

Ward: Bury East

Item 01

Applicant: Lowry Homes PLC

Location: PIMHOLE RENEWAL AREA, BURY

Proposal: PROPOSED DEVELOPMENT OF 104 FAMILY HOUSES, WITH 5 ALTERNATIVE HOUSE TYPES

Application Ref: 50186/Full

Target Date: 29/10/2008

Recommendation: Approve with Conditions

Description

The Pimhole Renewal Area was declared by the Council's Executive Committee on 19 March 2003 and a 5 year implementation plan identified areas where future options, including clearance would be considered. An outline planning application was submitted as part of the renewal scheme, covering two areas (Ingham Street, Oxford Street, Wilson Street and (Kershaw Street and Ormrod Street). The application involved the demolition of 133 properties and sought the principle of their replacement with new residential development and this application was approved on 24 May 2005.

The properties within and surrounding the two sites are predominantly 2 storey terraced housing dating from the turn of the century. The terraces front directly onto the pavement or have a small front garden. Private yards to the rear are served by a single back street between terrace rows. The properties were in a poor state of repair; many had structural deficiencies and provided a poor standard of housing.

The application site comprised a number of blocks of terraced properties fronting Ingham Street, Oxford Street and Wilson Street together with another separate block of terraced properties fronting onto Kershaw Street and Ormrod Street. Following the grant of outline planning permission, the 133 properties were demolished and the site has been cleared, although the existing street network remains.

The proposed development involves the erection of 104 dwellings on the site, which has been previously cleared and used to contain 133 dwellings. 5 of the dwellings will have an optional extension to the property and therefore, the two house types on these 5 plots will be assessed twice. There would be 53 two bed properties, 35 three bed properties, 10 four bed properties and 6 five bed properties and there would be a mixture of two and three storey properties.

Relevant Planning History

44108 – Demolition of 133 dwellings and replacement with new residential development (outline application) at Pimhole renewal area. Approved with conditions – 24 May 2005

Publicity

The neighbouring properties (11 – 47 (odds), flats 1 – 30 at 30, 40 – 44, 51 – 53, 52 – 70 (evens) Ormrod Street; 4 Back Ormrod Street; 21 – 27 (odds), 32, 33, 35, 39 – 61 (odds) Kershaw Street; 1 – 6, 8, 10 – 32, 34, 36 – 51, 53 – 113 (odds) Ingham Street; 1 – 17, 19 – 33 (odds) Nuttall Street; 1 – 15 odds), 2, 19 – 30, 32, 34 Wilson Street; 1 – 15 (odds), 14, 17 – 33 Openshaw Street; 2A, 2B Tinline Street; 134 – 148 (evens) Rochdale Road; 1 – 37 & Warden flat Holly Court, Pimhole Road; 1 – 16 Oxford Street; 1 – 23, Benson Gospel Chapel, Benson Street; 2, 4, 8 – 82 (evens), 138 – 156 (evens) Heywood Street; 2, 4, Alfred Street) were notified by means of a letter on 7 August and a press notice was posted on 14 September. Site notices were posted on 7 August 2008. Two letters have been received from the occupiers of Brooklands, 34 Wilson Street, which have raised the following issues:

- Object to the road closures, as this would lead to congestion on the surrounding

roads

- There are no commercial properties within the scheme
- There should be 133 dwellings to replace the 133 dwellings which were demolished
- The proposed dwellings are too modern in appearance

The objectors have been notified of the Planning Control Committee.

Consultations

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

Drainage Team – No objections

Waste Management – No objections

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

Landscape Practice – No comments received

Policy – No objections to the principle of residential development

BADDAC – Object to the proposal as the proposal would not be accessible to all and the properties would not be easily adapted by occupiers in the future. None of the dwellings would meet the Lifetimes Homes standard

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

United Utilities – No comments received

GMPTE – The site is well located in relation to public transport, with a regular bus service to Bury from Heywood Road and more frequent services to Manchester, Middleton, Prestwich, Rochdale, Bolton and Bury from the bus stops on Rochdale Road (quality bus corridor). It is important to influence travel patterns at an early stage and request that a condition relating to the submission, implementation and monitoring of a travel plan.

East Lancashire Railway - No comments received

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H5/1	Area Improvement
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN6/3	Features of Ecological Value
EN7	Pollution Control
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD11	Parking Standards in Bury

Issues and Analysis

Principle - The proposed development would provide 104 dwellings within the Pimhole renewal area and the principle of residential development was accepted by the approval of the outline planning consent in May 2005.

The proposed development would be located within the urban core and would be adequately serviced with infrastructure. The proposed development would provide 104 dwellings and as there is an overall loss in the number of dwellings (133 to 104), no contributions are required for recreational provision, affordable housing or percent for art. Therefore, it is considered that the proposed development is acceptable in principle and

would be in accordance with Policies H1/2 and H5/1 of the adopted Unitary Development Plan.

Design - The proposed development would incorporate a mix of 2, 3, 4 and 5 bedroom properties and would be two and three storeys in height. The design and choice of materials of the proposed development has been progressed through consultation with the local residents through a series of design workshops and study visits. The proposed dwellings would be located within a terrace, but would have a contemporary appearance through the design and the choice of materials (timber, render and red brick).

The proposed 4 and 5 bedroom dwellings, which are three storeys in height, are located on corner plots and along the northern boundary of Wilson Street and would represent a strong design feature. Through the use of recessed areas, juliet balconies, monopitch roofs and a variety of materials, the bulk and massing of the buildings is acceptable. The proposed dwellings on the corner plots would not only hold the corner, but would provide an active frontage to both elevations.

The remainder of the proposed dwellings would be two storeys in height and it is considered that the use of recessed areas, brick detail, balconies, monopitch roofs and the proposed materials (timber, red brick and render) break up and add interest to the elevation of the terrace of the proposed dwellings. Therefore, it is considered that the proposed development is appropriate in terms of height, form and scale and would not be unduly prominent within the locality.

In contrast to the properties which were part of the clearance, all of the proposed dwellings would have generous front and rear gardens. It is considered that there would be adequate amenity space provided and any bins would be stored within the rear gardens of the properties. The Waste Management section has no objections to the proposed development. Therefore, it is considered that the proposed development would be in accordance with Policies EN1/1, EN1/2, H2/1, H2/2 and H5/1 of the adopted Unitary Development Plan.

Impact upon surrounding area/residential amenity

The terrace of the proposed dwellings (plots 87 – 93) which front onto Ormrod Street and have been designed as single aspect properties. As a result, the distance between plots 87 – 93 and plots numbered 96 to 105 would be 16 metres, which would accord with the aspect standards set out in DCPGN6. The proposed dwellings (plots 41 – 44), which are located on the northern side of the courtyard element are also single aspect and the distance of 13 metres to the proposed dwellings on Oxford Street would comply with the aspect standards. The rear elevations of the three proposed dwellings fronting onto Benson Street are at 45 degrees to the rear elevations of the three proposed dwellings fronting onto Nuttall Street and as the proposed openings would not be directly facing, it is considered that a distance of 18.5 metres is acceptable. A distance of at least 20 metres would be provided between front elevations of both the proposed and existing dwellings facing a highway.

The aspect distances between the remainder of the proposed dwellings and the existing dwellings do not fully comply with the standards set out in DCPGN6. The aspect distances contained within DCPGN6 state that there should be 20 metres between directly facing habitable windows and 13 metres between windows and a blank gable elevation. The distances between directly facing windows between existing and proposed dwellings and between proposed dwellings would measure at least 18 metres in all cases and the distance between windows and a blank gable between proposed dwellings would be at least 11 metres, with the exception of plot 52, where the distance would be 10 metres. While the aspect standards do not meet the standards set out in DCPGN6, the aspect standards would be no worse than and in some cases represent an improvement on the distances between the other residential properties in the area. Therefore, it is considered that the proposed development would not have a significant adverse impact upon the amenity of the occupiers of the neighbouring dwellings.

Layout, parking and access - The existing street layout has been carefully considered as part of the proposal, with the aim of calming the traffic, while maintaining the public transport routes. It is proposed to close the section of Ingham Street between Wilson Street and Nuttall Street. It is considered that the proposed closure of Ingham Street would simplify the existing street layout and would not impact adversely upon the free flow of traffic.

The proposed development is located within a high access area, with good access to public transport. The proposed development would incorporate off-road parking for all of the proposed dwellings, with the exception of the proposed 8 dwellings fronting onto Ormrod Street, where on-street parking would be provided. It is acknowledged that the proposed development would not comply with the maximum standards set out in SPD11 (Parking standards), the proposed parking provision would represent an improvement as very few of the 133 dwellings had any off-road parking. The highways team has no objections to the proposal, subject to the inclusion of conditions relating to the highway improvements, parking provision and turning facilities. Therefore, it is considered that the proposed development would not be detrimental to highway safety and would be in accordance with Policies HT2/4 and HT4 of the adopted Unitary Development Plan and would not conflict with the aims of SPD11.

The proposed development would include level access to all the dwellings. BADDAC has objected to the proposed development, as the proposal has failed to comply with the Lifetimes Homes standards.

The Lifetimes Homes standard incorporates fifteen design features which would enable a property to be adapted to fulfil the specific needs of a person throughout their life. The design features include approach gradients to the properties, wheelchair accessibility, the provision of an entrance level toilet and shower, the provision of a stair lift or through-floor lift and the location of controls, fixtures and fittings.

The agent has submitted a note, which acknowledges that the proposed development would not comply in full with the Lifetimes Homes standard. However, 100% of the proposed dwellings would comply with 6 sections, including access from parking, approach gradients, wheelchair accessibility and the location of controls, fixtures and fittings. A further 95% of the properties would comply with the car parking width requirement and a further 75% of the proposed dwellings would comply with the bathroom layout requirement. The applicant has provided a wider doorway to the entrances of all properties and a straight flight of stairs where possible. All of the proposed dwellings would incorporate at least half of the requirements for a Lifetime Home and therefore, it is considered that the proposed development would comply with Policy HT5/1 of the adopted Unitary Development Plan.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and would make a positive contribution to the regeneration of the Pimhole renewal area. The proposed development would not have a significant adverse impact upon the occupiers of the surrounding properties and the proposed development would not be detrimental to highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

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

of this permission.

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

2. This decision relates to drawings numbered LH_07_Site A, LH_07_Site B, 0605_P01, 0605_P02A, 0605_P(2-)03, 0605_P04, 0605_P05, 0605_P06, 0605_P07, 0605_P08, 0605_P09, 0605_P(2-)10, 0605_P11, 0605_P12, 0605_P13, 0605_P14, 0605_P15, 0605_P16, 0605_P17, 0605_P18, 0606_P19, 0605_P20, 0605_P21, 0605_P22, 0605_P23, 0605_P24, 0605_P26 and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

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

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

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

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

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

6. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works

shall be carried out to agreed timescales and be approved by the LPA in writing;

- A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

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

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

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

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

8. Following the provisions of Condition 7 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

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

10. The development hereby approved shall be carried out in accordance with the recommendations in the Crime Impact Statement, unless otherwise agreed in writing with the Local Planning Authority.

Reason. In the interests of crime prevention pursuant to Policy EN1/5 - Crime Prevention of the Bury Unitary Development Plan.

11. A minimum hardstanding of 5m shall be provided at all dwellings other than the dwellings fronting Kershaw Street where a minimum hardstanding of 6m shall be provided to the written satisfaction of the Local Planning Authority and thereafter maintained.

Reason. To allow adequate space to maintain a vehicle clear of the highway and allowing for parked vehicles opposite the proposed dwellings on Kershaw Street,

in the interests of road safety.

12. The highway improvements indicated on the submitted plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied.
Reason. To ensure good highway design in the interests of road safety.
13. The turning facilities indicated on the approved plans shall be provided before the development is first occupied
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.
14. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the dwellings hereby approved being occupied.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
15. The development hereby approved shall not be commenced unless and until a Travel Plan Framework has been submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. The approved details shall be implemented as part of the development.
Reason. In order to deliver sustainable transport objectives in accordance with PPG13 - Transport and Department for Transport's 'Guidance on Transport Assessment'.

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

Ward: Bury East

Item 02

Applicant: Mr Raza Habib

Location: 45 HURST STREET, PIMHOLE, BURY, BL9 7ER

Proposal: REMOVAL OF CONDITION 5 ON APPLICATION 46005 RESTRICTING RETAIL AREA TO NO MORE THAN 64M2

Application Ref: 50389/Full

Target Date: 23/10/2008

Recommendation: Approve with Conditions

Description

The property is a former Liberal Club that was given approval for a change of use of the ground floor to Use Class A1 retail shop at the April 2006 at the Planning Control Committee. It is situated on a corner site in an area characterised by residential terraced properties. It is a double fronted brick built two storey building and has a disabled access ramp on the Hurst Street frontage. There is access to the rear for servicing via a cobbled back street, and on street parking in the immediate vicinity.

