,229m2 of class B1 office development. The configuration of this floor space is indicated to be within four buildings ranging from five storeys in height down to three. The highest building would be nearest to Bury Bridge and the lowest three storey buildings would sit on the northerly and southerly vehicular/pedestrian entrance into the site.

Access into the site would be gained from a new roundabout that is being constructed as part of the implementation of the access ramp development from Peel Way to serve the whole Chamber hall site.

The office development would be supported by a car park area between the new buildings and the river to provide 269 car parking spaces, which would be set at a lower level than the office development.

#### **Relevant Planning History**

48965 - office development - withdrawn on 21/2/08 due to Environment Agency concerns over flood risk and the proposed finished floor levels.

47422 - Access ramp road to business development - Approved - 28/3/07

#### **Publicity**

Site notices were erected on 16 July 2008 and press notice published in the Bury Times on 17 July 2008. Letters were sent to 24 addresses including the following properties on

14/7/08:-

William Hare Ltd, Castlecroft Road, Bury North Primary Group, 5 Inwood House  
Jewel In The Crown, Peel Lodge, Castlecroft House, Alliance Learning, NCMT Ltd, Greater Manchester Probation Service, Bricks & Motor Insurance Brokers, Bury Transport Museum, Tygas Ltd, Elantic Ltd, Irwell Works, Dixon Ford Bury, Twist Air Dental Co Ltd, Pendle Design, Bury Bridge Working Men's Club, Floors 2 Go, P J Power Building & Civil Engineering, GBH Brown Ltd, Martin Brierley, , A Murray Ltd, RRG Bury, Community Mental Health Team, Inwood House.

As a result of this publicity one letter of objection has been received from the Community Mental Health Team, Inwood House. They are concerned with the potential traffic levels exiting onto Peel Way, which is already busy at peak traffic times.

The objector has been notified of the Planning Control Committee meeting.

### **Consultations**

United Utilities - No objections.

GM Police - The site needs to be protected and fenced to prevent unauthorised access to it. This is suggested within the Crime Impact Assessment and measures should be incorporated in any approved details.

BADDAC - They consider that there is a lack of detail concerning the entrances and the lack of disabled WC provision on some floors within the scheme.

Environment Agency - No objections but request that conditions are added to ensure that the site levels are developed to appropriately protect from flooding.

GMPTE - No objections in principle but makes suggestions that a Travel Plan needs to be worked up

Environmental Health -

Air quality - no objections to the proposals but stresses the importance of a travel plan to reduce impact of air pollutants from vehicles.

Public Right Of Way Officer - Wanted clarification over the accessibility of the riverside walkway and whether it enjoy public access. This has since been provided and confirms that the walkway would be public. There are therefore no objections.

Greater Manchester Ecology Unit - No objections in principle. Details needed to ensure planting and maintenance is appropriately implemented.

Greater Manchester Archaeology Unit - No objections but request that a condition is added to secure a programme of archaeological works.

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

EN3/2 Development Affecting Archaeological Sites  
EN5/1 New Development and Flood Risk  
EN6/4 Wildlife Links and Corridors  
EN10/2 Riverside and Canalside Improvement in Urban Areas  
EN1/1 Visual Amenity  
EN1/2 Townscape and Built Design  
OL5/3 Riverside and Canalside Development in Urban Areas  
PPG15 PPG15 - Planning and the Historic Environment  
PPG16 PPG16 - Archaeology and Planning  
PPS25 PPS25 Development and Flood Risk  
PPS4 PPS4 Industrial Development  
EN3/1 Impact of Development on Archaeological Sites  
EN3/2 Development Affecting Archaeological Sites

### **Issues and Analysis**

Principle - The site is currently unallocated within the UDP, however, the site would sit between the river and an area identified in the UDP for Business (B1) and office development under Policy EC1/3/2. The site had formerly been Green Belt allocated and it was excluded on the basis of its potential importance to the economic development of the

Borough and the lack of available sites around the town centre. Furthermore, the site had until recently been a developed industrial site and is considered to be a brownfield site. Policy EC5 states that the Council is concerned to attract new office development and will support proposals for such development in appropriate locations.

The proposals would form a natural extension to the allocated business site and as assessed against EC2/2, the policy seeks to encourage the re-use of existing employment sites and premises for economic development purposes including Class B1 office development.

As such the proposals would be consistent with UDP Policies in terms of the principle of the location of office development.

Design, Layout and Appearance - The site would be one of the first major developments visible when entering into the site from Peel Way and as such the proposals are supported with a Design and Access Statement, which reflects the importance of the location within the larger Chamber hall site.

Buildings would be so located to provide a welcomed built frontage to the main access route from Peel Way. The heights are discussed further in this report, but the finalised product would be an architectural finish, with buildings up to 5 storeys in height and they would progressively step down in height to reflect the topography of the site in relation to the access ramp road.

The scale and massing of the buildings are designed to sit within separate buildings with the location of the highest building located where levels best accommodate this. The buildings then would form a gateway at the entrance into the site thus would frame the access point.

The site would provide a riverside walkway shown on drawing AS132-02 rev E. The pathway would connect into the wider public network further north. There is an intention to ensure public right of access over the footway to enable the public to use this path and its connections to the wider public footpath network. This would be secured through a s106 planning agreement. Such provision would enable the site to make a contribution to UDP Policies OL5/3 and EN10/2 - Riverside and Canalside Improvement in Urban Areas.

The design of the buildings would be of contemporary modern architecture with a mix of glass, render and contrasting block finishes. All the elevations would emphasise a sense of verticality to ensure a sense of presence within the street scape and to appropriately respond to the differing heights of surrounding land.

In terms of the layout, the Police are seeking to secure the whole site in a fence, mentioned in the Crime Impact Statement, as the site is isolated and unlikely to be manned 24hrs a day. This would have conflict with wider planning considerations in terms of public access through the site following the riverside walkway. However, the architects are looking to overcome this conflict by designing a combination of fencing and hedging solutions. Members will be updated on this issue within the supplementary agenda.

Flood issues - The site lies within an area of land, adjoining the River Irwell that is within a 1 in 1000 year flood zone and the scheme has been submitted with flood figures related to a higher 1 in 100 year flood level. The scheme has been designed to split out less vulnerable development areas such as the car park from the proposed offices, although the Environment Agency do not consider offices to be vulnerable development. That said, the office part of the scheme would be less impacted upon in terms of flooding than the car parking.

In order to deal with this provision, the development has raised the finished floor level to the 1 in 100 year flood level plus a further allowance for climate change. The finished floor levels of the offices would therefore be set to a minimum of 81.42m AOD, which has been confirmed as acceptable by the Environment Agency.

Given this situation, the Environment Agency now have no objections to the scheme on the basis of these proposed levels.

Car parking - The proposal makes provision 269 car parking spaces, on land which would be located to the rear of the offices between the river and the offices. This provision would be some 14 spaces more than advocated within the Council's DCPGN 11 on car parking standards. The site is not on a bus route and whilst the site is geographically close to the town centre, connections are not the best. As such, the slight increase over the maximum provision advocated by the proposal is not sufficient to warrant a refusal on this ground alone.

Landscape and Ecology - The scheme is within a wildlife corridor identified within UDP Policy EN6/4 and also has a riverside frontage and should be considered also against UDP Policies OL5/3. The proposals incorporate a SUDS scheme with a balancing pond. The scheme has been submitted with an ecological statement and proposals to improve the riverside walkway. GMEU have responded and welcome the enhancements but do request additional information on management, planting and that no lighting is implemented along the riverside.

Access - BADDAC - raised concerns over the location of disabled parking spaces not being near to the entrances. However, this was due to the need to elevate the buildings thus lifting them out of the flood area (25 year flood zone). This does mean that the elevated platform is only accessible from the northerly and southerly end of the site. The developer is looking to provide an intermediate access point centrally within the area or a covered walkway. Revised plans are being issued at the time of writing indicating a platform lift, which would provide an appropriate alternative means of access.

Transport - The scheme has been submitted with a transport assessment and travel plan however because of the speculative nature of the development no internal layout details have been submitted. This process can readily occur at Building Regulations stage. As such, the travel plan cannot be fully endorsed and a planning condition should be imposed to require full details of hard measures and facilities to be installed within the building to build upon the travel plan framework are submitted to and approved prior to the development commencing.

The development in terms of floor space had been taken into account when the initial transport assessment carried out by the Council was approved as part of the access ramp proposals. As such, the capacity of the junction and highway infrastructure is not at issue.

Sustainability - The application is accompanied with a sustainability checklist, which is a tool recommended by the Northwest Regional Development Agency to enable a developer or other interested parties to quickly determine the sustainability credentials of a development. The checklist produces a report which provides a set of headers from water conservation, renewable energy, construction sustainability, mixes of uses through to pollution, and many others. The scheme proposes to meet minimum sustainability requirements through to good ratings. The development's scale, type, location, accessibility, construction and use of the land would, in terms of the results of the checklist, demonstrate a good standard of sustainable development overall. To further ensure this, it is recommended that a condition be attached, as has been used on other major development for reports to be submitted before, during and post construction on the BREEAM ratings to be/or achieved for the buildings.

Archaeology - The site has a historical relationship to the Peels, a prominent historical family in the Borough and because of this, the application is accompanied by a desk based assessment and a targeted watching brief report for this site. The reports give an account of the site's history and potential archaeological interests relating to the Peel family. There are significant areas of the site that remain and the proposed mitigation in the applicant's reports and the response from the Greater Manchester Archaeological Unit (GMAU)

suggest that trial trenching be carried out. Dependent upon the findings more evaluation works would need to be carried out and the findings, recordings and results should be archived and publicised. Planning conditions are suggested by GMAU to control these matters and the scheme is considered to comply with UDP Policies EN3/1 and EN3/2.

s106 Requirements - Per Cent for Public Art - The scheme needs to comply with this DCPGN and should form part of a s106. There are proposals being worked up for public art to be installed centrally within the roundabout for a major piece of work. However, the applicant has indicated that they *may* wish to provide art work on their own site and the applicant accepts the process of a s106 agreement as a way to appropriately provide for artwork, by a commuted sum to the Council, should the artwork ultimately not be put on their site. Such a commuted sum payment would be £50,000.00.

Response to Objection - The approved planning application 47422 - Proposed access ramp to business development, included a transport assessment which estimated the likely potential traffic to be generated from the Chamber hall business site. The transport assessment included a slightly more floor space for this current development than has been submitted. As such, the traffic demands are not likely to generate any more traffic than is already envisaged within an approved document. It is shown within the approved transport statement that Peel Way would be busy but would be capable of carrying the levels of traffic likely to be generated.

### **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 together with conditions would develop a brownfield site further strengthening an allocated business development site within the Unitary Development Plan. The proposal would bring about connections into the cycle network and the development would bring about good levels of employment and a good standard of urban design. The development would comply with the UDP and 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 NH51042 006 issue 01, AS132-01, as132-02 rev E, AS132-05 rev A, AS132-06 rev A, AS132-07, AS132-08 rev A, AS132-09 rev B, AS132-10 rev A, AS132-11 rev B, AS132-12 rev B, AS132-13 rev A, AS132-14 rev A, AS132-15 rev B, AS132-16 revB, AS132-17 rev B, AS132-18 rev B, AS132-19 rev A, AS132-20 rev A, AS132-21 rev A, AS132-22 rev A, AS132-23 rev A, Traffic and Transportation dated June 2008 ref LDT075, Ecological Walkover Survey as132-the green, bury; Geo-Environmental Investigation 42619p1r0 May 2007; Archaeological Desk Based sssessment 0033-3/08 June 08; Northern Planning Support Statement MRC/167; PAA Ecological Enhancement Concept Design Report 080396; Crime Impact Statement by GM Police; AS132 - Carlyle Street, Bury Sustainability Checklist Report; Weetwood Flood Risk Assessment June 2008 and the development shall not be carried out except in accordance with the drawings hereby approved unless otherwise agreed in writing.

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

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

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

4. No development shall commenced unless and until a scheme for the provision and implementation, of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason. To reduce the increased risk of flooding and pursuant to PPS25.

5. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the development shall be passed through an oil interceptor designed and constructed to have capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason - To prevent the pollution of local watercourses pursuant to PPS25 - Development and Flood risk and PPS23 - Planning and Pollution Control.

6. No development shall take place until a marginal strip of land a minimum of 8m wide is defined and landscaped between the development and River Irwell, in accordance with details, which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out incorporating the approved details and shall be completed within 12 months of the occupation of the first building.

Reason - To protect ecological, recreation and amenity interests providing a buffer between the development and the watercourse pursuant to PPS 25 - Flooding, OL5/3 - Riverside and Canalside Development in Urban Areas and EN6/4 - Wildlife Links and Corridors.

7. No development shall commence unless and until details for the boundary treatment of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason - To protect/enhance the habitat/amenity value of the watercourse, to promote natural surveillance of the site in the interests of crime reduction pursuant to OL5/3 - Riverside and Canalside Development in Urban Areas, EN6/4 - Wildlife Links and Corridors and EN1/5 - Crime Prevention.

8. 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.

9. Notwithstanding the proposals contained within the Design Concept proposals by PAA, no development shall commence unless and until a detailed scheme for the management and conservation of the ecological enhancements proposed along the River Irwell corridor and within the development site, has been submitted to

and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and shall be completed within 12 months of the occupation of the first building.

Reason - To protect and conserve ecological features of interest and new enhancements proposed along the River Irwell pursuant to OL5/3 - Riverside and Canalside Development in Urban Areas and EN6/4 - Wildlife Links and Corridors.

10. No development, building work or demolition shall take place unless and until a programme of archaeological investigation work has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved provisions contained within the programme of archaeological investigation unless otherwise agreed in writing.  
Reason. To make a record of buildings and features of archaeological interest and to comply with legislative requirements pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan.
11. Pursuant to condition 10 of this planning permission, archaeological mitigation proposals to reflect historical findings shall include the provision of an information board commemorating the industrial heritage of the site, the details of which, including the implementation of such a board, shall be submitted to and approved in writing by the Local Planning Authority.  
Reason. To make a record of buildings and features of archaeological interest and to comply with legislative requirements pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan.
12. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
13. Following the provisions of Condition 12 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
14. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall

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

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

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

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

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

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

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

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

17. Following the provisions of Condition 16 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and

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

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

18. The development shall be carried out in accordance with the provisions and parameters contained within the document 'AS132 - Carlyle Street, Bury



Sustainability Checklist Report'. Details relating to the achievement of BREEAM and the respective ratings achieved by the development for each checklist component shall be submitted in separate reports to the Local Planning Authority indicating the before, during and post construction aims and achievements of the development.

Reason - Pursuant to the provisions of PPS1 - Delivering Sustainable Development and Associated Supplement on Climate Change to secure the sustainability principles of the development of the site.

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

**Ward:** Bury East - Redvales

Item 02

**Applicant:** 02 UK Ltd

**Location:** CORNER OF RADCLIFFE ROAD AND MANCHESTER ROAD, BURY

**Proposal:** INSTALLATION OF A RADIO BASE STATION CONSISTING OF A 17.5 METRE STREETWORKS MONOPOLE WITH GROUND BASED EQUIPMENT CABINET

**Application Ref:** 50378/Full

**Target Date:** 06/10/2008

**Recommendation:** Approve with Conditions

### **Description**

The application site is located on the grass verge at the road junction linking Radcliffe Road, Manchester Road and Parkhills Road. To the south of the application site is a pavement, mature trees and beyond playing fields, which are at a lower level than the junction. There is a residential dwelling, which fronts onto Manchester Road, to the north of the site and the entrance to Bury Sports Club is located to the north west. On the opposite side of Manchester Road, there is a public house and a terrace row of retail shops. On the opposite corner of the junction is Parkhills Car Centre. Existing street furniture in the vicinity of the site includes a variety of signs, cabinets, two advertising units and lampposts.

The applicant seeks full planning permission for the erection of telecommunications equipment, including a 17.5 metre streetworks column, antennae and associated cabinet.

### **Relevant Planning History**

None relevant.

### **Publicity**

255 properties within 200 metres of the application site were notified by means of a letter on 13 August and site notices were posted on 14 August 2008. Three letters have been received, from the occupiers of Flat 260, Bank House, Manchester Road; 192 Manchester Road; 4 Moss Place and 18 Caton Close, which have raised the following issues:

- The visual impact of the proposed mast upon the locality
- The proposed mast would be almost twice the height of the street lights
- Impact of the proposed mast on health

The three objectors have been notified of the Planning Control Committee meeting.

### **Consultations**

Highways Team – No response to date.

Drainage Team – No objections

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

Landscape Practice – The mast is close to a prominent group of trees which forms the boundary between the road junction and playing fields and requests for pruning and lopping could be an issue in the long term.

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

EN1/2 Townscape and Built Design

EN1/4 Street Furniture

EN1/10 Telecommunications

EN8 Woodland and Trees

PPG8 PPG8 - Telecommunications

## **Issues and Analysis**

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

**Supporting Information** - The applicant has provided a list of six alternative sites, including installations on buildings and installations on Greenfield sites. These six sites were discounted as either the site provider was not interested, the site would not provide the required coverage or the installation would be required to be in excess of 30 metres, which would be visually prominent. The applicant has researched whether a installation would be viable on the stand at Gigg Lane football ground. The initial findings are that this siting would not be viable as it would be located on the edge of the search area and would thus be too close to an adjoining cell thus not providing the required coverage.

The applicant has provided sufficient information to justify the need of the proposed development in terms of improved coverage for the site. Therefore, it is considered that the proposed development would be in accordance with Policy EN1/10 of the adopted Unitary Development Plan.

**Visual Amenity** - The agent has stated that the mature trees pose an obstacle to the coverage performance and an obstacle in close proximity to a radiating site creates a considerably larger problem to the signal than one further away. As a result, additional height is required to clear the obstacle and in this case, a minimum height of 17.5 metres is required to clear the established trees. The Landscape Practice has commented that proposal as it may result in requests for pruning and lopping works in the future. However, the agent has confirmed that no works would be required to the trees, due to the height of the proposed mast.

It is acknowledged that the proposed mast would be the tallest structure in the locality. However, it is considered that the proposed development would not be unduly prominent when viewed against the background of the trees and the existing street furniture in the locality. For reference, the telecommunication masts (planning references 46608 & 47170) installed opposite the Bluebell Pub on Manchester Road are 15 metres in height. The proposed mast and equipment would be located within the grass verge adjacent to the pavements and would not result in the reduction of width of the pavement. Therefore, it is considered that the proposed development would be in accordance with Policies EN1/2, EN1/4, EN1/10 and EN8 of the adopted Unitary Development Plan.

## **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-  
Having due regard to both National and Local Policy, in particular UDP Policy EN1/10 (Telecommunications), it is considered that the proposed development is acceptable in relation to health and safety issues, due to the submission of the relevant Certificate under ICNIRP. The location of the proposed apparatus would not be unduly prominent within the street scene and would not be detrimental to pedestrian 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 101, 102, 103 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 **Helen Longworth** on **0161 253 5322**

**Ward:** North Manor

Item 03

**Applicant:** Food Programme Delivery

**Location:** 2 VERNON ROAD, GREENMOUNT, TOTTINGTON BL8 4DD

**Proposal:** 2 x EXTERNALLY ILLUMINATED SHOP FASCIA SIGNS

**Application Ref:** 50325/Advertisement

**Target Date:** 22/09/2008

**Recommendation:** Approve with Conditions

### **Description**

The site is the Co-op shop in a small parade of local shops just off Longsight Road in Greenmount. The shops have living accommodation above, immediately to the front are off street parking spaces and there are bungalows on the opposite side of Vernon Road. The shop is the end unit with a side fronting onto Longsight Road which is principally a residential road interspersed with some retail and community facilities, however, there is a 3m high hedge on the frontage to Longsight Road, an access road to properties to the north and as such the view of the side elevation is only readily visible to vehicles turning into Vernon Road.

The application is to replace the existing fascia signage on the front and side elevations with new signage that reflects the latest branding of the 'Cooperative' The signs are similar sizes to the existing (main fascia 8.7m by 0.7m, side fascia 6m by 0.75m) and are bright green with black and white lettering. The signs will be externally illuminated using the existing overhead lighting that will also be painted green to match the new fascia.

### **Relevant Planning History**

Consent was granted for the existing signage in 1987 (C/1642/87/adv)

### **Publicity**

Neighbours at 1, 3, 4A, 6, 6A Vernon Road, 112, 149 to 157 Longsight Road and 1 Newton Drive have been consulted by letter on the 30th July and two objections have been received from 151 and 153 Longsight Road and the objections can be summarised as follows:

- Lights are left on at night and distract from the area
- Lights are distracting

The 2 objectors have been notified of the Planning Control Committee meeting.