Following a complaint to the Council that the premises have increased their sales floor area than that originally approved, a retrospective application has been submitted to remove the condition restricting the retail sales area to 64 sq m in order to use the ground floor as retail sales with storage facilities. The rear yard would be maintained as existing and there is a small office and toilet facilities to the rear of the shop. The first floor would remain as a social club, Class D2 use.

Relevant Planning History

08/0316 - enforcement case about the unauthorised expansion of the retail sales floor area that has resulted in this application.

46005 - change of use of ground floor from social club (Class D2) to retail shop (Class A1) with ancillary office and store - approved with conditions 19/4/2006

45586 - change of use from social club to retail shop - refused 23/01/2006

39549 - change of use from social club to retail shop - refused 30/08/2002

Publicity

Neighbours consulted at Nos 26-38 Hurst Street (evens), Nos 41-49 Hurst Street, (odds), Nos 34-46 (evens) Andrew Street, 2 Cook Street.

A letter has been received from First Choice Catering, 2 Cook Street with the following comments -

- Do not object to retail sales per se from the application site, they do object to the absence of off-street car parking and servicing
- The increase in retail sales area would dramatically increase range of goods on offer the number of visitors to the store which could potentially increase the numbers of visitors to the store.
- As a consequence, there are issues relating to pedestrian safety and the free flow of traffic in this residential area.

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

Consultations

Highways Team - No objections

Drainage Engineers - No objections

Environmental Health Urban Renewal - No objections

Greater Manchester Police Architectural Liaison - No comments to make

Unitary Development Plan and Policies

S2/1	All New Retail Proposals: Assessment Criteria
S2/5	New Local Shopping Provision
S4/1	Retail Development Outside Town and District Centres
H3/1	Assessing Non-Conforming Uses
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD11	Parking Standards in Bury

Issues and Analysis

Principle - The ground floor of these premises has a gross floor area of 165 sq m. Unitary Development Plan Policy S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres - relates to small scale local shopping provision with a gross retail space of 200 sq m or below. As such, the premises fall within the threshold of what is considered to cater for local needs and should be assessed against this policy.

Planning permission was granted in 2006 for the change of use of the ground floor to retail shop with a retail sales area of 64 sq m which was the area requested by the applicant at the time. Since then, the business has expanded to utilise the whole of the ground floor for sales and storage which equates to 140 sq m in area with 25 sq m used as a yard, office and toilet facilities. The main issues of this application are whether the principle of the increase in sales floor area is acceptable in this location and the premises would remain a "local shop", whether there would be any more impact on residential amenity, parking and delivery requirements.

Policy - UDP Policy S2/5 states that the Council will support small scale local shopping provision in such locations having regard to a number of factors relating to scale, residential amenity, parking and servicing. It is considered that the shop caters for the need of the local Pimhole community and given the scale of the shop, that it is under 200 sq m in area, it is considered not to have a detrimental affect on the vitality and viability of existing centres in the area and would comply with UDP Policy S2/5.

Residential Amenity - There have been no objections from local residents with regards to the operation of the shop despite additional floor area already being utilised. It is recommended that the condition restricting opening hours to 2100 hours remains in place which also protects the amenity of local residents in the late evening. As such, the increase in retail sales area is considered not to be detrimental to local residents and accords with UDP Policy S2/5.

Car Parking - The premise is a local shop within a predominantly residential area and it is therefore considered that the use could reasonably rely on the on street car parking without detriment to road safety and amenity. A site visit has confirmed that there are no specialised goods sold that would encourage car borne journeys. Development Control Policy Guidance Note 11 - Parking Standards in Bury - would require a maximum of 5.5 parking spaces be provided for an A1 retail use of this size. However, given that this is a local shop and that it serves local pedestrian traffic, no off street parking is acceptable. The highways team have no objection to the application.

Deliveries - The applicant states there is on average 2 deliveries made to the shop a week. The deliveries are unloaded and received via Tinline Street at the side of the property, so as not to impact on the free flow of traffic along Hurst Street. The highways team have no objections. As such, these arrangements would be appropriate to a local shop of this type and size and comply with UDP Policy S2/5.

Bin storage and servicing - There is adequate space in the rear yard area for bin storage and the existing refuse arrangements would remain in place. The proposal would comply with UDP Policy S2/5.

Objections - The objections relate to the absence of off street parking and lack of service provision for the shop and cites a recent application for foodstore development at Cook Street in Bury where the Council were concerned about the parking and service provision associated with the premises. The objector believes that to maintain consistency, the Council should have the same concerns regarding the development of the Hurst Street site. Cook Street is a highway within a wholly commercial area of the town centre and the premises are both a retail (550 sq m) and warehouse operation (1595 sq m), which is materially different from this site. The issue of parking has been considered in the above report and as such the objections cannot be supported as the proposal comply's with the requirements of UDP Policy S2/5 in this regard.

Summary of reasons for Recommendation

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

The development is considered not to have a detrimental affect on the vitality and viability of existing centres in the area nor the amenities of neighbouring residents. The scheme does not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to the drawings PC/RH/01/08/08 Issue 2 received on 3/10/2008 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
2. The ground floor of the premises in A1 use hereby permitted shall not be open to customers outside the following times: 09.00 to 21.00 hours daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres of the Bury Unitary Development Plan.

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

Ward: Bury East

Item 03

Applicant: Scottish Widows Plc and Lloyds Bank

Location: PRINCESS PARADE AND THE SQUARE, MILL GATE SHOPPING CENTRE,
BURY BL9 0QQ

Proposal: THE ENCLOSURE OF PRINCESS PARADE AND THE SQUARE, CREATION OF A
NEW TOILET BLOCK, IMPROVEMENTS TO RESIDENTIAL ACCESSES AND
ENVIRONMENTAL IMPROVEMENTS (INCLUDING LIGHTING AND SECURITY
MEASURES) AND ASSOCIATED WORKS

Application Ref: 49963/Full

Target Date: 29/09/2008

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing of a Section 106 agreement to secure a commuted sum payment for the creation of a new footpath to the southerly side of Angouleme Way. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Assistant Director of Planning, Engineering and Transportation Services under delegated powers.

Description

The application has been submitted by the owners of the Mill Gate Centre in Bury with the application proposals affecting 'The Square' and 'Princess Parade'. The proposals are seeking to cover both of these areas with glazing thus expanding the covered shopping area of The Mill Gate to create a single enclosed shopping space in the town centre. The overall site area to be enclosed is 0.2ha and in addition to the new glazing, the scheme also includes a small single storey extension to the rear of Greenhalgh's bakery to provide toilet facilities. The access to the toilets would be from 'The Square'.

The overall external dimensions of the proposed roof enclosures would be:

Princess Parade

Length - 76.250m

Width - 10.5m

Height to soffit - 3.65m

Height to top of roof pitch - 6.11m

The Square

Length - 39m for length of The Square, 42.7m for the extended section adjoining The Mall

Width - 25.25m

Height to soffit - 4.3m

Height to top of roof pitch - 9.95m

New doorways would be located

- At the end of Princess Parade facing the bus transport interchange (near to Vibes Records),
- The passageway next to 12 Princess Parade (Ethel Austin) and
- Facing the fish and meat hall near to the open market.

A new canopy would be placed over the fish and meat hall entranceway. It would overlap the canopy around the fish and meat hall but the two structures would be separate from each other.

Relevant Planning History

21447 - Refurbishment of town centre including extensions to shops, roofing arcades and entrance doors - Approved - 15/9/87
20303 - Refurbishment of town centre including extensions to shops, roofing arcades and entrance doors - Approved - 14/1/88
27421 - Refurbishment of pedestrian area - Approved - 9/7/92

Publicity

246 addresses were notified of the proposals including business and residential properties within the Mill Gate and in and around the proposal area.. These letters were sent on 11 July 2008 and a full list of addresses can be read on the working file.

9 site notices erected around each entranceway to the Mill Gate and also within the Square on 1 August 2008. Press Notices were published in the Bury Times on 17th July 2008.

As a result of this publicity, two letters of objection have been received.

- The Shoe Place - unit 3 Market Plaza had asked for modifications to be made to the proposed canopy in front of his unit. The proposed canopy would have covered approximately 25% of the shop front and would have made trading difficult.
- The second letter is from 44 Princess Parade who is concerned about how the glass roof would be maintained.

Objectors have been informed of the date of the Planning Control Committee meeting.

Consultations

Fire Officer - no objections.

GM Police - seek details of controlled access system and carrying out in accordance with the submitted Crime Impact Assessment.

Drainage - No objections.

Contaminated Land - No objections. Add standard contaminated land conditions.

URBED - They express concern that the scheme as originally submitted did not maintain the vitality of The Square by removing the seating and much of "*the street life*". The scheme would privatise the street form creating a controlled environment. Additionally, the scheme would detract from the town's permeability when the doors are closed at night and create 'dead areas' at the doorways when the centre is closed.

BADDAC - seek details of door glazing so that they can be recognised more easily by the visually impaired in addition to proposed colour schemes; flooring and demarcation of cafe areas.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

Area Central Shopping Area

BY6

TC1/1 Open Space in Town Centres

TC1/2 Pedestrian/Vehicular Conflict in Town Centres

TC2 Town Centre Enhancement and Development

Issues and Analysis

Development Proposals Background - The Council's 'Bury But Better' town improvement plan is currently being re-drafted and updated to take on board the many developments that are being implemented. It then would suggest how the town should continue in develop in the future. The town's permeability and cross town connectivity are to be key issues.

Scottish Widows produced a Planning & Design Framework, which discusses the need for and importance of the towns permeability. This document has been adopted by the Council on 19th March 2008 following public consultation on the proposals. The framework made reference to:

- Opportunity sites within the town,
- The creation of strong links to the Mill Gate;
- The need to create safe access to the flats above Princess Parade; and
- The Square in that it could be improved through enclosure with positive linkages should be enhanced with the Market Area.

The enclosure of Princess Parade and The Square can reasonably be argued to be reducing the linkages through the town centre. Thus the concerns of the two documents and their highlighting of the importance of town centre connectivity and measures to maintain permeability and/or connections in particular, is important to consider, should the proposed scheme be implemented.

Permeability - Given the development proposals background and the fact that there is significant weight to cross town linkages, one of the ways in which these linkages could be ensured is through the improvement or provision of a new pedestrian link along the Open Market edge of Angouleme Way. Planning application ref:49306 proposed the redevelopment of the former Total petrol filling station site and within that scheme, a newly formed footpath was proposed along the edge of the site with Angouleme Way, together with highway works to enable pedestrians to cross Murray Road.

Traffic Engineers of the Council have produced a scheme to enable a footpath to be developed around the rear of the market area, continuing on from the former petrol filling station site connecting to the existing pedestrian ramp next to the underpass at the rear of the market. The proposals would involve reducing the width of the central reservation within Angouleme Way thus creating a margin to the side of the carriageway to carry the new foot way. The newly formed linkage would be a direct response to the Scottish Widows enclosure scheme, which would positively still maintain and encourage cross-town pedestrian movement advocated within the Scottish Widows Development Framework and the 'Bury But Better' framework.

The applicant has offered a commuted sum payment of up to £92,000 to provide for alternative linkages and a s106 agreement has been drafted to secure this. The Traffic Team have already costed out a new footpath scheme to be located along the edge of Bury Open Market and Angouleme Way. The commuted sum would pay for the work in total and Scottish Widows have accepted this process to mitigate concerns of permeability. In addition to the commuted sum, Scottish Widows will also implement the new foot way within the former petrol filling site to connect to existing foot ways. On this basis the alternative cross town linkage is considered to be satisfactory and would maintain the permeability of the town centre by this proposal.

Highways and Public Rights of Way - There are no '*public rights of way*', either definitive or non-definitive affected by the enclosure of Princess Parade or The Square as the rights of passage have been operating for only 19 years. The extent of adopted highway runs only along part of Princess Parade from the transport interchange down to a small cut through to the market next to Ethel Austin. This area of highway would need to be closed under appropriate highways legislation. The remainder of Princess Parade was closed on 25 January 1989. Highway closure would not be prejudicial to the processing of this planning application.

Design - The proposals would simply carry across the existing design of the Mill Gate over The Square and Princess Parade. Glazing and structure would be similar to the existing with more modern and newly introduced materials at a higher level. This would include wood finishes to the steelwork. There are no concerns over the design matters of the external structure.

Materials relating to flooring, colouring schemes and maintenance of the roof glazing should be provided by the applicant and details of this can be secured through a planning condition.

Maintenance of the Roofing - This is largely a matter for the applicant and is not predominantly a planning concern. However, the existing canopies are to be retained in part to enable a maintenance walkway to be created. It would be approximately 1.2m wide and would be regularly cleaned by Mill Gate Management staff.

BADDAC Considerations - The group were concerned following experiences of the existing centre, where supporting columns have been coloured such that they are not readily obvious to the visually impaired. They suggested that the new columns should stand out in an appropriate way so as not to create a hazard for the visually impaired. This can be resolved readily through the imposition of a planning condition. Similarly, BADDAC suggested that doorways need to be clearly distinguishable for the visually impaired. In response to this, the applicant would seek to resolve this issue through an opportunity to creatively incorporate the Per Cent for Public Art in the doorways, such that these two issues would be resolved in one. This has been considered by the BADDAC and is considered to be an appropriate way of resolving this. BADDAC would actively be involved in the discharge process of this planning condition.

Per Cent for Public Art - The proposed development costs would be £3.5m for this scheme. Given the amount of floor area involved in the proposal, the development must provide for public art under UDP Policy EN1/6 - Public Art and DCPGN4 - Per Cent for Public Art. In this instance such provision would be £35,000.00. The developer has chosen to provide an on-site solution by dealing with the door glazing as described in the preceding paragraph. Such provision would appropriately deal with the requirement for the UDP policy requirement and also with the issues raised by BADDAC for the visually impaired.

Access to Residential Properties - Currently there are residential properties to both sides of Princess Parade. These are serviced by three stairwells, two to the north and one to the south. The residents to the north of Princess Parade gain access via a metal staircase next to 1 Princess Parade (near to Vibes) and there is a further accesses to the rear of 11 Princess Parade (Galloways). Currently both accesses are protected behind visually harsh, gated enclosures and are accessible only from the large servicing area to the rear of the shops. The access points would remain in the same location, however, the security of these areas would be improved through the installation of lighting affixed to the building and in the case of the access at the rear of 11 Princess Parade, a new gate would be added. In addition to the lighting, the appearance of the gate would be timber clad to visually improve it and security CCTV and rain canopies would be installed.

Adjacent to 12 Princess Parade (Ladbrokes), the access arrangement would be upgraded in the same fashion as described above in terms of improved visual appearance to the gate, lighting, repainting and security camera treatment.

Hours of Opening - The proposed hours of opening would be between 6am and 8pm seven days a week reflecting the existing situation of operation of the centre.

Crime and Design - A 'Crime Impact Assessment' has been submitted with the application and provides an extremely useful consideration of crime that takes place within the area as well as key matters that the development should address. The proposals have incorporated suggestions within the Crime Impact Assessment and these should be carried through to the finalised scheme.

The only area highlighted as a potential concern would be the route through to the new toilet facilities. The Police response considers that the area should be covered by CCTV and the fire exit doors should be alarmed. The proposals indicate that the entrance to the facilities would be covered by CCTV and alarmed in accordance with the Police comments.

Lighting - The proposal incorporates the provision of new lighting to the side alleyway next to Nobles Amusement arcade to ensure that users feel safe using this area. Details have been provided showing improved luminance in this area and are considered to be satisfactory. A condition should be imposed to secure the luminance and specification of

this lighting.

Response to URBED - URBED, an Urban Design Company, have been commissioned by the Council to carry out an update of the 'Bury But Better' study. The report amongst other issues is looking at development potentials within the town centre and is focusing primarily on the area to the east of the town centre. The original URBED 'Bury But Better' document conceded the wishes of Scottish Widows intentions to glaze The Square and Princess Parade.

Scottish Widows have been provided with a copy of the URBED response and comment that they are disappointed that after 18 months of negotiation consider that their proposals carefully balance commercial needs against assisting the town in other ways. The applicants confirm that the character of The Square would change from an external space to an internal one, however the vibrancy would be maintained through the retention of seating areas and the introduction of cafe spaces.

The applicants would be keen to generate more interest into the area rather than losing it and the nature of the development would permit longer opening hours within the Mill Gate area. Such opportunities are not available to The Square or Princess Parade due to the way these areas currently are. The applicants are also keen to ensure the economic viability of the area and the town, in response to increased competition, which should not be fettered by the planning process.

The Local Planning Authority's views are that the character of the town over recent times has changed significantly and there would be different forms of shopping experience open to visitors. This in itself was a key component to commission URBED to update the 'Bury But Better' document.

The Rock Triangle is to create an outdoor shopping mall type facility, which would be in contrast to the Open Market and Mill Gate. There would be no reason to withhold a permission for the creation of an expanded internal shopping area as, if anything, the support of this current scheme would compliment the existing internal shopping area and further support the existing facility and develop competition.

Response to Objections

Revised plans have been received following a meeting between the stall holder and the Scottish Widows to increase the extent of glazing in front of this stall. The position of the glazing would give the maximum amount of glazing coverage, now approximately 75%, without encroaching onto the adopted highway. The plans have been passed to the stall holder and this has been resolved.

Conclusion - The key issues with this scheme are tangible ones of the loss of permeability through the town centre and the resultant 'dead' areas that would be created on the outside closed doors to the Mill Gate.

The Scottish Widows Development Framework recognised these issues and the Council has adopted the approach advocated within this document to strengthen the centre and to develop linkages across the town centre. Furthermore the current adopted 'Bury But Better' master plan accepts Scottish Widows proposals for their area in The Square and Princess Parade.

The proposals before the Council linked with the legal planning agreement adequately provide an alternative means of crossing the town when the Mill Gate doors on Princess Parade and The Square would be closed.

This provision comprises a new foot way along the edge of Angouleme Way commencing from the Interchange through to the Flea Market Area. This, coupled with footway linkages extending from The Rock Triangle, would connect the two areas together. However, it must be acknowledged that there are likely to be 'quiet areas' at the doorways as can be seen

now, at night. There would be no ready way of dealing with this other than, the 'quiet areas' would be brought more into more active public areas, rather than completely 'dead' unobserved areas. This is an issue to balance.

s106 Agreement

To maintain the permeability within the town centre, the scheme is accompanied with a s106 agreement which is intended to fund a new pathway along the southerly edge of Angouleme Way. This is described in the preceding paragraphs. Its purpose is to provide an alternative route through the town, bearing in mind the ongoing Rock Triangle development and also to provide alternative routing when the doors to the Mill Gate are locked. The pedestrian scheme has been costed at £92,000.00 and the applicant agrees to pay a commuted sum up to this value in addition to implementation of the footpath crossing the former petrol filling station approved under 49306.

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 would further enhance the existing Mill Gate Centre and with appropriate mitigation for the implementation of linkage improvements along Angouleme Way and would ensure good levels of cross town pedestrian connectivity. The proposals would comply with adopted UDP Policies 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 01007 rev 01, 04028 rev 03, 04058 rev 06, 04038 rev 04, 04008 rev 08, 04028 rev 03, 04038 rev 03, 05012 rev 03, 06009 rev 03, 06010 rev 01, 07087 rev 01, 07098 rev 01, 07095 rev 01, 07086 rev 01, 07096 rev 01, 07083 rev 01, 07084 rev 01, 07054 rev 02, 07097 rev 01, 07089 rev 01, 01008 rev 01, 03008 rev 01 and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

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

4. Following the provisions of Condition 3 of this planning permission, where

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

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

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

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

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

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

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

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

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

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

8. Following the provisions of Condition 7 of this planning permission, where ground

gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and

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

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

9. No development shall commence unless and until samples of the materials to be used in the external elevations, internal flooring and proposed colour schemes for the structure (including supporting structural columns) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design and HT5/1 - Access For Those With Special Needs of the Bury Unitary Development Plan.
10. Engineers grampian condition concerning closures
11. Details relating to the proposed lighting fixtures and luminance levels shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The details shall also include maintenance proposals to the lighting including frequencies of inspections and repairs. The development shall be carried out in accordance with the approved details,
Reason - To secure the appropriate development of the site pursuant to UDP Policy EN5/1 - Crime and Design and the accompanying DCPGN5 - Planning Out Crime.
12. No development shall commence unless and until details relating to the provision of Per Cent for Public Art to be incorporated within the development has been submitted to and approved in writing by the Local Planning Authority. The development shall incorporate the approved measures in its implementation and the approved measures shall remain in place and maintained following occupancy of the development.
Reason - To secure the provision glazing manifestation for the visually impaired in the doorways of the development and the provision of Public Art pursuant to UP Policies EN1/6 Public Art, DCPGN4 Per Cent for Public Art and HT5/1 - Access for Those With Special Needs.
13. No works shall commence unless and until full details of the following, including proposed levels, have been submitted to and approved in writing by the Local Planning Authority (as shown indicatively on Beattie Watkinson drawing No. 3762/C/11-01 Rev D):
 - Provision of a minimum 2.5m wide footway on the Angouleme Way and Murray Road site boundaries including alterations to kerblines and the provision of appropriate lengths of pedestrian guardrailing;
 - Provision of a pedestrian crossing facility to serve the site across Murray Road including any necessary modifications/alterations to the existing Angouleme Way/Market Street traffic signals and controller and all associated footway works;

The highway works subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use unless otherwise agreed in writing.

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

to UDP Policy HT6/1 - Pedestrian and Cyclist Movement.

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

Ward: Bury East - Redvales

Item 04

Applicant: Lesiure Services

Location: GOSHEN SPORTS CENTRE, OFF TENNYSON AVENUE, GOSHEN, BURY, BL9 9RG

Proposal: EXTENSION TO EXISTING SPORTS CENTRE, INCLUDING NEW SPORTS HALL AND ALTERATIONS

Application Ref: 50176/Full

Target Date: 03/11/2008

Recommendation: Approve with Conditions

Description

The application comprises the development of a sports hall for gymnastics by extending and refurbishing the existing single storey sports complex facility within the Goshen Playing Fields off Tennyson Avenue. The buildings are located roughly centrally within the fields and the surrounding fields contain many types of recreation facilities including sports pitches, all weather pitches and a model car track.

The existing sports complex had a floor area of 880sqm in total including the previous sports hall. The sports hall was 6.5m high, was a metal clad portal structure with pebble dashed rendered walls and was located to the southeasterly corner of the building complex. The hall was lost following an arson attack and has since been removed.

The development of a new sports hall would be attached to the southeasterly corner of the remaining building complex and it would provide an increase of 785sqm of floor space, to give a total 1665sqm of building in the complex. It would be 7.5m high, 36m long by 28.5m wide. A smaller viewing gallery room would also form part of the proposed extension and would be 10m by 6.4m in floor area.

The remaining internal floor space of the retained building would be reconfigured and would enable a community room/dance studio to be developed in the building.

The nature of the new build would be to provide improved gymnastic facilities within a purpose built sports hall, including areas suitable for trampolines, foam pits for use under asymmetrical bars, running track and floor work. It is intended to become the main Head Quarters for Bury Gymnastic Club and a centre of excellence through the development of sport.

The proposed hours of opening hours are from 9am to 9pm. No new staff are proposed and car parking levels would increase by 17 spaces to give a total of 129 spaces. There are currently 115 spaces available to the whole site and its facilities. Vehicular and pedestrian access to the site would remain as present, which is from Tennyson Avenue.

Relevant Planning History

None relevant to this application.

Publicity

52 letters sent to properties nearest to the proposals on 6th August 2008. A further 251 letters were sent to additional addresses on 9th September 2008. Revised plan letters were sent to all 333 addresses consulted on 6 October 2008. A press notice was published 14/8/08 and site notices were erected on 17/8/08 by the case officer.

Addresses included are:

Wm Kemp, 1 Howarth Close, 1 – 85, 18-38 Bronte Avenue, 1-82 Tennyson Avenue, 1 and 2 Scott Avenue, 89-99 Crofters View, 107-125 and Blackford House Medical Centre, Roach Bank Inn, Bury Pharmacy all Croft Lane, 19 Worcester Close, 42 Meadway, 32 Alnwick Drive, 1-22 Bridges Avenue, 1-19 Austen Avenue, 1-36 St Peters Road, St Peters Vicarage, 356, 369-411 Manchester Road, 1-10 Fletcher Fold Road, 50-72 Wordsworth Road 50-72, 1-19 Wordsworth Avenue, 1-25 and 2-50 Burns Avenue and 1-29 Shakespeare Avenue.