### **Consultations**

Highways Team - no objections subject to standard conditions on lighting

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

EN1/9 Advertisements

### **Issues and Analysis**

**Amenity** - The site is an end unit in a parade of local shops in Greenmount. The new signs are a replacement for the existing blue and white signs and are located above the existing shop windows. They relate well to the appearance of the building and the external illumination is appropriate in the local shopping centre. The illumination is directed towards the signs. The bungalows opposite are set 30m away and as such it is not considered that the signs would be on such detriment to their amenity as to warrant refusal. As such the signs accord with UDP Policy EN1/9 - Advertisements and are acceptable.

**Safety** - The signs are of a standard type that are located on a shop and as such would be

unlikely to distract motorists and cause a hazard. As such, providing the level of illumination is restricted, they will accord with UDP Policy EN1/9 - Advertisements and as such are acceptable.

Objections - The objections all relate to the lighting of the advertisements. Given the position of the advertisements on a shop front in a local shopping centre it is considered that illumination is acceptable if it is controlled. The Association of Lighting Engineers produced a report assessing the impact of the different levels of illumination and set appropriate levels for different locations. In this case the report assesses that providing the illumination is below 800 cd m<sup>2</sup> that it would be acceptable and as such a condition to this extent is recommended. In addition comments have been made about the illumination being left on when the store is closed. It is considered that this should also be controlled by condition and that the hours of illumination be restricted to between 07.00 and 22.00 each day. The applicant has agreed to this restriction. Given the restrictions on the level of illumination and the hours of operation it is considered that the objections would be mitigated to a level where refusal of the application is not appropriate.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The luminance of the signs shall not exceed 800 cd/m<sup>2</sup>.  
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
2. The signs hereby permitted shall only be illuminated between the hours of: 07.00 to 22.00 daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

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

**Ward:** Prestwich - Sedgley

Item 04

**Applicant:** Prachee Restaurant

**Location:** PRACHEE RESTAURANT, 12A WHITTAKER LANE, PRESTWICH, M25 1FX

**Proposal:** SINGLE STOREY EXTENSION TO REAR

**Application Ref:** 50279/Full

**Target Date:** 15/09/2008

**Recommendation:** Approve with Conditions

### **Description**

The site is the Prachee Restaurant which is located within the Whittaker Lane/Bury Old Road Local Shopping Centre in Prestwich. Directly adjacent to the north of the site are a row of 3 terraced houses, the rear yard of No 1 Stores Street being adjacent to the side boundary of the site. To the south is a narrow pedestrian access which leads to the rear yard of the restaurant, beyond which are commercial properties on Whittaker Lane with residential accommodation above. There is on street parking on Whittaker Lane and a public car park accessed off Infant Street which is opposite the restaurant.

The application is a resubmission for a single storey rear extension and relocation of the ventilation flue. (Previous application ref 49893 withdrawn to allow negotiations over the design and layout of the proposals). This proposal for a kitchen extension would project 5.7m from the rear elevation of the premises into the rear yard area and be 4.4m in width. It would be set back from the boundary wall with No 1 Stores Street by 1.5m. The roof would be pitched with materials matching the existing build. The flue which is currently directly adjacent to No 1 Stores street would be repositioned to the opposite side of the building at the rear, adjacent to the narrow access alley.

### **Relevant Planning History**

49893 - Single storey rear extension - withdrawn 5/6/2008

### **Publicity**

Immediate neighbours notified at Nos 6-30 (evens) Nos 5-13 (odds) Whittaker Lane, Nos 1,2,3,Whittaker Close, Nos 1,2,3 Stores Street and Stella House, Infant Street on 29/7/2008. Letters has been received from No.2 and No.3 Stores Street with the following comments:

- the extension would be totally disproportionate and will block out the sky and light to the living area of No 1 Stores Street.
- the noise from the air conditioning is unacceptable
- the owners are not in a position to extend their business
- complaints about the management and service of the business including sanitation and refuse/litter management as well as a hole in the pavement outside their premises has not been filled despite letters from the council's highways department that this be rectified.
- visitors to the restaurant regularly block the entrance to Stores Street
- the extension will cause issues which would effect the value of each of the properties on Stores Street
- the extension would result in disturbance to the street with potential builders vans and equipment blocking the street
- although there is a wall mounted ash tray, it is often not used causing the street to look unkempt

The objectors has been notified of the Planning Control Committee meeting.

## **Consultations**

Highways Team - No objections.

Environmental Health Pollution Control - No objections

Environmental Health Commercial section - No comments received.

## **Unitary Development Plan and Policies**

S1/4 Local Shopping Centres  
EN1/2 Townscape and Built Design  
S2/6 Food and Drink  
SPD11 Parking Standards in Bury  
HT5/1 Access For Those with Special Needs

## **Issues and Analysis**

**Principle** - The kitchen extension would create an additional 25 sq m of restaurant area, which equates to an approximately 30% increase over the existing area. The premises are located within a Local Shopping Centre where there is already a certain amount of activity in terms of people using the facilities of the centre. The consolidation and enhancement of the existing premises is considered to be acceptable in principle and in compliance with Unitary Development Plan Policy S1/4 - Local Shopping Centre.

**Townscape and Built Design** - Unitary Development Plan Policy EN1/2 - Townscape and Built Design seeks to assess proposals in respect of their size, design and position of an extension in relation to its surroundings. In terms of scale and massing of the extension, being a single storey build located at the rear of the site and set back from Whittaker Lane, the extension would not be visible to the street scene. As with the extension, there would be no impact of the repositioned flue on the visual amenity of the area, given it would be screened by the existing 2 storey element of the restaurant. As such the proposals would comply with UDP Policy EN1/2 - Townscape and Built Design.

**Residential amenity** - The scheme shows the extension set 1.5m from the shared boundary with No.1 Stores Street and the flue relocated from the boundary with No.1 to the other side of the rear elevation. Some part of the extension would be visible to the houses on Stores Street, particularly No.1 Stores Street. However, given there is an existing 2m high boundary wall between the two properties, and that the extension is set back 1.5m from the boundary with No.1 Stores Street and has a pitched roof, the impact on the outlook from this property would not be unduly affected by the proposal. By moving the flue away from No.1 Stores Street, the impact on their residential amenity in terms of visual intrusion, noise and smells from the flue would be significantly reduced. Although the flue may be visible from the residential accommodation above the commercial premises on Whittaker Lane, Nos 16-20 in particular, they would be less affected by the fumes and smells from the relocated position of the flue given they are 6m away and the windows on their rear elevation do not directly face the site. As such, it is considered that the extent of the proposed development would not significantly harm the residential amenity of occupiers of nearby properties and would comply with UDP Policy S2/6 - Food and Drink.

**Servicing** - The bin storage provided at the rear and the existing refuse arrangements would remain in place. Following suggestions from the department the agent has amended the plans to incorporate an door in the rear elevation of the kitchen for access to the service yard. This will prevent rubbish having to be transferred along the alley to the service yard. The proposal would comply with UDP Policy S2/6 - Food and Drink with regard to the servicing.

**Access** - Access arrangements at the front entrance for the public would be as existing and this is currently compliant with HT5/1 - Access For Those With Special Needs.

**Parking** - Development Control Policy Guidance Note 11 - Parking Standards in Bury,



requires a maximum of 11 parking spaces be provided for the type of use and size of the existing premises. The restaurant does not have its own off street car park. However, there are 5 parking spaces in the public car park opposite, on street parking on Whittaker Lane and spaces at the metro link station approximately 70 m away. The proposed extension increases the customer floor area and this would require an additional 3 parking spaces (14 maximum in total) be provided. However, these standards are maximum requirements and it should be recognised that lower parking thresholds than those stipulated may be acceptable. In this instance, given the restaurant is an existing facility located in a Local Shopping Centre within a high access area and that there is an existing car parking provision available in the public car park opposite and on Whittaker Lane, it is considered that it is not necessary or appropriate to require additional parking provision.

Objections - The objector is concerned about the size and position of the proposed extension in relation to No 1 Stores Street and the relocation of the flue. These issues have been dealt with in the main report. With regard to the other issues, Stores Street is a narrow no through road on which these residents park and this area cannot be controlled by the planning authority as part of this application. The other objections with relation to the management of the restaurant and value of properties are not material considerations.

### **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 proposals are considered to be appropriate and in keeping with the existing restaurant and would not seriously harm the residential and visual amenities of the occupiers of the nearby residential properties.  
There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to revised drawings numbered 100/01/B; 100/03/B dated 2/9/08 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. There shall be no opening on the northern elevation of the extension.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Unitary Development Plan Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

**Ward:** Prestwich - Sedgley

Item 05

**Applicant:** Bernard Flowers & Co. Ltd

**Location:** 1 PARK HILL, BURY OLD ROAD, PRESTWICH, M25 0EX

**Proposal:** CHANGE OF USE FROM RETAIL SHOP (CLASS A1) TO CAFE (CLASS A3)  
INCLUDING NEW SHOP FRONT AND AWNING

**Application Ref:** 50288/Full

**Target Date:** 29/09/2008

**Recommendation:** Approve with Conditions

### **Description**

The site is the end retail unit in the Local Shopping Centre at Bury Old Road / Kings Road and is located on the Bury Old Road frontage next to a group of flats. The site has offices above at first floor and the other units in the parade are occupied by a mix of retail and offices uses. The site has a single parking space to the rear and a small area for outside storage by the rear door. To the front of the site is a wide pavement and the shopping parade shares 18 off street parking spaces directly on Bury Old Road.

The proposal involves converting the ground floor to a cafe, a new shop front with bi-folding type doors, an retractable canopy, the use of the forecourt area for seating and the installation of a flue to the rear of the building for the kitchen.

### **Relevant Planning History**

An application in March 1974 was refused for a change of use from a florists shop to a take away was refused on the basis of a lack of parking on Bury Old Road and disturbance to nearby residents and religious institutions. (C/01075/74).

### **Publicity**

Immediate neighbours at 1 to 12 Park Hill, 11a, 12, 14 and 15 Singleton Court, 11 18 Ainsdale Avenue, 14, Rita Glickman House and Holy Law Congregation on Bury Old Road were written to on 4th August and 4 objections have been received from 1a, 6 8 and 11 Park Hill. The objections can be summarised as follows:

- insufficient parking in the area for customers
- disturbance to other local businesses by customers taking up spaces and stopping other customers using spaces
- smells from cooking and waste from food preparation will be detrimental to amenity of offices above the premises

The 4 objectors have been notified of the Planning Control Committee meeting.

### **Consultations**

Highways Team - No objections

Drainage Team - No objections subject to standard informative's

Environmental Health - No objections subject to standard conditions

Baddac - No objections subject to clarification on main access.