The following observations have been received:

Support - 13 letters including addresses from: 22 Woodhill Fold, 4 Heapy Close, 12 Bispham Close, 625 Chorley New Road, 187 Crompton Way, 18 Gisburn Drive, 91 Lowercroft Road, 1 St Aidan's Close, 16 Scott Road, 69 Bronte Avenue, 30 Tennyson Avenue, 14 Arundel Close and 42 Meadway.

- The proposal is an exciting, positive enhancement of the area and would be of great benefit to the young gymnasts of the Borough. It would be a significant loss to the Borough if it not approved.
- The residents association has not spoken to sufficient residents and the comments supplied by this association are from a minority of the residents in the area and should not be taken into account.
- The proposals bring together the community, engenders friendship and peer learning.
- The larger building would have minimal impact upon the area.
- This development could engender Olympic participants through this important facility.

Objection - 11 letters (a letter supports and objects and 2 letters are from joint addresses) including addresses from: 26 and 28 Meadway, 2 Scott Avenue, 4 Bridges Avenue, 123 Croft Lane, 19 Worcester Close, 42 Meadway, 32 Alnwick Avenue, 7 and 30 St Peters Road

- Lack of community consultation at pre-application stage.
- The new sports hall would be twice the size of the former.
- Too narrow focus for public neighbour consultation of the application.
- Neighbours were notified during holiday period leaving little time to respond.
- There would be a reduction of car parking facilities (8 spaces combined to make 5 disabled spaces)
- The proposals would further erode the green area, impact upon biodiversity.
- The development would attract parking to a site that already suffers from limited car parking, demonstrated with cars using the surrounding streets from time to time.
- Building on previously undeveloped land will increase the risk of flooding to the surrounding area. The development would reduce the natural draining of the land.
- There would be a removal of an oak tree to accommodate the development.
- There is no mitigation to reduce noise generated from the site - as a whole.
- The design of the building would not enhance the area and in fact it resembles a retail unit. The community should be engaged in design matters.
- Why invest in a new building which would potentially be damaged by flood waters caused by global warming.
- A new development would encourage vandalism, bitter and unsociable behaviour. This in turn would bring about the need for heightened security and would visually spoil the valley area.
- There are objections to the inappropriate timing of the application as the Goshen Action Group (Keep Goshen Green) has not had the opportunity to meet and discuss the proposals.
- The development would benefit gymnastics only.
- The transport statement and design and access statement contradicts each other trying to argue the concentration of the development for a single use, yet having the ability to be used for other purposes.
- The development is a built form and not an outdoor recreational development thus there would be an impact upon the visual amenities of the area.
- There is a possibility that the development would extend to other uses including a retail

trading estate.

Supporters and objectors have been informed of the date of the Planning Control Committee meeting.

Consultations

Traffic Team - No objections.

BADDAC - Requested to seek clarification over the entrance/approach to the building in terms of levels and footpath access to the building. Further information has been provided and BADDAC are now satisfied.

Landscape - Revisions have developed further opportunities for landscaping of the site and a planning condition can secure exact details of planting.

Drainage Team - No objections.

Environmental Health - Contaminated Land - No objections add conditions relating to contamination matters.

Environment Agency - No objections to the proposals.

Unitary Development Plan and Policies

RT1/1	Protection of Recreation Provision in the Urban Area
OL5/2	Development in River Valleys
EN6/4	Wildlife Links and Corridors
CF1/1	Location of New Community Facilities
PPG17	PPG17 - Planning for Open Space, Sport and Recreation
PPS25	PPS25 Development and Flood Risk
HT2/4	Car Parking and New Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design

Issues and Analysis

Principle - The site is part of a wider area of allocated land within the UDP for "protected recreational purposes within the urban area" as defined within UDP Policy RT1/1. As such, the development must seek to demonstrate that the proposals would enhance this provision.

The development seeks replace a former sports hall that had been subject to fire damage in the recent past, and to develop the site in a way that enhances recreation provision. In this instance the scheme is focusing on indoor sports - gymnastics, and then by providing additional and improved provision for other indoor and outdoor recreation.

In policy terms, RT1/1 states that development will not be allowed where it would result in the loss of

- Existing and proposed outdoor recreation facilities
- Recreation space within settlements
- Indoor facilities
- Other areas of recreation provision.

However, exceptions to this may be permitted where

- Sports and recreation facilities can be best retained and enhanced through the redevelopment of a small part of a site
- Alternative provision of equivalent community benefit is made, or
- It can be demonstrated that there is an excess of sports pitch provision.

The proposed development is seeking to enhance the recreation facilities within the site and UDP Policy does not preclude indoor provision. The loss of the sports hall was a significant detriment to the provision on the site as a whole and its replacement is a welcomed development. The development would result in the loss of the existing model car track,

however, the plans indicate that this would be relocated elsewhere within the site. A planning condition can be imposed to secure the re-provision of the track facility such that there would be no overall loss of recreation provision within the site.

As such, the principle of the development is acceptable in land use terms. Assessment must be made in terms of other policies affecting the area including wildlife corridor Policy EN6/4, development within the river valley OL5/2, impact upon residential amenity through intensification of use, traffic and access CF1/1 and HT2/4.

Wildlife Corridor and River Valley Development - The development would be located to the southeast of the existing building on land which has been previously developed. The proposals include landscaping, twisted around the entrypoint into the centre thus clearly marking the entrance. Revisions have been secured for the development to provide more landscaping to this effect than originally put forward in the proposals. The delivery of landscaping can be secured through a planning condition. Some tree replacement is shown and the size and nature of the land would benefit from further planting within the river valley. As the site is within the river and wildlife corridor, landscaping would seek to contribute to the biodiversity and functionality of the corridor.

The scheme has been submitted with an ecological assessment and this demonstrates, in conjunction with other studies carried out by the Council, that there are no ecological concerns in relation to the development proposals. The area subject to development is centrally located where there are no ecological sensitivities. As such the development would not conflict with UDP Policy EN6/4.

In terms of the River Valley designation, new buildings are not normally permitted where the division of the river valley would result. The site is not within the Green Belt and development can be accepted within the River Valley providing:

- The development represents limited infilling, or
- It is an extension to existing industry, or
- the development is required in association with an outdoor recreation or tourist facility, or
- The development is limited and will form part of and be essential to the maintenance of the provision of public services and utilities or
- Any other development that would be acceptable within the Green Belt.

The proposals are seeking to replace a former structure that had been burnt down and as such there are qualifying exceptional circumstances applicable to this development, which in Green Belt terms can justify the redevelopment of a site. The new building would be larger than the former building in height and footprint, however, the development would be located within an existing complex of sports buildings, would not divide the river valley and would be used in connection with existing recreational purposes. As such, the development is considered to be acceptable.

Scale/massing of the Development - The proposals indicate that the new development would be 1m higher than the former hall and would occupy a larger footprint. Whilst the principle of the use is acceptable, the scale of the proposals arises due to the nature of the proposed use within it - gymnastics, which require a high internal headroom. The internal hall floor space is largely given over to gymnastics and offers little in terms of benefits to other sports, however, the proposals have used this opportunity to reconfigure the internal space of the whole building to make better use of the space and thus benefit other uses and sports on the whole site.

The new development would sit within an existing area of buildings and would not look out of place in conjunction with the other development. Whilst the proposals indicate a bigger footprint, the size of the wider site can readily accommodate the development without undue visual impact and would sit comfortably with existing development in design terms.

Policy CF1/1 states that:

- The impact upon residential amenity,

- Traffic generation,
- Size and scale of developments

are key factors for the location of new community facilities. The issues of size, scale and location have been discussed above.

In terms of the impact upon residential amenity, the development would not be readily visible to any residential properties as the nearest properties are some 175m away and there are dense areas of tree planting to the westerly boundaries of the site. The development proposals have raised concerns on car parking, which is discussed below, however, it is considered that the development would not conflict with UDP Policies CF1/1, EN1/1, OL5/2 and EN1/2.

Traffic and Access - The development would use the same vehicular and pedestrian access into the site, which is via a made access way from Tennyson Avenue. Initially, the proposals sought to retain the existing car parking provision of 115 spaces, with a loss of 3 spaces through a reconfiguration, to provide 5 disabled spaces. The new development of 785sqm in itself, would require a provision of 32 spaces assessed against DCPGN11. The outdoor provision for parking described in the policy guidance note is based upon individual consideration and the merits of the particular development.

The planning application public consultation exercise was expanded largely through comments received from residents that there are car parking difficulties from time to time. The applicants were requested to provide some form of positive response to the organisation of functions and car parking provision such that peak demand times can be more accommodated on site. Care had to be taken not to introduce large swathes of unsympathetic parking facilities given the river valley location of the site, whilst providing some uplift in provision and not exceeding maximum standards fixed by the Council's own adopted standards.

The proposals were changed to provide an additional 17 spaces, which are indicated to be located between the existing car park and the sports building by extending the existing car park. This car parking is shown to be over spill provision and surfaced using Grasscrete or other green surfacing that visually would not change the aspect of the fringe area, whilst providing a facility for cars in the event of being required.

In addition, seasonal car parking usage has been submitted with the application that indicates on a daily basis who are the highest car parking users of the facilities and when in the day this happens. This information does indicate that from time to time there are conflicts and this is on a Sunday and also when national meetings take place.

The applicant has responded to these concerns by preparing a management strategy, which would deal with clashes between events that require higher numbers of car parking to organise them in such a way that major events do not conflict with each other and that bookings are spread throughout the week.

It is also pointed out by the applicant that the parking report information states that in the summer months (April-August) for the whole week and in the winter months (September-March) the car park is never more than 62.5% capacity and that Sunday mornings the car parking exceeds its capacity by 34%.

Given the increased parking provision, the maximums demanded by the Council's car parking standards and the by requiring the applicant to submit a parking strategy, these measures together would reduce the impacts of the development both proposed in this scheme and the current issues currently experienced as a result of the usage of the site at present. As such, the development would conform to UDP Policy HT2/4, CF1/1 or DCPGN11.

Flood Risk - Initially the Environment Agency objected to the proposals as there was no

Ordnance survey levels datum references on the plans and they believed that the development was entirely new build. However, on the submission of details confirming levels and on the basis that the development proposal is an extension, the Environment Agency have withdrawn their objection. They do not consider there to be sufficient risk of flooding to affect the development.

Residential Amenity and Consultation - The site is relatively secluded from residential properties with the best view of the development seen from Croft Lane, which is at a much higher level than the site itself and a significant distance from the proposals. Visually, the height of the development would be seen from this vantage point, however, the development in terms of the scale, height or location would not have any impact directly upon surrounding residential properties. The main impacts raised through consultation, have focussed upon over spill parking on the surrounding streets and the impact upon green space. The proposals have responded to the concerns where they can based upon comments received from those who have raised concerns on the development proposals.

All residents including those in the second round of planning consultation have been informed of revised information on 6 October by first class mail/email where applicable.

Summary of reasons for Recommendation

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

The development would replace a former sports hall within an existing sports complex of buildings serving a wider sports and recreation site. The development would not have any significant impact upon residential amenity, the river valley or ecology and would comply with adopted UDP Policy. As such, 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 PL02 rev E, PL04, PL03 rev B, EX02 rev A, EX03, EX30 rev A, PL30 rev A, PL31, PL32 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been

identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;

- Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

10. 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.

11. No development shall take place until alternative provision for the model car track has been made available for use to the written satisfaction of the Local Planning Authority.

Reason – To ensure that there would be a continual supply of playing field provision pursuant to the provisions of PPG17 – Planning for Open Space, Sport and recreation and UDP Policy RT1/2 – Improvement of Recreational Facilities.

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

Ward: Bury West - Elton

Item 05

Applicant: Abbeyfield Society (Bury) Ltd

Location: FORMER THE BRANDESHOLME PUB, 402 BRANDESHOLME ROAD, BURY, BL8 1HP

Proposal: DEMOLITION OF EXISTING REDUNDANT PUBLIC HOUSE AND ERECTION OF A 50 BEDROOM RESIDENTIAL CARE HOME (RESUBMISSION)

Application Ref: 50366/Full

Target Date: 06/11/2008

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for percent for art in accordance with Policy EN1/6 of the adopted Unitary Development Plan. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Assistant Director of Planning, Engineering and Transportation Services under delegated powers.

Description

The application site consists of a two storey vacant pub, which is in a state of disrepair. The building is located centrally within the site and there is a car park located to the northwest and south east of the building. The land to the northeast of the building is grassed and was previously used as a beer garden in association with the pub.

The site is bounded by Brandlesholme Road to the southwest of the site and there is a playground and residential properties beyond. There are two storey residential properties to the northwest and northeast. The property to the southeast of the site is used as a dentist.

The proposal consists of the demolition of the former public house and the erection of a building with three 'wings' to form a 50 bedroom care home. One of the wings would project towards the northern corner of the site, one across the middle of the site towards the surgery (No. 400) and one to south west. The car park would be located to the front of the building and amenity space would be provided to the side and rear of the building. The proposed amenity space would consist of pathways, seating areas and grassed areas. The building would be three storeys in height with a pitched roof and would be constructed from brick and render with raised seam metal decking for the roofing material.

Relevant Planning History

49833 – Demolition of existing redundant public house and erection of a 50 bedroom residential care home at Former The Brandlesholme Pub, 402 Brandlesholme Road, Bury. Withdrawn – 7 August 2008

The application was withdrawn as there were concerns relating to the height, scale and siting, the maintenance of an active streetscene and parking provision

Publicity

The neighbouring properties (1 - 9 Lulworth Close; 1, 2, 2A, 2B Garside Hey Road; 6, 8, 10 Swanage Close; 1, 2 The Poplars; :Library, 396 - 400 (evens) Brandlesholme Road and 1 - 5, 7 - 15 (odds) Burrs Close) were notified by means of a letter on 8 August and a press notice was published in the Bury Times on 21 August. Site notices were posted on 12 August 2008. 12 letters have been received from the occupiers of 1, 5, 7, 15, 31 Burrs Close; 6, 8, 10 Swanage Close; 3, 5, 7 Lulworth Close, which have raised the following issues:

- The proposed development would lead to a loss of privacy
- Loss of light and the potential to be overlooked

- The proposed building is too tall
- Lack of car parking

Consultations

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

Drainage Team – No objections

Waste Management – No objections

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

Environmental Health – Pollution control – No comments received

Landscape Practice – No comments received

Wildlife Officer – No objections to the proposal, subject to the inclusion of conditions relating to the recommendations of the bat survey

BADDAC – The disabled parking spaces should be closer to the main entrance. Level access should be provided to the building.

Fire Officer – No objections

GM Police Architectural Liaison – No objections, subject to the provision of 2 metre fencing and 1.5 metre railings and adequate lighting to the car park and building entrances.

United Utilities – No objections.

Unitary Development Plan and Policies

H4/2	Special Needs Housing
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/6	Public Art
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN8/2	Woodland and Tree Planting
CF1/1	Location of New Community Facilities
CF3/1	Residential Care Homes and Nursing Homes
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD11	Parking Standards in Bury
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Principle - The proposed development involves the demolition of the pub building and the erection of a three storey building to provide a residential care home.

Policy CF1/1 states that proposals for new and improved community facilities will be considered with regard to the impact on residential amenity, traffic generation and parking provision, scale and size of the development, access to shops and other services, accessibility by public transport, the needs and requirements of the disabled. Policy CF3/1 states that residential care homes will be located in residential areas and will be permitted where they do not conflict with the amenity of adjoining areas

Policy H4/2 states that the Council would encourage the provision of special needs housing and would be assessed with regard to the location of health care facilities, the location of local shops, public transport; the gradient of the site and the provision of car parking and amenity space.

The proposed development would be located in a residential area and as such, it is considered that there would be adequate infrastructure and would not conflict with the

surrounding uses. The proposed development would be located within 30 metres of a local shopping centre and there would be access to public transport through the bus stop outside the property. The proposed development would provide special needs housing for the elderly and would be located on previously developed land. Therefore, it is considered that the proposed development would be acceptable in principle and would comply with Policies CF1/1, CF3/1 and H4/2 of the adopted Unitary Development Plan.

Design of building - The proposed building has regular openings through the building and through the use of brick and render, the proposed building would be of a traditional design. The proposed building would be a three storey building with a pitched roof. There were concerns relating to the overall height of the building and the impact upon the privacy of the neighbouring properties. By reducing the pitch of the roof, the submitted plans indicate that the height of the building has been reduced by 3.25 metres compared to the previous application. The proposed building would now be some 9.75 metres in height and as the proposed building has been set back from the existing buildings, it is considered that it would not be unduly prominent within the locality. It is considered that the proposed development would be appropriate in terms of height, scale and design. When travelling along Brandlesholme Road towards Bury, the south eastern wing of the proposed building would be partly obscured by the existing trees on site and it is considered that an active frontage to Brandlesholme Road would be maintained. Private amenity space would be provided at the side and rear of the application site and it is considered that the amenity space would be of an adequate size. Therefore, it is considered that the proposed development would be in accordance with Policies EN1/2 and CF1/1 of the adopted Unitary Development Plan.

Impact upon surrounding residential amenity - The proposed development would consist of a three storey building and would incorporate a pitched roof. The pitched roof of the proposed building has been reduced to 10 degrees and would be 3.25 metres lower than the previous application. The southwestern element of the proposed building would be 23 metres from the rear elevation of No. 5 Lulworth Close. The mature trees which are located along the boundary of the site with Lulworth Close will be retained and this would further screen the building from the occupiers of these properties. It is acknowledged that there would be 21 metres at the closest point between the rear elevation of No. 7 Lulworth Close and the proposed building, which would be acceptable as there would be no openings in the proposed building at this point. The first opening (lounge) in the proposed building would be some 4 metres along the elevation and at this point there is 23 metres between the habitable windows in both the proposed building and the rear elevation of No. 7 Lulworth Close.

There is a minimum of 24 metres between the proposed building and the rear elevation of No. 5 & 7 Burrs Close, which is in excess of the aspect standards in DCPGN6, which relate to directly facing windows. The proposed openings within the northern element of the proposed building are almost at 90 degrees to the dwellings on Burrs Close and it is considered that the proposed development would not impact adversely upon the amenity of the occupiers of these properties.

The southeastern wing of the proposed building would directly face the rear elevation of No. 5 Burrs Close and the distance between the two buildings would be 34 metres, which is well in excess of the 23 metres, which is the minimum distance specified in DCPGN6. As a result, the proposed building would comply with the aspect standards set out in DCPGN6 and therefore, it is considered that the proposed development would not have an adverse impact, in terms of loss of privacy or overlooking, upon the amenity of the neighbouring residents. Therefore, the proposed development would be in accordance with Policy CF1/1 and H2/1 of the adopted Unitary Development Plan.

Trees - There are a number of mature trees on the site: 9 are located along the boundary with Lulworth Close, 2 mature trees are located at the front of the site and one semi-mature tree close to the boundary with 400 Brandlesholme Road. All the trees along the boundary with Lulworth Close will be retained as part of the development. The trees located to the

front of the site and the tree located on the boundary with 400 Brandlesholme Road will have to be removed to accommodate the building and the car park. However, the site plan indicates that these trees will be replaced by the planting of three new semi-mature trees in the amenity area. It is considered that the proposed landscaping is acceptable in principle and any further detail would be obtained by means of a condition. Therefore, it is considered that the proposed development would be in accordance with Policies EN1/3 and EN8 of the adopted Unitary Development Plan.

Protected Species - A bat survey has been submitted as part of the application, which states although no signs of roosts were found on the site, it may be possible that bats occasionally use the building as a roosting site as the building had roosting potential and there was suitable foraging nearby. The bat survey went on to recommend that the ridge tiles and roofing tiles near the gable are removed by hand prior to demolition and work should take place outside of the nesting season. The Wildlife Officer has no objections to the proposal, subject to a condition ensuring that the recommendations of the report are carried out. Therefore, it is considered that the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policy EN6/4 of the adopted Unitary Development Plan.

Parking and Access - There are currently two accesses into the site and the proposal would involve the stopping up of one access and the access point adjacent to Burrs Close would provide the sole access into and out of the site. In order to maintain good visibility, this access point will be relocated slightly to the east of its original position. It is considered that the proposed access would be acceptable and that there would be adequate turning facilities provided within the car park. The highways team has no objections to the proposal, subject to the inclusion of conditions relating to access improvements and turning facilities.

SPD11 (Parking standards) states for a residential care home (C2) the maximum parking provision should be 1 space per 4 beds and 3 disabled parking bays. Therefore, this proposal should be providing 13 spaces and 3 disabled bays. The proposed development would incorporate 13 spaces and 3 disabled bays and therefore the proposed development would comply with the maximum parking standards. The neighbouring residents have objected to the proposal on the grounds that not enough parking has been provided. However, the site is located on a main bus route and a bus stop is located in front of the application site on Brandlesholme Road. The Design and Access statement states that at other sites, the parking provision is used by staff, volunteers and visitors. Residents usually use the 'ring and ride' services, public transport and local taxi firms. Therefore, it is considered that as the proposed development would incorporate the maximum number of spaces as identified by SPD11, that the proposed parking provision is sufficient. Therefore, it is considered that the proposed development would not have an adverse impact upon highway safety and would comply with Policies HT2/4 and CF1/1 of the adopted Unitary Development Plan.

The provision of three disabled bays in close proximity to the main entrance is welcomed. Level access would be provided to all entrances and any ramps which may need to be formed in the paved areas would have a maximum gradient of 1:20. There would be a single lift, which would provide access to all floors. Therefore, it is considered that the proposed development would be fully accessible to all and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Contribution - A contribution is required for public art and this will be secured through a Section 106 agreement.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:-
The proposed development is acceptable in principle and would be acceptable in terms of

height, form and scale. The proposed development would not have an adverse impact upon the amenity of the occupiers of the surrounding properties. The proposed development would not be detrimental to highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 08-15/01, 08-15/02 G, 08-15/03, 08-15/04 A, 08-15/05 C, 08-15/06 B, 08-15/07 D, 08-15/08 C, 08-15/09 C, 08-05/10 and the, development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;

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

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

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

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

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

8. 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. The demolition works hereby approved shall be carried out in accordance with the recommendations in the Bat Survey, unless otherwise agreed in writing with the Local Planning Authority.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to Policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.

10. 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 birds are not present.

11. The development hereby approved shall not be brought into use unless and until the pedestrian and vehicular access improvements indicated on the approved plans, including the reinstatement of the redundant vehicular access onto Brandlesholme Road, have been implemented to the written satisfaction of the Local Planning Authority.

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

12. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the

highway in the interests of road safety.

13. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being first occupied.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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

Ward: Prestwich - Holyrood

Item 06

Applicant: TURNING POINT

Location: 4 GLEBELANDS ROAD, PRESTWICH, M25 1NE

Proposal: SINGLE STOREY EXTENSION AT REAR

Application Ref: 50461/Full

Target Date: 13/11/2008

Recommendation: Approve with Conditions

Description

The application relates to a large detached red brick Victorian house known as Leigh Bank on a residential street of similarly styled properties. The site is located within Poppythorn Conservation Area. There is a driveway to the side and a large garden to the rear.

The premises has been providing residential care services for adults with alcohol and drug problems since 1974. Turning Point, the organisation that runs the service, was awarded a grant to carry out alterations to improve access, therapy and enable service users to build relationships with their families. This application is a consequence of this funding.

The proposal involves:

- Constructing a single storey rear extension to accommodate a communal area for residents.
- Converting the existing downstairs lounge into a bedroom with disabled access.
- Converting the large double bedroom at first floor level into an 'family friendly' room which would enable the family of a resident, at one time, to stay over in an attempt to rebuild relationships which may have broken down as a result of their problems.

The extension would project out 7m from the existing bay on the rear elevation and is 5.5m wide. The roof would comprise a pitched roof behind a parapet wall. The main walls would be red brick and the roof, slate to match the existing building. Bays would be incorporated into the proposed rear and side elevations together with stone cills and heads to mirror the existing fenestration of the building.

The applicant confirms that there would be no increase in service users although there would be an increase in numbers of people within the property at any one time due to the visiting family members.

Relevant Planning History

49591 - Detached communal building at side/rear - Withdrawn 8/05/2008

37909 - Detached communal building at side/rear - Approved 6/08/2001

26950/92 - Conversion of bicycle shed to ancillary living unit associated with institutional residence - Approved 23/4/92

Publicity

Immediate neighbours notified by letter dated 22/09/2008. Site notice posted 30/09/2008. Press advert in Bury Times and Prestwich and Whitefield Guide 02/10/2008. Those notified area as follows:

1,3,5,7,8 and 8A, 10 Glebelands Road, 1 and 1A Newlands Drive, 24,26 and 30 Poppythorn Lane and Poppythorn Court.

No comments to date.

Consultations

Highways team - No objection.

Drainage Team - No objection.

Baddac - No objection.