GM Police Architectural Liaison Unit - No comments.

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

EN1/2 Townscape and Built Design

EN1/7 Throughroutes and Gateways

S1/4 Local Shopping Centres

S2/6 Food and Drink

HT5/1 Access For Those with Special Needs

### **Issues and Analysis**

**Principal** - The site is located in a Local Shopping Centre and as such Unitary Development Plan Policy S1/4 - Local Shopping Centres is relevant. This policy sets out the principal that the use should be concentrated on shops serving local needs. In this case the applicant has indicated that there are no other cafes in the shopping centre and that the cafe will be catering specifically for the local Jewish community and it is considered that the proposal would accord with the principal of this policy as it will add to the variety of retail use in the centre.

**Amenity** - UDP Policy S2/6 - Food and Drink sets out the criteria relevant to the determination of applications for cafes. First of all the application needs to be assessed in terms of the amenity of residents (and in this case office workers) from noise, smell, litter and opening hours. In this case the immediate neighbours above the site are an office use. The application includes details of a new flue and treatment equipment that meet the latest standards and as such smell should not be an issue. The hours of operation are proposed as 07.00 to 23.00 Sunday to Friday with the premises closed on Saturday. Whilst the site is immediately adjacent to residential properties fronting Bury Old Road, given the location of the proposed cafe in the Local Shopping Centre situated alongside a main arterial route in and out of the borough it is not considered that the hours of opening would cause such additional disturbance as to warrant refusal. However, given the fact that there are residential properties adjacent it is recommended that an hours condition is imposed to limit possible disturbance.

Secondally the application needs to be assessed in terms of the over concentration of A3, A4 and A5 uses in the area. In this case there are 17 unit shops in the local centre. Two of these are currently take aways (A5) and the others are a mix of a garage, A1, A2 and other office uses. As such only 3 of the units would be in A3, A4 or A5 use and as such there would not be an over provision especially as the A5 uses are located at the Kings Road end of the centre.

Thirdly the application needs to be assessed in terms of parking and servicing provision. Development Control Policy Guidance Note 11 - Parking Standards states that the maximum parking for a cafe of this floor area (56 sq m inc forecourt) would be 8 spaces. Given the fact that this is in a Local Shopping Centre with 18 time limited spaces adjacent and that it is in a high access area alongside Bury Old Road it is considered that the parking adjacent is sufficient to meet the standards set out in DCPGN 11 and this requirement of UDP Policy S2/6.

Fourthly the policy requires provision for the storage and disposal of waste. In this case there is an area at the rear of the premises where bins can be stored clear of the public areas and as such it is considered that this is adequate with the terms of this policy.

Lastly the environmental impact of any ventilation needs to be assessed. In this case the new flue is at the rear of the premises and is not readily visible from the main road. The flue itself is of a standard type and details have been provided of the noise levels anticipated and this is acceptable to our Environmental Health team and as such accords with this requirement of the Policy.

**Highways** - The Highways Team have not raised any objections to the change of use or the use of part of the forecourt as a setting area as this area of land is outside the public footway and as such will not impact on pedestrian safety.

Issues have been raised by the objectors about the shortage of parking in the area and the management of both the private spaces at the rear of the premises and the public spaces at the front. This issue has been dealt with on the section above on amenity when considering the issues raised by UDP Policy S2/6 - Food and Drink.

**Design** - The proposed new shop front and canopy are modern in appearance and fit in well with the general scale of the parade. As such it is considered that the alterations conform with UDP Policy EN1/2 - Townscape and Built Design.

Access - The application contains a design and access statement. The proposal involves the provision of disabled toilet facilities and modifications to allow for access by all. However, the drawing of the front elevation shows a stepped access to the cafe and clarification has been requested on this and details will be reported in the Supplementary.

Objections - The issue of parking, fumes and waste have all been dealt with in the main report. Whilst these objections are all material to the consideration of the application the parking provision, servicing arrangements and treatment to fumes are all in accordance with UDP Policies and as such do not warrant refusal.

### **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 regard to the location of the site within a designated Local Shopping Centre and the policy of the Council on premises used for food and drink it is considered that the application accords with these policies and as such is acceptable.  
There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 4th August 2008 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The cafe hereby permitted shall not be open to customers outside the following times: 07.00 to 23.00 daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating/dispersing fumes and odours so as to render them inoffensive to local residents has been submitted to and approved by the Local Planning Authority. A written statement from a competent person shall be included with the submitted scheme, that the proposed scheme will achieve the requirements of adequate treatment/dispersion under all normal operating circumstances. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.  
Reason. To safeguard the amenities of the occupiers of nearby residential and office accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

**Ward:** Radcliffe - North

Item 06

**Applicant:** A M & L Seddon

**Location:** FOLD MILL, BRADLEY LANE, BRADLEY FOLD, RADCLIFFE, BL2 6RR

**Proposal:** DEVELOPMENT A: CREATION OF BUNDS (RETROSPECTIVE)  
DEVELOPMENT B: INSTALLATION OF ROLLER SHUTTER DOOR  
(RETROSPECTIVE)

**Application Ref:** 50043/Full

**Target Date:** 02/09/2008

**Recommendation:** Split Decision - Approve Conditionally Development A, Refuse Development B.

**Description**

The application concerns an extensive industrial building formerly occupied by one company but which, more recently, has been sub-divided and now contains two separate businesses.

Currently, the applicant is fully using the whole of the westerly side of the mill for his pet supplies business which involves manufacturing. The premises he is occupying are in two main sections and the section where he has installed a new roller shutter door is principally being used for manufacture with machinery now in place. The other section near to the northerly part of Browns Road is being used as a warehouse for manufactured and imported stock. The two sections are at different levels and are linked by a ramped corridor that allows the movement of palletted goods between the two sections. It is stated in the application that there are 90 full time equivalent employees with the intention to bring this number up to 100.

Planning permission was granted in 2001 for a change of use from the original Class B2 (general industrial) use to allow B1 (business) and B8 (storage and distribution) uses as well as Class B2 activity (ref.37712/01). Currently, the applicant's use of the building is in accordance with the planning permission.

The area surrounding the mill to the west, east and south is predominantly residential, whilst to the north there is mainly open land. The premises are bounded to the east by Bradley Lane, to the north by Browns Road and to the south-west by a narrow unmade lane from Bradley Lane to Browns Road. This lane is a definitive right of way and is in private ownership by another party. On the same side of the lane as the mill there are two blocks of residential properties, including a terrace of seven houses and a pair of houses. The mill boundary borders these two areas of residential land on three sides.

The mill has had, for a substantial period, four established vehicular entrances. Two of these, including the ones on Bradley Lane and Browns Road have always been well used. The other two accesses on the unmade lane have been much less used as the premises have been serviced primarily from the Bradley Lane/Browns Road entrances on the other side of the building.

A previous application ref.48411 was submitted in order to regularise three developments that had occurred at the mill last year and these are described within the Planning and Enforcement Background section of the Issues and Analysis part of the report.

The current application is based on the provision of a new alternative means of access to the premises directly from Browns Road for which planning permission does not need to be obtained. This would be on the northerly perimeter of the mill and directly opposite the car park that serves the anglers at Starmount Reservoir and users of the other recreational

open land to the north and north west. It would facilitate the movement of vehicles, including HGV's, to the unauthorised roller shutter door that the applicant has installed at the rear of the building and through an area that is near to residential properties in Browns Road and on an adjacent unmade lane. The application is seeking planning permission retrospectively to retain this door. The second element for which permission is being sought, also retrospectively, are bunds about 1.8m high that have been created next to the mill boundary on the south westerly side from surplus material when the surface area on this side of the premises was scraped back. The submitted details include a planting schedule for the bunds and a technical report on the materials they contain.

The applicant has listed the following benefits of the proposals:

- The use of the floorspace in the mill would be improved by reducing the internal movement of goods and by allowing staff and visitors to park closer to the point of entrance into the building.
- The development would improve the neighbourhood in that vehicular traffic will be moved to a point where there are no residential buildings.
- He claims that "the new site entry point was requested by a committee comprising representatives of the local people & their MP"
- It would reduce the risk of accidents by forklift trucks and cost.
- The vast majority of goods vehicles will continue to use the Browns Road entrance but some goods vehicles need to access the south/west side of the site (eg. for delivery of machinery)
- The intended site entrance from Browns Road removes the need to use the existing entrances off the unmade lane.
- The raised bunds combined with planting will improve the privacy and view of neighbours, particularly those to the west.
- The development would allow for the parking of mobility scooters etc. far closer to the point of entry into the building with less internal walking and thus less risk for disabled staff of a fall.

Part of the submitted Design and Access Statement appears to indicate an intention to raise the bunds further. This has been queried with the applicant who has confirmed that there is no such intention and that the bunds would remain at their present height.

### **Relevant Planning History**

#### **Planning Applications -**

C/19575/87 - Stores building. Approved on 28th May 1987.

35096/99 - Erection of water tank and pump house. Approved on 21st April 1999.

35141/99 - Alterations to Browns Road access, new loading bay and service area. Approved on 21st April 1999.

37712/01 - Change of use of existing building from Class B2 (general industrial) to a mixed use including B1 (business), B2 (general industrial) and B8 (storage or distribution). Approved on 27th July 2001.

48411 - Installation of roller shutter doors, creation of bunds and relocation of entrance gate and fence (retrospective application). Refused on 24th January 2008 for reasons including that the roller shutter doors would result in an intensified use of a sub-standard access and would be detrimental to the safety of the users of a footpath and that they would lead to an intensified use of the unmade lane close to residential properties by heavy goods vehicles and a greater scale of their loading and unloading to the detriment of residential amenities. The third reason concerned the inadequacy of the landscape treatment details for the bunds.

### **Publicity**

103 addresses were notified on 10th July 2008. These include 45 – 97 and The Queens Hotel on Bradley Lane, 2 – 26, 1, 49, 63, 65, 73 and 75 Boundary Drive, Peel Holdings, The Trafford Centre, 45 – 49 and 2 – 35 Browns Road, 17 Newark Avenue, 6 and 8 Heaton Road, 20 Newall Avenue, 23 Tiverton Close, 32 Burghley Drive, 19 Kentsford Drive, 19

Montgomery Way, 7 Oakhampton Close, 16 Denton Road, 17 and 37 Claydon Drive, 33 Chiswick Drive, 10 – 12 and 22 – 32 Bradley Fold Farm Cottages, 1 Kenyon Road, 2 Starmount Close and 9 Duxbury Avenue. Site notices were displayed from 15<sup>th</sup> July 2008 and a press notice was published in the Bury Times on 17<sup>th</sup> July 2008.