Conservation - No objection. In design terms the extension is in keeping with the style of the existing property and would not have a material impact on the conservation area.

GM Police - No objection.

Environmental Health - No objection.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

CF1 Proposals for New and Improved Community Facilities

CF3/1 Residential Care Homes and Nursing Homes

Issues and Analysis

Policy - UDP policies CF1, CF3 and CF3/1 relate to community and social care facilities. The policies support appropriate provision of new and improved care facilities where they do not conflict with the residential amenity of neighbouring residents and any other policies and guidance. As the proposal would improve facilities at the care home, the extension is considered to be acceptable in principle and accords with these policies.

Other UDP policies relate to the visual amenity of the street scene and character of the conservation area in which the site is located. EN1/2 Townscape and Built Design with conservation area policies EN1/2 and EN2/2 states that proposals with conservation areas should conserve and enhance the character of the area. Special regard should be given to the size, design and materials use and the relationship with surrounding properties.

Character of Conservation Area - The proposed extension follows the general design approach in the existing building and the traditional buildings forms and details in the area. The proposed finishing materials are acceptable in that they are consistent with the existing and surrounding buildings. The main body of the extension will be readily viewed from surrounding public roads. The proposed windows although Upvc, would be in a traditional casement style. Whilst this may not be acceptable at the front, there is less objection at the rear where there are existing Upvc windows on the existing elevation and views of the extension are limited. In terms of the size, siting and design the extension is considered to be in keeping with the conservation area and complies with related policies EN2/1 and 2/2.

Residential Amenity - The extension is centrally located on the rear elevation. It is 6m away from the boundary with the immediate neighbour at No.6 Glebelands Road and in between is an existing outbuilding used for ancillary accommodation which effectively screen the extension from this side. The extension is 5.5m from the rear garden boundary of No.28 Poppythorn Lane and 20m from the rear elevation of the house. Given the size of the extension and the distances between properties, it is considered that there would be no material impact on the residential amenity of the occupiers of the neighbouring properties. As such the proposal would not conflict with UDP Policy CF3/1.

Traffic - The additional 'family' bedroom created would not have a significantly intensify the use of the site in terms of traffic generation as relatives can already visit residents within the home. The site has five parking spaces and is located close to Prestwich Town Centre and as such the alterations will not conflict with Policy CF3/1.

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;-

In design terms the extension is in keeping with the existing building and conservation area.

The additional room would not materially intensify the use of the premises.
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 1075/01A, 02, 03A, 04A, 05A, 06A, 07 and SSL:12298:100:1:1 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 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.

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

Ward: Prestwich - Sedgley

Item 07

Applicant: Bankmachine Ltd. C/O Agent

Location: 78 KINGS ROAD, SEDGLEY, PRESTWICH, M25 0FY

Proposal: INSTALLATION OF AN AUTOMATED TELLER MACHINE, PRIVACY AREA AND ANTI RAM BOLLARDS

Application Ref: 50369/Full

Target Date: 16/10/2008

Recommendation: Approve with Conditions

Description

The site is a long established newsagents/convenience store within Neighbourhood Centre No. 60 – Kings Road/Princess Avenue. It is situated on Kings Road which is a minor Class III highway between Bury New Road (A56) and Bury Old Road (A665). There are residential properties opposite, to the rear and above the existing shop.

This proposal is for the installation of an automatic teller machine (ATM) within the existing shop front, with privacy area, anti-ram bollards and CCTV.

Relevant Planning History

50370 – Internally illuminated fascia sign for ATM - Approved Conditionally 30/09/2008

Publicity

Immediate neighbours at 1 & 2 Princess Avenue; Cohen's Chemist, Habers World, 80, 80A, 82, 84A, 57, 59 and 61 Kings Road. Three letters of objection have been received from 55, 59 and 80 Kings Road which have raised the following issues:

- Result in an increase in traffic
- Late night disturbance of cars, car engines, car door slamming, and people talking
- Possible increase in crime in area, theft from both customers and the ATM
- Area to become a gathering place for local unsavoury youths
- The machine will not generate business for the local shops as the area is adequately served with ATM in the two Shell garages in Bury New and Bury Old Road.
- Every shop on Kings Road have got card-payment machines for people to pay for shopping so a cash machine is not needed

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

Consultations

Highways Team – no objection

GM Police – no objection

BADDAC – no objection

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

EN1/8 Shop Fronts

S1/5 Neighbourhood Centres and Local Shops

HT5/1 Access For Those with Special Needs

S2/1 All New Retail Proposals: Assessment Criteria

Issues and Analysis

Principle – The site is within a Neighbourhood Centre where the Council seeks to retain

retailing as the predominant use to cater for the daily or casual needs of the nearby residents or those passing by, thus reducing the need for additional trips and assisting in the pursuit of sustainability. The provision of an ATM within an existing retail shop in a neighbourhood centre is common place and would assist sustainable principles by providing an additional service/facility. Therefore the principle is acceptable.

Parking – The provision of an ATM will not necessarily create additionally traffic to the local shopping centre. However there are parking bays in front of the shops. The proposal therefore accords with Bury UDP Policy EN1/2 – Townscape and Built Design and S1/5 - Neighbourhood Centres and Local Shops

Visual Amenity – The ATM has been incorporated within the existing shop window frame and would not have a detrimental impact on the existing building or street scene. The proposal therefore accords with Bury UDP Policy EN1/2 – Townscape and Built Design and S1/5 - Neighbourhood Centres and Local Shops

Residential Amenity – The proposed location of the ATM within Neighbourhood Centre 60 - Kings Road/Princess Avenue located on a minor highway between two majors roads should not cause undue disturbance, above that associated with the existing shopping centre and general traffic noise to the residential properties adjacent and as such accords with Bury UDP Policy S2/1 - All New Retail proposals: Assessment Criteria.

Crime Prevention – The ATM is in an area that has natural surveillance and the submitted plans indicate a marked 'secure-zone', anti-ram bollards and installation of CCTV. The police who have been consulted have raised no objections. The proposal therefore accords with Bury UDP Policy EN1/5 – Crime Prevention.

Access for All – The height of the ATM would be 0.9m high and is in accordance with disability requirements. The proposal therefore accords with Bury UDP Policy HT5/1 – Access For Those with Special Needs.

Comments on Representations – The issues of disturbance and crime have been addressed in Residential Amenity and Crime Prevention sections discussed above. Competition between service providers or how people pay for goods and services are not planning issues.

Summary of reasons for Recommendation

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

The proposed development is of an acceptable standard which would not adversely affect the character of the area nor the amenities of neighbouring residents. The scheme will not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

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

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

2. This decision relates to drawings numbered CTS0027; CTS0030 & E004536 received on 21st 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 Bury UDP Policy EN1/2 - Townscape and Built Design.

3. The ATM hereby approved shall not be brought into use unless and until the CCTV, anti-ram bollards and hatched privacy area markings on the pavement are installed.

Reason: In the interest of security pursuant to Bury UDP Policy EN1/5 – Crime Prevention

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

Ward: Prestwich - St Mary's

Item 08

Applicant: Dr Rehman

Location: 3 PRESTWICH PARK ROAD SOUTH, PRESTWICH, M25 9PF

Proposal: CONSTRUCTION OF A NEW DETACHED 2 STOREY DWELLING TOGETHER WITH SUB-BASEMENT PARKING

Application Ref: 50421/Full

Target Date: 17/10/2008

Recommendation: Approve with Conditions

Description

The application follows a previous approval in July 2007 (48035) for a scheme that proposed demolition of the former bungalow on the site and the building of a replacement house. This followed an approval in 2006 to extend the bungalow to form a house on a similar scale to the extended house scheme.

The site is within St Mary's Conservation Area and Prestwich Park Road South is predominantly residential in character. Properties on either side at No.1 and No.5 are both detached bungalows. Across Prestwich Park Road South are recently completed 2/3 storey flats at Hornby Lodge. At the rear are garages and parking for the Princess Court flats on Butterstile Lane. The properties at the rear are at a higher level.

The current application stems from a complaint that the house was not being constructed according to the approved plans. On investigation it was found that the scheme as built differs on the following points:

- The eaves were approximately 550mm higher than the proposed scheme.
- The footprint is slightly smaller however, with the gable closest to No.5 has been pulled away from the shared side boundary by 533mm.
- The entrance and driveway although in the same position, has a different configuration, being squared off as opposed to curved. The new pillars at the entrance would be stone clad to match the stone boundary wall the front. There is no gate indicated on the proposed plans.

The house is constructed in brickwork with a render at first floor at the side and rear. The roof has a traditional hipped roof design with grey tiles. A landscape plan and tree report has been submitted with the application. The tree report advises that a Poplar on the rear boundary and a Sycamore close to the side boundary with No.5 to be removed. It is not considered that the removal of either of these trees is justified

Relevant Planning History

48035 - New Detached house with basement parking - Approved 25/07/2007.

48116 - Conservation Area Consent for Demolition of Bungalow to Allow construction of Detached Dwelling - Approved 25/07/2007.

46800 - Two storey side extension, first floor roof and first floor side extensions, conservatory at rear - Approved 20/10/2006

46337 - Similar application refused 07/07/06 - insufficient information and unacceptable impact on the Conservation Area.

Publicity

Site Notice posted on 26th August and Press Notice posted in the Bury Times and the Prestwich and Whitfield Guide. Neighbours notified at the following addresses:

1-16 Hornby Lodge , 1, 2 and 5 Prestwich Park Road South, 2 and 8 Butterstile Lane, 1- 6

Princess Court.

One letter of objection from the occupier of 5 Prestwich Park Road South.

- The proposal will have a detrimental affect on the character and appearance of St Mary's Conservation Area
- Conflicts with the Council's conservation policies EN 2/1 and EN2/2.

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

Consultations

Environmental Health - No objection in principle.

Conservation Officer - No objection as the impact of the revisions are no greater than the approved scheme.

Landscape - No objection subject to details of tree and hedge planting.

Environmental Health - No objection subject to appropriate contamination investigations and mitigation measures.

Unitary Development Plan and Policies

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

EN1/2 Townscape and Built Design

EN8/1 Tree Preservation Orders

PPG15 PPG15 - Planning and the Historic Environment

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

Issues and Analysis

Principle. The principle of a larger house on the site has been accepted by the previous approval of the initial application for substantial extensions and alterations to the existing bungalow in October 2006 and a subsequent application (48035) to demolish and rebuild along the same lines as the extended bungalow. As such the proposal accords with UDP Policy H1/2 relating to housing.

Siting, Design and Appearance. The siting, design and appearance of the proposed house, with its conventional styling, external brickwork and render, is similar to that scheme previously approved in 2007. The additional 550mm to the eaves, alteration to the footprint and driveway are not considered to be materially significant and would not warrant refusing the application. This scheme is therefore still considered to be acceptable within the Conservation Area and as such the proposal accords with UDP Policies EN2/1 and EN2/2 relating to Conservation Area Control and Housing Policies H2/1 and H2/2.

Trees and Landscaping. It was accepted under the previous approval that two trees of the four on the Prestwich Park Road South boundary could be removed. The two trees removed on the frontage were not good specimens and the loss would not be seriously detrimental to the street scene and would allow additional growth space for those protected trees that remain. An additional oak is to be planted close the boundary with No.1 infilling a gap on the frontage. The tree survey suggests two further trees in the rear garden could be felled. One is a poplar on the rear boundary and the other a Sycamore close to the boundary with No.5. Given their condition and mitigation measures that can be taken to stabilise them it is not considered that the removal of the trees is justified and a condition attached preventing their removal without further consent.

The landscaping scheme involving re-turfing the gardens, planting the replacement oak tree to the front and Beech hedging to the rear is considered to be acceptable. As such the proposal complies with UDP Policy EN8/1 relating to trees.

Residential amenity - The increase in the height of the building will not impact on the aspect standards to any of the surrounding properties or have any greater impact on the residential

amenities than the approved scheme due to the layout of the building on the site, the levels of the site in relation to the surrounding properties and the slight reduction in the foot print of the building. As such the proposal accords with UDP Policy H2/1.

Access. The access is in a similar position as the previously approved scheme and is considered to be acceptable.

Objection. Whilst the house is large it is set within a large site and would be partly screened by the existing garden which banks up from the road and the existing and proposed landscape planting a sloping front garden. The impact of the house is further mitigated by the fact that it is cut in to the site at the rear thereby keeping the overall height down in relation to properties at the rear. Again landscaping at the rear would further mitigate the appearance within the conservation area.

On balance the scheme is acceptable within the conservation area and complies with UDP policies listed above.