Ivan Lewis MP has made an objection to the application. He points out that an application for this mill was refused in January 2008 and the reasons for this were 'noise and disturbance to affected residents' and 'intensified use of previously quiet back part of the mill.' He states that the new application does nothing to change the reasons for which the first application was refused. The applicant, he adds, has indicated that he had an agreement with residents on the new proposals following a meeting at his constituency office. This is not the case as no agreement was made and it is wrong of the applicant to make that assertion. The application, he concludes, should be refused for the same reasons as it were stated in the refusal in January 2008.

30 other objections have been received. They are from addresses in Browns Road, Boundary Drive, Bradley Fold Cottages, Starmount Close, Bradley Lane and Oakhampton Close. They include an objection from Peel Holdings. The following concerns have been raised:

- Can see no significant change from the application that was refused.
- The proposals include an extremely dangerous and unacceptable access with poor visibility and the extra traffic would cause unacceptable dangers on Browns Road.
- The assertion in the Design and Access Statement that the access has been requested and agreed by their MP and representatives of local people is an untrue statement. Many residents were not consulted about the matter. The statement that there are no adjacent residential buildings is also untrue.
- The entrance will use land outside the applicant's control and trees and hedges would need to be removed to facilitate the entrance.
- The access point will be opposite a car park entrance used by anglers, dog walkers and children going to feed ducks. How pleasant for them would be the constant coming and going of HGV's?
- What is needed is not more entrances but better signage to keep HGV's out of the residential area and protect playing children.
- The idea for a new entrance off Browns Road was put forward by a resident without much thought but other residents objected instantly. They did, however, show willingness to look at any proposal being put forward by Mr Seddon
- The new entrance would have poor visibility of oncoming traffic.
- The entrance would be a hazard to ambulances accessing the nearby Starmount elderly persons home.
- The only reason for the access is that the applicant has been prevented from illegal use of the lane.
- The area at the rear of the premises within the site is too restricted for two way traffic and the safety of employees.
- The applicant has scant regard for the health and safety of employees as can be seen from the hazardous state of the outside storage and the visible areas inside the premises.
- The hard surfacing for car parking could lead to further flooding of the back lane.
- Why should the applicant be proposing a new access point when he should not be using the original one he has built in the first place and which he has been told to stop using and to put back it back as it was?
- The current entrance is more than adequate and the other one should be reinstated in accordance with the enforcement notice.
- The applicant has totally ignored the first refusal and the order to make good any damage and the land and lane are a total mess.
- Trees were killed by the work.
- The area at the rear of the mill was kept mown and left clean and tidy by Dorma. Under the applicant's control long grass and weeds abound together with strewn

rubbish.

- The siting of a road at the rear of the mill would raise the danger of subsidence and would affect Bradley Fold Cottages as there are mine workings in this locality.
- Lorries and cars use the new gate erected without permission at all times of the day and night.
- Describing the entrance as being used for machinery delivery is misleading as it will give full access for all deliveries and its use will be permanent.
- The use of the entrance would be 24 hours and diesel engined HGV's would be travelling past their rear garden permanently and there are also concerns about fumes, disturbance to wildlife and light pollution. There would be conflict with UDP Policy EN7/2 – Noise Pollution.
- An ambient noise survey should be carried out to the rear of Bradley Fold Cottages.
- The car park would cause noise pollution from people working in shifts and rubbish could be blown from it into their garden.
- The rear of the premises would become untidy and dirty and vermin would be attracted near to residential properties.
- The application makes no mention of the southern gates that should be put back to their previous position. Is this an oversight?
- Currently, the applicant is using the front of the mill so that moving his traffic to the rear is unnecessary
- The earth mounds are already unsightly, a mess and have damaged the drainage from the field. If increased, there would be more flooding.
- The bunds are just a mountain of earth pushed up to the perimeter with bushes on top and not something residents want to see.
- The bunds are still the same soggy mess as when they were left some twelve months ago and this is contrary to UDP policies EN1/2 – Townscape and Built Design and EN1/3 – Landscape Provision. There is also conflict with policies EC6/1 – Assessing New Business, Industrial and Commercial Development, H6/1 – Pedestrian and Cyclist Movement and H3/2 – Existing Incompatible Uses.
- There is no provision for drainage off the bunds and there is still a flooding problem in the back lane due to water run off from the bunds. There is dampness to their property and their land has excessive rain water not apparent before the bunds.
- The document supplied with the application concerning the materials in the bunds states that it was prepared solely for the benefit of Dorma and may not be relied on by any other party. It should not be used in the planning application.
- The bunds do not improve privacy or view. If they are planted who will maintain the planted area or will it become an overgrown unsightly mess?
- The roller shutter door has been used for the loading and unloading of vehicles at 1am to 2am in the morning causing noise and disturbance resulting in the loss of sleep.
- The roller shutter door is open 24 hours a day and light and noise from the mill is affecting nearby residents. It is noisy when operated.
- If, as stated by the applicant, the roller shuttered door is for occasional delivery of machinery then why months later is it still being used as access to the premises?
- The entrance on Bradley Lane is used by HGV's despite signs designed to prevent this and the hazardous nature of this part of the road. It would be beneficial if this entrance was to be closed completely and the existing one on Browns Road were to be used by HGV's
- If there are going to be 110 staff but only parking for 40 where are the other 60 to park? Is it in front of resident's houses? Already employees at the premises are using Browns Road as a car park.
- It cannot be right for a refused scheme for a retrospective application to be resubmitted, basically in its original form but with a new entrance.
- The existing large car park would appear to provide ample space for current and future staff.
- To approve the application would send the wrong message to other employers in Bury - don't worry about planning.
- The Council is committed to providing a green healthy borough and should protect



the safety of local people of all ages and their access to this beautiful country park that the Council with its partners has put so much time, effort and funding into creating.

- Peel Holdings object as owners of Browns Road (unmade lane) on the grounds that the applicant has not approached them to request right of way over this road nor have they received requisite notice of the application.
- The plans do not show a disabled persons parking spot as described in the application.
- Do not want another industrial estate being created by the sub-letting of the building as the area has become more residential.
- This is now a mainly a residential area and the Council should be thinking of compulsory purchasing the site and old derelict buildings in the vicinity and selling the land for more residential dwellings. Any businesses should be relocated to Bradley Fold Industrial Estate.

The objectors have been notified of the Planning Control Committee meeting.

### **Consultations**

Highways Team – Recommend refusal for the reason that the roller shutter door would result in the intensification of the use of sub-standard accesses, which would be detrimental to the safety of users of Public Footpath No. 23, Christ Church, Radcliffe and the surrounding highway network. The unmade lane serving Bradley Fold Cottages is designated as Public Footpath No.23.

Drainage Team – No objections.

Environmental Health – Concur with the findings of the submitted report of the testing of the materials for the bunds that they are suitable for use on the site. Recommend a condition concerning unforeseen contamination.

Landscape Practice – Concern about the angle of repose of the bunds with no evidence as to the manner in which the material would be planted or the inclusion of any stabilising material.

Environment Agency - No response.

GMP Architectural Liaison – No comments.

BADDAC – No comments.

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

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN7	Pollution Control
EN7/2	Noise Pollution
EN9	Landscape
EC2/1	Employment Generating Areas
EC3	Improvement of Older Industrial Areas and Premises
EC3/1	Measures to Improve Industrial Areas
EC6/1	New Business, Industrial and Commercial
H3/2	Existing Incompatible Uses
HT6/1	Pedestrian and Cyclist Movement

### **Issues and Analysis**

Relevant Policy Considerations - In terms of general policy considerations Fold Mill is a defined Employment Generating Area (UDP Proposal EC2/1/11) that is protected for employment uses within use classes B1 (Business), B2 (General Industrial) and B8 (Warehousing). The current use by the applicant is in accordance with this designation. He has carried out external changes to the premises for which retrospective permission is being sought and these need to be considered in general terms against Policy EC3 that encourages the improvement of older industrial premises in terms of their quality with the measures to be encouraged listed in Policy EC3/1. Included amongst these are:

- improving the condition and appearance of buildings;
- improving access, servicing and car parking arrangements;
- improving the visual appearance and environment of the area;
- promotion of good standards of design

Regarding the more detailed consideration of development involving industrial premises Policy EC6/1 sets out a set of factors that need to be taken into account in considering an industrially related development to achieve a high standard of design and appearance and to take account of the surrounding environment, amenity and safety of employees, visitors and adjacent occupiers. The factors listed in the policy of most relevance to the application include:

- scale, size, height and materials;
- access
- landscaping and boundary treatment;
- the effect on neighbouring properties;
- the safety of employees, visitors and adjacent occupiers

Fold Mill is situated within an area that is predominantly residential and most neighbouring properties are houses. Where an industrial use operates within a residential area and is incompatible with these surroundings the Council will, in accordance with Policy H3/2, seek to ensure that any conflicts are resolved where possible. This includes controlling the operation of such a adjacent use where possible to minimise areas of conflict and potential nuisance.

Landscape concerns which are relevant to the consideration of the bunds are the subject of Policy EN1/3 whereby development proposals will be required to make provision for landscaping to the Council's satisfaction and of Policy EN9 through which the Council will seek to improve the landscape quality of the Borough and will encourage the enhancement of landscapes, where appropriate.

The external appearance of developments such as those under consideration and their relationship to their surroundings is the subject of Policy EN1/2 whereby favourable consideration would be given to those developments that do not have an adverse effect on the particular character and townscape of the surroundings.

Pollution issues arising from the development include the possibility of land contamination associated with the bunds. Policy EN7 requires the Council to seek to minimise pollution levels associated with development by limiting the impact of pollution wherever possible. Noise Pollution such as associated with vehicular activity and being emitted from an industrial premises is considered through Policy EN7/2 in which it is stated that, in seeking to limit noise pollution, the Council will not permit development which could lead to an unacceptable noise nuisance to nearby occupiers.

The unmade lane next to the premises is a public footpath and Policy HT6/1 seeks to ensure that pedestrians will be able to move safely and conveniently. Included amongst the ways to achieve this set out in the policy are the elimination of points of conflict between pedestrians and vehicles and ensuring that developments would recognise the needs of pedestrians.

Planning and Enforcement Background - The commencement of the development activity at the mill resulted in the issuing of a Temporary Stop Notice in June 2007. This expired with no breach having been identified.