Summary of reasons for Recommendation

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

The replacement house is considered to comply with policies listed and would not be seriously detrimental to the street scene or amenity of immediate neighbours.

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 20636/19, 21, 22, 23, 26 and 27/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.
3. Samples of the materials to be used in the boundary wall and pillars and retaining walls 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 gates shall be fitted without the prior written consent of the Local Planning Authority.
Reason. In the interests of visual amenity and highway safety and pursuant to UDP townscape and conservation area policies EN1/2, EN2/1 and EN2/2.
5. No trees subject to a Tree Preservation Order, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant

to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

6. Within one month of the date of this decision a landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority. 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.
7. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
8. The foundations for the proposed boundary walls shall not encroach under the adjacent adopted highway at any point.
Reason. To ensure good design in the interest of road safety and maintain the integrity of the adopted highway.
9. The windows located on the western elevation, adjacent to No.5 shall be maintained with obscure glazing in perpetuity.
Reason. To protect the privacy of adjoining occupiers.
10. Within one month of the date of this decision:
 - A detailed site investigation and suitable risk assessment shall be carried out, 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 and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
11. Following the provisions of Condition 10 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 conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
12. 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.

13. 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.

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

Ward: Radcliffe - East

Item 09

Applicant: Kwik Fit Properties Ltd

Location: KWIK FIT, BURY ROAD, RADCLIFFE, M26 2UG

Proposal: CARRY OUT MINISTRY OF TRANSPORT TESTING IN ADDITION TO EXISTING VEHICLE REPAIRS AND SERVICING

Application Ref: 50271/Full

Target Date: 16/10/2008

Recommendation: Approve with Conditions

Description

The site is the Kwik Fit Motorists Centre located on Pine Street, off Bury Road close to the town centre of Radcliffe. The site is in a mixed use area with motor repairs and car wash premises adjacent. The Metro line is to the west of the site and residential properties are to the south, across Pine Street and east, across Bury Road. The existing premises are used for the sale of tyres, breaks and exhausts as well as other ancillary car parts. The building has a 6 bay workshop for this service, office and waiting facilities. The uses fall into Use Class B2 (General Industry).

The proposal is to use part of the existing workshop area for MOT testing as an additional service to the tyre, exhaust, brake and other fast fit services offered from the site.

Relevant Planning History

None

Publicity

Immediate neighbours have been notified at Coney Green High School, No. 5 and Senator House, Bury Road, No. 1 and Dean Smith Car Sales, Pine Street, 2 Schofield Street and St Mary's and St Philip Neri Catholic Church, Spring Lane, Radcliffe on the September 2008.

Two objections have been received from 5 Bury Road and 26 Richmond Walk (the owner of No. 5 Bury Road) and their comments can be summarised as follows:

- Allowing MOT testing will make the parking in the area even worse than it is at present.
- Fumes from the MOT testing will be of detriment to their residential amenity.

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

Consultations

Highways Team - No objections

Environmental Health - Comments awaited

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN7/1 Atmospheric Pollution

EN7/2 Noise Pollution

H3/2 Existing Incompatible Uses

Issues and Analysis

Principal - The site is located in a mixed use area on the edge of the town centre. The premises have been used as a 'motorists repair centre' since 1982 and as such have an established use for this purpose which falls into Use Class B2 (General Industry). The site is principally in a commercial area which is bounded by the Metro line to the west, a car wash to the north, Bury Road to the east and the gable wall of a short terrace residential

properties, fronting Bury Road, to the south and a car repair business located on Pine Street itself.

The use as an MOT testing centre is a 'sui generis' use in that it falls outside any use class. However, when MOT services are offered together with such activities as those available at the Kwik Fit Centre. This new service would be an ancillary use to the main use on the site. Both MOT and repairs to motor vehicles are akin to each other and would not be a discernible change to the use of the site. Accordingly, the use is acceptable on the site and would not be contrary to Policy H3/2 - Existing Incompatible Uses in the Unitary Development Plan.

Visual Amenity - The proposal will only involve internal alterations to the premises and as such there are no external alterations proposed to the premises. The proposal accords with Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

Parking - The centre has a substantial forecourt area with space for 16 cars on the site, 6 spaces in front of the 6 service bays, 6 for waiting/visiting vehicles and 4 staff spaces. Given that the MOT testing will use the existing bays there is no need for additional parking to be supplied and it is not considered that the parking in the area will be made any worse by allowing the Centre to be used for MOT testing. As such the proposal will not conflict with Policy H3/2 - Existing Incompatible Uses in the Unitary Development Plan.

Pollution - The use for a motorists centre is a Class B2 use which, by its very nature, causes an impact on the amenities of the residential neighbours. In this case the use for MOT testing will not create any additional disturbance and the equipment used for the testing has to be certified by the Ministry of Transport and as such will not add to pollution in the area. Consequently, it is not considered that the addition of MOT testing to the services offered on the site would be such as to impact so greatly on the residential amenity of the surrounding properties as to warrant refusal. The proposal conforms with Policy H3/2 - Existing Incompatible Uses in the Unitary Development Plan.

Residential Amenity - The terrace of 3 properties adjacent, fronting Bury Road, are the ones closest to the site. These properties back onto the car repair business on Pine Street and have the Kwik Fit Centre located immediately to the north. There are no windows in the gable wall of No. 5 facing the Kwik Fit Centre. The residential properties on the opposite side of Bury Road, No. 5 Pine Street and 2 Schofield Street also have blank gable walls facing towards the site. Whilst there is undoubtedly an impact on the amenity of the residents from the existing business located in close physical relationship to these properties the granting of permission for the use of MOT testing at the existing centre will not add to this impact and as such the proposal will accord with Policy H3/2 - Existing Incompatible Uses in the Unitary Development Plan.

Objection - The issues of parking and pollution have been addressed in the main body of the report. Whilst both of these issues are of concern to the objectors and material considerations in the determination of the application, the allowing of the existing motorists centre to be used for MOT testing will not cause a further detriment to their amenities and as such would not warrant refusal of the application.

Summary of reasons for Recommendation

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the proposed addition of MOT testing facilities to the existing motorists centre is acceptable because it would not cause demonstrable harm to interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to the drawings received on 21st 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.

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

Ward: Radcliffe - North

Item 10

Applicant: Wainhomes (North West) Ltd

Location: FORMER RAILWAY TRACK, AINSWORTH ROAD, RADCLIFFE

Proposal: ERECTION OF 10 NO. DWELLINGS

Application Ref: 50315/Full

Target Date: 06/11/2008

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and DCPGN1, the provision and maintenance of the wildlife corridor in accordance with Policy EN6/4. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Assistant Director of Planning, Engineering and Transportation Services under delegated powers.

Description

The site forms part of the Bolton Bury railway line, which fronts onto Higher Ainsworth Road. The application site forms the westerly part of the former railway track and the easterly section has been the subject of various applications for residential development, with the most recent being approved in March 2008. The character of the locality is diverse with large commercial buildings located on the opposite side of Ainsworth Road, residential properties to the south of the former railway track and open fields and a bowling green to the north.

The Green Belt boundary runs through the application site. Since the Green Belt boundary was established, the railway cutting has been tipped and the site is now almost level with the road side. Directly to the south of the application site are dwellings (bungalows), which front onto Stanley Road.

The proposal involves the erection of 8 detached and 2 semi-detached two storey dwellings, which would be constructed from brick and tile. The proposed development would be an extension of the adjacent site, which has permission for 12 residential dwellings (49310). The proposed development would share the approved access road and all the proposed dwellings would be located on the southern side of the access road. The access road would also act as a cycle/recreational route and a wildlife link would be formed to the north of the access road.

Relevant Planning History

40225 – Outline – residential development at old railway track, off Ainsworth Road, Radcliffe. Refused – 25 April 2003

41199 – Outline residential development – three apartment blocks at old railway track, off Ainsworth Road, Radcliffe. Approved with conditions – 22 September 2004

44583 – Residential development – 8 No. apartments and associated parking (amendment to outline application 41199/03) at old railway track, off Ainsworth Road, Radcliffe. Approved with conditions – 2 August 2005

45139 – Residential development – 16 apartments and 5 detached bungalows (outline) at former railway track, off Ainsworth Road, Radcliffe. Refused – 12 October 2005

47277 – Reserved matters application for 8 No. apartments at former railway track, off Ainsworth Road, Radcliffe. Approved with conditions – 24 January 2007

47747 – Residential development – 8 apartments (reserved matters) at former railway track, off Ainsworth Road, Radcliffe. Approved with conditions – 30 April 2007

48526 – Erection of 14 dwellings at Former railway track, off Ainsworth Road, Radcliffe.

Refused – 18 December 2007.

49310 – Erection of 13 dwellings at Former railway track, off Ainsworth Road, Radcliffe.

Approved with conditions – 20 March 2008

Publicity

The neighbouring properties (Nos 48 – 82 Stanley Road (evens); 11, 36 Brown Street; 6 Leander Close and 413, 427 & 429 Ainsworth Road) were notified by means of a letter on 12 August and a press notice was posted on 21 August. Site notices were posted on 12 August 2008. Six letters have been received from the occupiers of 57, 62, 64, 76 Stanley Road; 7 Cobden Street and Park View Farm, 166 Bury Rochdale Old Road, which have raised the following issues:

- Loss of light
- Concern relating to access from Ainsworth Road
- Impact upon the openness of the green belt
- Prevents the possibility of re-opening the former railways in the future
- Impact upon the drainage and the dwellings on Stanley Road

The objectors have been notified of the Planning Control Committee.

Consultations

Highways Team – No comments received

Drainage Team – No objections, subject to the inclusion of a condition relating to land drainage.

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

Waste Management – No objections

Landscape Practice – The species selected as part of the landscaping plan could be much improved. It is considered that site specifics will require closer consideration.

Environmental Projects – No objections to the access road being used as the cycle/recreation route, but it would be more attractive and secure if more houses faced the access road. In the absence of the road being adopted, public access should be secured along the access road. The Council will also need an agreement to allow us to connect from the end of the access road to the future continuation of the route past Moss Shaw.

Wildlife Officer – No objections, subject to the inclusion of a condition relating to the landscaping works adjacent to the Wildlife Corridor.

BADDAC - No objections

GM Police Architectural Liaison – Main issue is the provision of a cycle route/public right of way through the site as this would act as a potential conduit for crime. Each house should incorporate laminated glass to minimise vandalism and burglary.

Fire Officer - No comments received

GM Ecology – No comments received

United Utilities – No comments received

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6/4	Wildlife Links and Corridors
EN7/5	Waste Water Management
OL1/2	New Buildings in the Green Belt
RT2/2	Recreation Provision in New Housing Development
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
HT4	New Development
HT6/3	Cycle Routes
SPD1	DC Policy Guidance Note 1:Recreation Provision

SPD2 DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD6 DC Policy Guidance Note 6: Alterations & Extensions
SPD7 DC Policy Guidance Note 7 - Managing the Supply of Housing
PPS23 PPS23 Planning and Pollution Control
PPG2 PPG2 - Green Belts

Issues and Analysis

Principle - The proposed development involves the erection of 10 dwellings on the site, which is partly located within the Green Belt.

Policy H1/2 states that the Council would have regard to various factors when assessing a proposal for housing development, including the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

Policy OL1/2 states that the construction of new buildings within the Green Belt is inappropriate development unless it is for agriculture or forestry purposes or would provide an essential facility for outdoor sport and recreation.

Whilst PPG 2 establishes a presumption against inappropriate development, including new buildings, within the Green Belt there are several exemptions, including development required for essential facilities for outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the green belt and do not conflict with the purposes of including land within it.

The Green Belt boundary runs approximately through the middle of the application site and the layout has been designed so as to ensure that all the proposed dwellings are not located within the Green Belt. The Regional Spatial Strategy was published in late September and Policy L4 states that the average rate of housing provision is 500 dwellings. The application site is bounded by residential properties to the east and south and was previously in use as a railway cutting prior to being tipped and therefore, the land is considered to be previously developed land. Therefore, it is considered that the proposed development would not conflict with the other land uses and would not have an adverse impact upon the openness of the Green Belt. Therefore, it is considered that the proposal is acceptable in principle and would be in accordance with Policies H1/2 and OL1/2 of the adopted Unitary Development Plan, Policy L4 of the Regional Spatial Strategy and Government guidance in the form of PPG2.

Siting, design and layout - Policy H2/1 states that all new residential development should make a positive contribution to the surrounding area and should have regard to the heights and roof types of adjacent buildings, the position and proximity of neighbouring dwellings and the density and character of the area.