The previous application ref. 48411 sought planning permission retrospectively for the following developments:

- installation of a new roller shutter entrance door to the mill on its southerly side and

large enough for deliveries by HGV's;

- changes to an established security fence and double gates to the unmade lane by setting the double gates to a new line further back from the lane and splaying the section of 2.5m high steel palisade fence near the lane to suite the new gates position;
- bunds about 1.8m high next to the boundary on the south westerly side that had been created from surplus material when the surface area within the mill land was scraped back. The plans included an indication that hawthorns would be planted on two of the three bunds, including next to the pair of houses 10 and 12 Bradley Fold Cottages and close to the altered entrance.

The application was refused on 24th January 2008 for reasons that included the following:

- the roller shutter doors would result in an intensified use of a sub-standard access and would be detrimental to the safety of the users of a footpath;
- The roller shutter doors would lead to an intensified use of the unmade lane close to residential properties by heavy goods vehicles and an increased scale of their manoeuvring, loading and unloading to the detriment of the residential amenities of nearby occupiers;
- the inadequacy of the landscape treatment details for the bunds.

Two enforcement notices were issued on 10th March 2008. One of the notices requires the fence and gates erected to the unmade lane to be resited along their original position and the roller shutter door to be removed and the resulting gap to be reinstated with matching materials. The other notice requires the bunds next to the boundary with Bradley Fold Farm Cottages to be removed and the resultant materials to be taken off the site to an approved waste transfer/landfill site. The notices have taken effect and have not been complied with. Further action is dependent on the outcome of the application.

The submitted plan shows, in addition to the implemented roller shutter doors and bunds, also a new vehicular access from Browns Road, an internal roadway and areas of car parking and hardstanding to be provided. The creation of private ways and other hard surfaces such as car parks and service areas at an industrial premises is classed according to The Town and Country Planning (General and Permitted Development) Order 1995 as "permitted development" and can be carried out without the need to obtain planning permission. The new means of access would be to a non classified road and is also classed as "permitted development" as the access is one that is required in connection with development permitted by the Order such as the private way, car parks and other hard standings being proposed. It is included within the "minor development" category within the schedule to the Order. It should be noted that consideration of the application should only take into account the elements that are not "permitted development" and for which planning permission needs to be obtained ie. the roller shutter doors and the bunds.

The applicant has sub-divided the mill into two separately occupied units and is carrying out a manufacturing activity in the westerly unit. Neither the sub-division nor the manufacturing activity or the related storage involve development that requires planning permission.

The recent developments stem from the applicant's desire to make more use of the previously largely unused land on the south-westerly and westerly side of the buildings. The overall plan shows facilities that would enable cars and HGV's to gain access from Browns Road to new car parking areas close to this road and to an internal road leading vehicles to areas of hardstanding and the roller shutter door for deliveries into and from the manufacturing section. However, it should be noted that it is only the roller shutter doors and the bunds that require planning permission and are the subject of the application. Thus, the consideration of the application needs to focus on these two elements.

Access to the mill, including the roller shutter doors, from the back lane cannot be prevented by planning control and the only restriction is through an enforcement notice that requires the existing splayed fence and gates to be reinstated to their former line near the edge of the lane, thereby restricting the ability of larger vehicles to use this access. Planning

permission needs to be obtained for the fencing and gates because they are adjacent to a highway and are over 1m in height. Such permission has already been refused followed by the issuing of the enforcement notice. The lane is within a separate private ownership and whether the applicant is legally entitled to use it to access his premises is a private matter to be resolved between himself and the owners of the lane.

The Roller Shutter Doors - The roller shutter doors are of a typical industrial scale and appearance. They are in a bright metallic finish that contrasts with the light blue cladding on adjoining part of the mill and are set well back from the site boundary (about 30m at the closest point) and can be viewed from the unmade lane through the fencing and gates but at a significant distance (about 100m). They are also readily visible from Bradley Fold Farm Cottages at about 30m away, especially when boundary vegetation leaf cover is lacking. Thus, they have a limited visual impact outside the site but are of a sufficient scale to be a material change to the appearance of the building and thus require planning permission to be obtained.

The roller shutter doors are to a part of the mill where previously there was no delivery entrance to the building and the splay back of the fencing and gates has created a situation whereby it is possible for large delivery vehicles, including HGV's, to access the mill along the unmade track. Thus, with the industrial activity having become fully established, there could potentially be much more use of the lane by HGV's than has previously been the case, particularly as the presence of the roller shutter doors is an attractant for delivery vehicles coming either from the unmade lane or via the proposed access point. Without these doors there would be little reason for HGV traffic to move near the residential properties to the west of the premises and servicing would not occur. This much more intensive use of the land within the mill boundary on its westerly side by large commercial vehicles manoeuvring and loading/unloading would cause an undue amount of noise and disturbance to the nearby residents. It should also be noted that there is a lack of planning control over the hours that the premises is operated and thus no such control could be enforced over the times of vehicle movements and these could occur late at night.

The presence of the roller shutter doors would lead to the intensified use by vehicles, including large commercial vehicles, of accesses that are sub-standard, including on the unmade lane that is a public footpath and the intended new access on Browns Road for which planning permission does not need to be obtained. This intensified traffic use would be detrimental to the safety of the users of the footpath and of surrounding highways and Highways Team has recommended that permission for the doors should be refused for this reason.

Given the potential for significant noise nuisance and disturbance to nearby residents from delivery traffic generated by the presence of the roller shutter doors as well as the highway implications for sub-standard accesses, a public footpath and the surrounding highways, a refusal of this element of the application would be consistent with the objectives of Policies EN7/2, H3/2 EC6/1 and HT6/1. The amenity problems caused by the presence of the doors are already being experienced by residents and it needs to be resolved through the removal of this facility. Whilst the applicant has set out the advantages of the roller shutter doors for the operation of the mill, it is considered that these benefits do not outweigh the significant concerns about loss of residential amenity to neighbours and concerning highway safety. Planning permission for the doors ought, therefore, to be refused.

The Bunds - The main visual impact of the bunds has been the initial loss of vegetation, including some trees that this work entailed when they were formed. However, there was no Tree Preservation Order involved. Since their creation the bunds have generally grassed over and now create a partial buffer feature next to the boundary. The application includes better details of intended planting than the previous one with a specification for a species mix and planting density of trees and shrubs. Although the Landscape Practice is concerned about the stability of the bunds due to their slope, it is apparent on site that considerable vegetation cover is becoming established naturally on the bunds and, despite the recent substantial periods of rainfall, there are no apparent signs of significant erosion.

The bunds next to the boundary with 10 and 12 Bradley Fold Cottages are the only ones that have a significant effect on residential outlook. However, with the existing vegetation on the bunds to be combined with the proposed planting this outlook should, with time, become dominated by vegetation and the bunds would not be a visually discordant feature as they were when they were originally formed. This process is already under way with significant natural growth of vegetation having already occurred on the bunds.

The bunds close to Browns Road and to the rear of The Queen Public House have very little impact on areas outside the site boundary.

Some residents have stated that water run off from the bunds is causing ponding on adjacent land. However, it would be difficult to demonstrate that the direct cause of this ponding is due to the bunds and a requirement to provide drainage measures may not necessarily prevent this problem from occurring.

There has been a concern that the bunds could contain contaminated material and the applicant has submitted a technical report on the materials which is considered to be acceptable. The findings of the sampling that has taken place have revealed no evidence of significant contamination. Environmental Health have recommended a condition concerning the mitigation of unforeseen contamination that may be discovered through development but no further construction of the bunds is to occur.

Following the implementation of the acceptable specified landscaping proposals, it is considered that the appearance of the bunds would be in keeping with policies EN1/2, EN1/3, EN9 and EC6/1. Planning permission ought, therefore, to be granted for the bunds subject to a condition to ensure the implementation of the planting scheme.

The Objections - 30 objections have been received from surrounding residents. Some residents may not be fully aware that the Council is not in a position through planning powers to control the industrial use of the mill, its sub-division or the provision of areas of hardstanding and car parks associated with the industrial activity, as well as the use of the unmade lane for access or the use of or creation or alteration to means of access to the site.

The concerns about the intensified use of previously quiet back of the mill which would stem from the presence of the new roller shutter doors are a matter that can be properly taken into consideration in dealing with the application. Concerns about the effect of the bunds in terms of their visual effect and impact on land drainage are also valid planning considerations. The issues raised by these concerns are covered in the previous sections.

The loss of trees due to the creation of the bunds has already occurred but the trees were not protected by a Tree Preservation Order. The concerns about the loss of the original planting close the boundary with houses can, however, be taken into consideration through a requirement for the landscaping of the bunds. It should also be noted that replacement tree planting could not be required by the Enforcement Notice that requires the bunds to be removed.

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

#### **Development A - Bunds:**

Permission be granted having regard to the policies and proposals listed and the reasons for granting permission can be summarised as follows:-

With additional planting, as proposed, the bunds would be acceptable in terms of their impact on the residential and visual amenities of the area. The materials that are incorporate in the bunds have been found to be acceptable in terms of contamination concerns. There are no other material considerations that outweigh this finding and permission should be granted subject to conditions:

## **Development B - Roller Shutter Doors:**

Permission be refused for the following reasons:

1. The roller shutter doors would lead to an intensified use of areas close to residential properties by delivery vehicles and the manoeuvring and the loading/unloading of these vehicles on a much greater scale than previously on areas within the curtilage of the mill adjacent to residential properties. The development would, therefore, cause significant noise, disturbance and general activity that would be seriously detrimental to the residential amenities of the nearby occupiers. The proposed development, therefore, conflicts with the following policies of the Bury Unitary Development Plan: EC6/1 - Assessing New Business, Industrial and Commercial Development, EN7/2 - Noise Pollution and H3/2 - Existing Incompatible Uses.
2. The roller shutter doors would lead to the intensification of use of sub-standard accesses, which would be detrimental to the safety of users of Public Footpath No. 23, Christ Church, Radcliffe and the surrounding highway network. The development would therefore conflict with the following policies of the Bury Unitary Development Plan: EC6/1 - Assessing New Business, Industrial and Commercial Development, HT6/1 - Pedestrian and Cyclist Movement.

**Recommendation:** Split Decision - Approve Conditionally Development A, Refuse Development B.

## **Conditions/ Reasons**

**Condition 1** - The landscaping scheme described in the Planting Specification for Bunds hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 3 months from the date of this decision. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to the following policies of the Bury Unitary Development Plan:

EN1/2 - Townscape and Built Design  
EN1/3 - Landscaping Provision  
EN8/2 - Woodland and Tree Planting  
EC6/1 - Assessing New Business, Industrial and Commercial Developments  
H3/2 - Existing Incompatible Uses

**Condition 2** - This decision relates to the drawings and the Planting Specification for Bunds received on 8th July 2008 and the development shall be completed only 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.

1. **Reason for Refusal 1** - The roller shutter doors would lead to an intensified use of areas close to residential properties by delivery vehicles and the manoeuvring and the loading/unloading of these vehicles on a much greater scale than previously on areas within the curtilage of the mill adjacent to residential properties. These developments would cause significant noise, disturbance and general activity that would be seriously detrimental to the residential amenities of the nearby occupiers. The proposed development, therefore, conflicts with the following policies of the Bury Unitary Development Plan: EC6/1 - Assessing New Business, Industrial and Commercial Development, EN7/2 - Noise Pollution & H3/2 - Existing Incompatible

Uses.

2. **Reason for Refusal 2** - The roller shutter doors would lead to the intensification of use of sub-standard accesses, which would be detrimental to the safety of users of Public Footpath No. 23, Christ Church, Radcliffe and the surrounding highway network. The development would therefore conflict with the following policies of the Bury Unitary Development Plan:

EC6/1 - Assessing New Business, Industrial and Commercial Development.

HT6/1 - Pedestrian and Cyclist Movement.

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

**Ward:** Radcliffe - North

Item 07

**Applicant:** Vause Construction Ltd

**Location:** LAND AT AINSWORTH MILL, BURY NEW ROAD, BREIGHTMET

**Proposal:** PROPOSED EXTENSIONS TO EXISTING BUILDING TO FORM AN ENLARGED INDUSTRIAL BUILDING (OUTLINE)

**Application Ref:** 50099/Outline Planning  
Permission

**Target Date:** 17/10/2008

**Recommendation:** Approve with Conditions

**Description**

The application concerns a large section of Ainsworth Mill on Bury New Road, Breightmet. The mill, which is vacant, is situated on the northerly side of the road and is set to the edge of the highway. The northerly boundary is formed by an unmade lane Taylor's Lane with another unmade road at the easterly end. The surroundings include a mixture of residential and commercial uses as well as open land on the opposite side of Bury New Road. To the north on the far side of Taylor's Lane there is an area of allotments and smallholdings. Also on the other side of this road and opposite the north easterly corner of the site there is Smith Fold Farmhouse a 17<sup>th</sup> or early 18th century stone two storey house which is a Grade II Listed Building.

The application involves the easterly and north-easterly section of the mill covering about 0.6ha or about a half of the total mill area and is seeking outline planning permission to carry out two large extensions to an existing portal frame detached industrial building. The intention is to extend this building by 25m towards the easterly boundary and also by 20m on the westerly side. The extensions would provide 860m<sup>2</sup> of additional floorspace and would result in a 70m long modern industrial building with a total of about 1350m<sup>2</sup> of floor area set close to the northerly boundary with Taylor's Lane. It should be noted that the lane is at a higher level than the site and this difference increases markedly towards the north east corner where Smith Fold Farmhouse is located. In addition, a section of the old part of the mill between about 6.5m and 21m deep opposite the new build proposal would be demolished which would significantly open up this part of the site to allow increased vehicle circulation space. Vehicular access would, as now, be from Bury New Road with the most easterly open part of the site to be used for car parking and 38 parking spaces to be provided.

The application seeks consent to details of access and layout with appearance, landscaping and scale to be reserved for subsequent approval. The application is accompanied by a Design and Access Statement, a Report of Bat Survey and a Desk Top Study.

The Design and Access Statement includes an overview of the applicant's intentions for the whole mill premises. It is stated that the intention is to subdivide the site and buildings into units for smaller businesses. The application involves initial proposals, including the clearance of the existing buildings on the northern side of the site that have been extended and added to over the years and to re-instate some of the older, more original buildings. This would clear sufficient site area to allow two new industrial buildings to be constructed as an extension to a modern building and to provide access to the rear of the site with a turning circle and additional parking in the form of a rationalised layout on an existing area of hardstanding. The Design and Access Statement also gives an indication of the scale of the development and describes the extensions as having eaves heights to match the existing building.



### **Relevant Planning History**

31369/95 - Portal framed industrial unit. Approved on 31st October 1995.

31923/96 - Erection of relocatable building for use as retail shop. Approved on 15th April 1996.

35962/99 - Extension to existing portal framed industrial unit. Approved on 29th December 1999.

36587/00 - Extension to existing portal framed industrial unit. Approved on 12th June 2000.

### **Publicity**

Six properties were notified on 22nd July 2008. These were 31, 100 - 104A Bury New Road, Smith Fold Farm. Site notices were displayed from 7th and 21st August 2008. Press notices were published in the Bury Times on 7th and 28th August 2008. These advertised the fact that the development was a major development, would affect the setting of a listed building and that it was a departure from the development plan.

An objection has been received from Smith Fold Farm with the following concerns:

- The development would involve the expansion of an existing industrial site but there are no details of the proposed usage or the times the industrial units will be operating
- The northerly expansion of the building would come to within 20 to 25 metres of Smith Fold Farmhouse which is a 17th century listed building. It would be to the detriment of the setting of the listed building.

The objector has been notified of the Planning Control Committee meeting.

### **Consultations**

Highways Team - Recommend a condition requiring prior approval to full details of turning, servicing and car parking details.

Drainage Team - No objections.

Environmental Health - Recommend land contamination conditions and conditions requiring prior approval to flue and ventilation openings, a survey of ambient noise levels at the site boundary with noise from the development not to exceed the ambient noise level as recorded and requiring prior approval over the maximum noise level emitted from any ancillary equipment to be used in connection with the operations to be undertaken in the building.

Conservation Officer - From the information provided the development would be hidden within the site and the setting of the listed building would not be harmed.

Wildlife Officer - As no bats were found, any permission should include a condition requiring the precautionary approach to be undertaken during development as set down in the submitted Report of Bat Survey. A condition should also be included restricting vegetation clearance or demolition during the bird nesting season.

Environment Agency - Any permission should include conditions requiring a site investigation for contaminated land.

GMP Architectural Liaison - No objections in principle. The new building should be constructed in line with Secured by Design specification.

BADDAC - The Design and Access Statement should include an outline of how the development would address access issues. The statement has been amended accordingly.

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

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
EC3/1	Measures to Improve Industrial Areas
EC4	Small and Growing Businesses
EC6/1	New Business, Industrial and Commercial
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/3	Listed Buildings
EN7/2	Noise Pollution

## **Issues and Analysis**

**Principle** - The site is within the Green Belt and, according to Policy OL1/2, the proposal is inappropriate development in the Green Belt. However, in cases where planning permission is being sought for such inappropriate development it is open for an applicant to demonstrate the 'very special circumstances' why permission should be granted. Such 'very special circumstances' will not exist unless the harm by reason of inappropriateness, and by other harm is clearly outweighed by other considerations. A statement outlining why there are 'very special circumstances' to justify the granting of permission in this case has been submitted. These include the following:

- The development is contained within an established industrial site and cannot be considered to be urban sprawl.
- If the development were not to occur the site is likely to become derelict and fall into disrepair. This would detract from the quality of the surrounding Green Belt area.
- The submitted site section shows that the visual amenities of the Green Belt will not be injured.
- The proposed design/materials would be in keeping with the existing building to be extended and there would not be any significant impact on the Green Belt.
- Due to the proposed existing site and existing layout, levels and boundary treatment of the site the proposals will have very little impact when viewed from the surrounding area. From the main road frontage there would be complete screening by the existing mill and its enclosure. From the rear and side boundaries that back onto open land, the levels of the site in relation to the surrounding area dictate that the proposals would not obstruct views of the other open land area to the opposite side of Bury New Road and towards Manchester.
- Given the matching scale and materials of the development it would integrate easily into the immediate surroundings by virtue of the existing buildings within the site boundary.
- As part of the proposals the site would be cleaned up and redundant containers etc. would be removed from site.
- The total area of existing buildings, containers and tanks to be removed as part of the regeneration scheme would be about 655m<sup>2</sup> compared with about 849m<sup>2</sup> of new development. Thus the net additional usable area to be created would be only 195m<sup>2</sup>
- The approval of a similar development in May 2000 has set a precedent.

As well as the statement a cross section has been submitted that illustrates the relationship with the adjacent site boundary at a higher level.

Existing extensive clutter including some buildings would be cleared and, due to their low height and the adjacent embankment, the extensions would not rise to a point where they could visually detract to a material extent from the openness of the area, including land just outside the site. It is considered that the case put forward of 'very special circumstances' to justify inappropriate development in the Green Belt can be accepted.

Although the development involves a departure from the Development Plan, its size is below the threshold above which it would need to be referred to Government Office were the Council minded to grant planning permission.

The proposal is supported by policies within the economy section of the UDP. Thus, Policy EC2/2 seeks the retention of existing employment land and premises such as Ainsworth Mill that are outside the designated Employment Generating Areas, while under Policy EC3 improvements are encouraged to the environment and infrastructure to older industrial areas and improvements to the quality of industrial premises. The scheme is aimed at providing accommodation for smaller businesses and this is supported by policies EC4 and EC4/1 whereby the Council will look favourably on proposals involving the needs of small and growing businesses to ensure that their needs are met. Such developments will be

acceptable when the scale of the development is environmentally compatible with the surrounding area and there is no conflict with other UDP policies. It is considered that this is the case with the proposed development.

Design and Layout - The application is submitted in outline. However, details of layout, scale and access have been provided and from these details it is clear that the overall height and scale of the extensions would be compatible with those of the existing building.

The site is well screened from Bury New Road by the large frontage building that would remain and also from Taylor's Lane to the rear by the existing embankment and boundary fencing. Thus, the visual impact of the development on the surrounding area would be relatively modest. Nevertheless, the scheme with the improved access, servicing and car parking facilities would be a significant improvement to what is currently a deteriorating empty premises. There is also the expectation that this would be the first phase of a progressive renovation of the whole of this old industrial premises.

Listed Building - The listed building Smith Fold Farmhouse is only about 25m away from the nearest part of the footprint of the easterly extension. However, there is a high embankment between this extension and Taylor's Lane as well as the listed building. On top of the embankment there is a 1.8m+ solid concrete panel fence. From additional information showing a section of this vicinity it is clear that the roof top of the extension would be below the level of the top of the boundary fence and thus the setting of the listed building would not be harmed.

Residential Amenity - Smith Fold Farmhouse is the only dwelling close to the development. It is well buffered from the extension by Taylor's Lane, the substantial embankment within the site and the concrete boundary fence to the site. The application states that the nature of the industrial use/uses and their hours of operation are not known at this stage. This is an existing industrial site with no limit to hours and also given the well buffered situation with Smith Fold Farmhouse it would not seem to be appropriate to set down a limitation on operating hours. However, a condition to restrict noise generation to the existing ambient levels at the site boundary as recommended by Environmental Health would set down a sufficient level of protection for neighbouring dwellings. A condition that Environmental Health also recommend that would require the maximum noise levels from ancillary machinery to be used in the development to be approved should not be attached as such a level of detailed control would not be enforceable under planning legislation but it may be so through the statutory noise nuisance provisions within the Environmental Protection Act 1990 operated by Environmental Health.

Access - The proposal involves the continued use of the existing main access point but with more room provided for circulation and turning through demolition of some of the existing structures which are in poor condition and with a more rational car park layout than currently exists. Highways Team have no objections to the arrangements being proposed but have recommended a condition requiring approval to be obtained to fuller details of these arrangements prior to any development commencing.

Bats and Nesting Birds - The submitted bat report states that there was no evidence found of the presence of bats during a survey. However, it recommends a precautionary approach in the carrying out of the development in case bats or nesting birds are found to be present as work is progressing. If permission is granted then it should be subject to an appropriate condition. During the bat survey there were signs that birds were using the premises for nesting and any consent should also include a condition restricting site clearance and demolition activity to avoid the nesting season.

Disabled Access - The application is in outline but should include a statement regarding the applicant's intentions concerning the making of provision for the needs of disabled persons. The Design and Access Statement has been amended and clarifies the intention to provide for disabled car parking, level access into the building as well as suitable provision and arrangement of sanitary provision and circulation space.

The Objection - The issues raised by the objector about the impact of the development on the listed building and about the hours of operation are covered in the Listed Building and Residential Amenity sections above.

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

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

Although the proposal is inappropriate development in the Green Belt, it has been shown that there are 'very special circumstances' why it can be accepted. The development would contribute to the improvement for employment use of a vacant and deteriorating old industrial premises and provide accommodation suitable for small businesses. The setting of a nearby listed building would not be materially affected and the development would not cause undue harm to the residential amenities of any nearby dwelling.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

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

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

2. Applications for approval of reserved matters must be made not later than:

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

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

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

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

4. The landscaping scheme to form part of the development shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 –

## Woodland and Tree Planting of the Bury Unitary Development Plan..

5. The development shall be carried out fully in accordance with the recommendations within paragraphs 8.1.2, 8.1.3, 8.1.4, 8.2.1, 8.2.2, 8.2.3, 9.3 and 9.4 of the submitted Report of Bat Survey concerning the precautions to be taken concerning the possible presence of bats and nesting birds within the site.  
Reason: In order to ensure that no harm is caused to a Protected Species.
6. No clearance of vegetation or demolition work shall take place within the site between 1st March and 31st August inclusive in any year unless otherwise agreed in writing by the Local Planning Authority.  
Reason: Birds on the nest are protected and in order to ensure that clearance of buildings or vegetation does not occur unless it is proven that nesting birds are not present.
7. The car parking indicated on the approved plans no.0796:03 shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the extensions hereby approved being occupied and shall thereafter be maintained at all times.  
Reason: To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
8. 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.
9. Following the provisions of Condition 7 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.
10. 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.

11. 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.

12. 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.

13. The application for approval of reserved matters shall include appropriate details to render the development fully accessible to the disabled.

Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.

14. The development hereby approved shall not be brought into use unless and until a detailed scheme showing flues and ventilation openings has been submitted to and approved by the Local Planning Authority. The development shall be not be carried out other than in accordance with the approved details.

Reason: In order to protect the amenities of nearby residential properties in pursuance of the following policies of the Bury Unitary Development Plan:

EN7/1 - Atmospheric Pollution

EC6/1 - Assessing New Business, Industrial and Commercial Development

15. Noise from or associated with the proposed activity/development hereby approved shall not increase the prevailing ambient noise levels as measured at the boundary of the site. The ambient noise levels shall be determined by survey by the applicant to the satisfaction of the Local Planning Authority (LPA) and a copy of the survey report shall be provided to the LPA before any development takes place.

Reason: In order to protect the amenities of nearby residential properties pursuant

to the following policies of the Bury Unitary Development Plan:

EN7/2 - Noise Pollution

EC6/1 - Assessing New Business, Industrial and Commercial Development.

16. The development hereby approved shall not be commenced unless and until full details of the provision of facilities to enable vehicles to enter and leave the site in forward gear, for the loading and unloading of service vehicles and for the parking of cars which visit the site in connection with the use hereby approved have been submitted and approved in writing by the Local Planning Authority. The facilities subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and shall be retained thereafter.

Reason: To minimise the standing and turning movements of vehicles on the highway and to ensure adequate off-street car parking provision in the interests of highway safety.

17. This decision relates to drawings numbered 0796:04, 0796:01 and 0796:03 Revision A and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

**Ward:** Radcliffe - West

Item 08

**Applicant:** O2 (UK)Ltd

**Location:** JAMES STREET, RADCLIFFE, M26 1LP

**Proposal:** PRIOR APPROVAL APPLICATION FOR INSTALLATION OF A RADIO BASE STATION CONSISTING OF A 15M FLEXICELL STREETWORKS COLUMN WITH GROUND BASED EQUIPMENT CABINET

**Application Ref:** 50353/Telecom Determination **Target Date:** 30/09/2008  
(56 Days )

**Recommendation:** Prior Approval Required and Granted

### **Description**

The proposed development would be located at the back of the footway, immediately in front of the 2 metre fencing, which marks the boundary between the footway and vacant land. Endura House, which is in use as an industrial building is located to the north west of the site and there are residential properties located to the south west of the site. St John's C of E Primary School is located some 40 metres to the south of the site. The vacant land to the south east of the site is allocated as an employment generating area.

The applicant seeks consent for the prior approval for the erection of telecommunications equipment, including a 15 metre streetworks column, antennae and associated cabinet. The proposed streetworks column would be painted grey and the equipment cabinet would be painted green

### **Relevant Planning History**

36519 – Erection of 15 No. factory buildings at land at Radcliffe Paper Mill, Johnson Street, Radcliffe. Approved with conditions – 6 February 2002

### **Publicity**

214 properties within 200 metres of the application site were notified by means of a letter on 11 August and site notices were posted on 12 August 2008. Four letters have been received, from the occupiers of 2 Johnson Street; 119, 127 James Street; 17 James Street North, which has raised the following issues:

- The visual impact of the proposed mast upon the locality;
- The siting of the proposed mast is too close to residential properties;
- Impact of the proposed development upon health;
- There would be an impact upon trees.

The objectors have been notified of the Planning Control Committee meeting.

### **Consultations**

**Highways Team** – No objections, subject to the inclusion of a condition relating to the location of the installation on the footway.

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

**Landscape Practice** – The proposed mast may affect one tree, which is not protected by a tree preservation order and may result in extensive pruning in the foreseeable future.

**Area Board** – No response

**GM Police Architectural Liaison** – No response

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

EN1/2 Townscape and Built Design



EN1/4 Street Furniture  
EN1/10 Telecommunications  
EN8 Woodland and Trees  
HT2/4 Car Parking and New Development  
PPG8 PPG8 - Telecommunications

### **Issues and Analysis**

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

**Supporting Information** - The applicant has provided a list of six alternative sites, including installations on buildings, site sharing and installations on Greenfield sites. These six sites were discounted as either the site provider was not interested or was unwilling to negotiate a reasonable rental fee, the site would not provide the required coverage or the site would result in network interference. The applicant has provided sufficient information to justify the need of the proposed development in terms of improved coverage for the site. Therefore, it is considered that the proposed development would be in accordance with Policy EN1/10 of the adopted Unitary Development Plan.

**Visual Amenity and Impact upon Trees** - The proposed development would be located on the edge of an industrial area. The residential properties on James Street do not overlook the proposed mast and the residential properties, which front onto Aldwyn Close are some 135 metres away to the south east. Directly behind the palisade fencing, there are a number of trees. However, the proposed mast has been sited in a gap between two of the trees, which are 9 metres tall and the agent has confirmed that no pruning or lopping would be required.

The agent has submitted amended plans which indicate that the proposed mast would be a slimline monopole with a diameter of 0.38 metres, former plans indicated the mast to be 0.48 metres. There are existing street lights on the pavement and it is considered that the proposed development would not be unduly prominent within the locality, subject to conditional control. The Highways Team has no objections, subject to a condition relating to the location of the installation. It is considered that the plans already clearly show that the mast would be located to the back of the footway, leaving a 1.4m wide footpath and no further condition, other than the standard specified plans condition is necessary. Furthermore, as the Highways Team have no concerns to the mast as indicated on the proposed plans, It is considered that the proposed installation would not narrow the pavement to an unacceptable level. Therefore, the proposed development would be in accordance with Policies EN1/2, EN1/4, EN1/10 and EN8 of the adopted Unitary Development Plan.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-  
Having due regard to both National and Local Policy, in particular UDP Policy EN1/10 (Telecommunications), it is considered that the proposed development is acceptable in relation to health and safety issues, due to the submission of the relevant Certificate under ICNIRP. The location of the proposed apparatus would not be unduly prominent within the street scene. Therefore, the proposed development is considered to be acceptable. There are no other material considerations that outweigh this finding.

**Recommendation:** Prior Approval Required and Granted

**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 101, 102, 103 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 **Helen Longworth** on **0161 253 5322**

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 09

**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

**This application was considered by the Planning Control Committee on 19th August when it was resolved to approve the proposal. Unfortunately an administrative error meant that letters informing those who made representations on the application were not sent out.**

**It is considered that the application should be reconsidered and the opportunity given to objectors and supporters to present their views to the Committee. The Development Manager has also arranged for a Committee site visit prior to the meeting which will give a further opportunity for any representations and to enable the members to appraise the proposals with the benefit of a site visit.**

### **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 2/6/94/6/10/94

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.

The 12 objectors and 5 supporters of the application have been notified of the Planning Control Committee meeting.

### **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 areas 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 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 the 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 completions 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 replacement dwelling reflects the character of the Conservation Area within which it is located and the proposal accords with the Councils standards on aspects and impact on adjacent properties.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. 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.
  
10. The proposed building shall not be used for any other purpose other than for equestrian or agricultural use.  
Reason: Having regard to the nature of the site and the visual and residential amenity of the area 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**