Policy H2/2 states that the new residential development should demonstrate acceptable standards of layout including adequate parking available, suitable landscaping and open space.

The proposed development would incorporate 10 no. two storey properties, both detached and semi-detached. The proposed dwellings would comply with the aspect standards contained in DCPGN6. Two of the proposed dwellings would face the access road and the remainder (plots 1, 4, 7 and 10) would have a blank gable wall facing the proposed access road. The agent has submitted revised plans for the above plots, which incorporate additional windows into the gable elevation. It is considered that the revised plans would result in an active frontage onto the access road, which would increase security.

There would be 5 metres between the proposed twin garages for plots 4 & 5 and the rear elevation of No. 60 Stanley Road and there would be 5.25 metres between the proposed

garages for plots 6, 7 & 8 and the rear elevation of No. 74 Stanley Road. It is acknowledged that the distances between the rear of Nos. 60 and 74 Stanley road and the proposed garages is less than the 6.5 metre separation distance. However, the eaves of the garages would be 2.1 metres in height and the ridge height would be 4.1 metres. The proposed garages would be located to the north of the respective properties and would have minimal impact in terms of loss of light. The proposed garages would be detached and there would be little scope for future extension. Therefore, it is considered that the proposed development would not have a significant adverse impact upon the amenity of the neighbouring residents.

All of the properties would have generous side and rear gardens, which would be bounded by 1.8 metre high screen or boundary fencing. It is considered that the proposed fencing would keep the garden areas secure and would reflect the existing boundary treatments in the locality and the proposed boundary treatments on the adjacent site. Therefore, it is considered that the proposed development would be in accordance with Policies H2/1, H2/2 and EN1/2 of the adopted Unitary Development Plan.

Drainage - The application site formed part of the Bury & Bolton Railway and was tipped in 1990s and a condition relating to drainage was attached to the planning consent. The local residents in Stanley Road have objected to the current application as there is significant ground water seepage into the sub-floor space of the dwellings on Stanley Road. The agent has submitted a note stating that there were no areas of saturated ground or any plant species indicative of poor drainage on the site and that the soil was draining well, with no evidence of water accumulating. However, it is considered that it is possible that the drainage put into place during the tipping of the site may have failed and there is no evidence that the source of the localised flooding on Stanley Road is not connected with the application site. Therefore, it is considered that details of any land drainage system, specifically relating to ground water within the filled railway track should be provided prior to commencement of the development and it is proposed to secure this via a condition. The Drainage Team has no objections to the proposal, subject to the inclusion of a condition relating to the provision of a land drainage system. Therefore, it is considered that the proposed development, subject to conditional control, would not have an adverse impact upon the amenity of the neighbouring residents and would be in accordance with Policy EN7/5 of the adopted Unitary Development Plan.

Wildlife Corridor - The wildlife corridor passes through the application site. Policy EN6/4 states that the Council will seek to consolidate and strengthen wildlife links and corridors and development which would adversely affect identified areas will not be permitted. DCPGN2 states that where a development principle is considered acceptable in principle and would avoid harm to any features of ecological value, mitigation would be required.

It is considered that the principle of redeveloping this site for residential use is appropriate and would cause no significant harm to features of ecological importance. The proposed development would include a landscaped strip, which would form an extension of the previously approved landscaped strip (49310) to mitigate any adverse impacts upon the wildlife corridor. The landscaped strip would contain native trees and shrubs, which would provide structural habitat diversity and contribute to the effectiveness of the wildlife link. The Landscape Practice has some reservations relating to the landscaping plan, which was submitted with the application. As a result, it is proposed to secure the submission of a landscaping plan as part of a condition and the provision of the wildlife corridor would be controlled through the Section 106 agreement. Therefore, it is considered that the proposed development would strengthen the existing wildlife corridor and would be in accordance with Policies EN1/3 and EN6/4 of the adopted Unitary Development Plan and DCPGN2.

Highways issues/access - The proposed development would be accessed by an extension of the access road approved under planning permission 49310, which is considered to have adequate visibility splays. The proposed development would incorporate 2 parking spaces per dwelling, which would be in accordance with the parking standards for a three bed dwelling in a high access area contained in SPD11.

The proposed development would allow for the continuation of the cycle/recreational route along the main access road and would allow for its continuation through the provision of a cycle route at the end of the access road, adjacent to the gable elevation of plot 10. The provision of the cycle route and public access through the site would be secured via a condition and a Section 106 agreement.

The highways team has no objections to the proposal and it is considered that the proposed development would not be detrimental to highway safety. Therefore the proposed development would be in accordance with Policies RT3/4, HT2/4, HT4 and HT6/3 of the adopted Unitary Development Plan.

Five of the proposed dwellings would be located beyond the 250metre cul-de-sac length limit from the emergency services. The GM Fire Service has been consulted regarding the application and the comments will be reported in the Supplementary Agenda.

Contribution - The proposed development would involve the provision of 10 dwellings and in accordance with the guidance contained within the supplementary planning documents contributions have been sought towards the provision of recreational open space (£12,108.27) and provision towards the maintenance of the landscaped strip/wildlife corridor (£16,688.90). The agreement also allows for the transfer of the landscaped strip/wildlife corridor to the Council for maintenance purposes and the transfer of the cycle way to the Council. The agreement also seeks to maintain public access along the access road and cycle way in the absence of the road becoming an adopted highway.

Summary of reasons for Recommendation

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

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

There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 07121/03B, 06184/01 Rev P, Baird house type, Baird (Plots 1 & 7) house type (3.217/P/R/L(1&7) Rev #), Baird (Plot 4) house type (3.217/P/R/L(4) Rev #), Claydon Special house type (3.118/P/B/L Rev #), Churchill house type (3.214/P/B/L Rev #), Churchill (Plot 10) house type (3.214/P/B/L(10) Rev #), 04289/01 Rev B, 04289/03, 04289/07, 05036/05, 05036/06, 3325.02, S07/223 Rev B and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the

actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;

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

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

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

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

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

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

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

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

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

- Where actual/potential ground gas/landfill gas risks have been identified,

a detailed site investigation(s), ground gas monitoring and suitable risk assessment(s) shall be submitted to, and approved in writing by the Local Planning Authority;

- Where remediation / protection measures are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

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

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

10. 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.

11. Development shall not commence unless and until details of a land drainage system to deal with ground water contained within the existing filled railway cutting has been submitted to and approved by the Local Planning Authority. The approved details shall be implemented as part of the development.

Reason. To protect the amenity of the adjacent neighbouring residents pursuant to Policy EN7/5 of the Bury Unitary Development Plan

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

Ward: Radcliffe - North

Item 11

Applicant: Mr Shaun Alcock

Location: 2 - 4 STOPEs ROAD, RADCLIFFE, M26 3WP

Proposal: CHANGE OF USE FROM SHOP (CLASS A1) TO VETERINARY SURGERY INCLUDING ALTERATIONS TO THE EXTERNAL ELEVATIONS AND RESURFACING OF AREA AT REAR TO FORM CAR PARK

Application Ref: 50435/Full

Target Date: 28/10/2008

Recommendation: Approve with Conditions

Description

The application site is the end property in a terraced row and the rest of the buildings are red brick residential properties. The building, which is rendered at the front and beige brick to the rear, is in a state of disrepair and is currently boarded up.

The building is located on the corner of Stopes Road and Countess Lane and was previously in use as a shop (A1). There is a yard area to the north of the site, which is overgrown and beyond that there is an access road and bungalows, which front onto Countess Lane. To the east of the site are two storey, red brick residential dwellings, with the exception of No. 2 Countess Lane, which is in use as a shop (A1) and is a mixture of white render and red brick.

The proposed development would involve the change of use of the building from a shop (A1) to a veterinary surgery (D1), including external alterations to the building, such as the painting of the render white and the replacement of windows and doors. The proposed development would also involve the clearance and resurfacing of the rear yard to form a car park and the relocation of the entrance to the car park to a central position.

Relevant Planning History

50065 – Change of use from shop (Class A1) to veterinary surgery (Class D1) including alterations to the external elevations and resurfacing of area at rear to form car park at 2 – 4 Stopes Road, Radcliffe. Refused – 14 August 2008

The application was refused as there was insufficient information with regard to the layout and manoeuvring within the car park and the applicant had failed to demonstrate a level access and inadequate facilities for people with disabilities.

Publicity

The neighbouring properties (1 - 17 Stopes Road (odds); 6 - 18 Stopes Road (evens); 2, 3, 4, Countess Lane & 498 Bolton Road) were notified by means of a letter on 3 September and two letters have been received from the occupiers of Nos. 15, 18 Stopes Road and 4 Countess Lane, which have raised the following comments:

- No objections to the proposal, providing there is adequate parking for customers
- Impact upon the unadopted road, which would form access to the car park
- Impact of the proposal upon the trees in the rear yard

The objectors have been informed of the Planning Control Committee.

Consultations

Highways Team – No objections, subject to the inclusion of conditions relating to car parking

Environmental Health (Contaminated Land) - No comments received

Environmental Health (Pollution Control) - No comments received

GM Police Architectural Liaison Unit - No comments received

BADDAC – Seek further details of the level entrance to the entrance and a safe pedestrian route across the car park.

Unitary Development Plan and Policies

EC6/1 New Business, Industrial and Commercial
EN1/2 Townscape and Built Design
EN1/5 Crime Prevention
EN1/7 Throughroutes and Gateways
EN1/8 Shop Fronts
EN7/2 Noise Pollution
HT2/4 Car Parking and New Development
HT5/1 Access For Those with Special Needs
PPS23 PPS23 Planning and Pollution Control

Issues and Analysis

Principle - The proposed development involves the change of use from a retail premises to a veterinary surgery.

Policy EC6/1 states that all new business, industrial and commercial, development will be expected to be of a high standard of design and appearance and to take account of the surrounding environment, amenity and the safety of employees, visitors and adjacent occupiers. The proposal will be assessed against:

- Size, scale, density, layout, height and materials
- Access and car parking provision
- Landscaping and boundary treatment
- The effect on neighbouring properties
- The safety of employees, visitors and adjacent occupiers

The proposed development would not result in the introduction of a commercial business into a residential area as the last use of the building was as a shop (class A1). Therefore, it is considered that the proposed development would not add to the level of disturbance for the adjacent residents. It is considered that the proposed use of a veterinary surgery (Class D1) may be appropriate within a residential area as it would provide a service to the local community. Therefore, it is considered that the proposed development is acceptable in principle and would be in accordance with Policy EC6/1 of the adopted Unitary Development Plan.

Design and impact upon the surrounding area - The building is in a state of disrepair and the existing render is a beige colour. The proposed development would involve the painting of the building in white and the replacement of the windows and doors. It is considered that the proposed external alterations would improve the general appearance of the building. The existing use of the premises is as a retail shop, with no control over the opening hours. As a result, it is considered that the proposed development would not add to the noise and disturbance for the adjacent residents. However, it is proposed to restrict the opening hours of the veterinary surgery from 8:30 to 19:30 on Mondays to Fridays and from 9:00 to 17:00 on Saturdays in order to protect the amenity of the neighbouring residents. The proposed development includes the formation of a car park in the rear yard. However, it is considered that the potential for noise would be minimal and would not impact upon the amenity of the neighbouring residents. Therefore, it is considered that the proposed development would be in accordance with Policies EN1/2 and EN7/2 of the adopted Unitary Development Plan.

Highways Issues/access - A car park would be created as part of the proposed development and would be accessed from the road at the rear of the property. Following the previous refusal the existing entrance point to the proposed car park would be relocated to a central position. The proposed parking spaces would be located on either side of the entrance point and as a result, it will be much easier for a vehicle to manoeuvre into and out of the parking spaces.

SPD11 (Parking standards) states that the maximum standards for a veterinary surgery (D1 use) states that there should be 1 space per 2 full time equivalent staff and 3 per consulting room and 3 disabled parking bays and this would equate to 7 parking spaces and 3 disabled bays. The submitted plans indicate that there would be 7 parking spaces and a single disabled bay. Whilst this would not equate to the maximum parking standards, it is considered that the provision of 8 spaces would be acceptable, given that the proposed development is located in close proximity to represent an improvement, as the existing shop has no off-road parking and the proposed development is located close to public transport. The highways team has no objections to the proposal and it is considered that the proposal has overcome the reasons for refusal on the previous application. Therefore, it is considered that the proposed development would not be detrimental to highway safety and would accord with Policy HT2/4 of the adopted Unitary Development Plan.

Disabled access - The previous application was refused as it was considered that the proposed development would not be accessible to all people. The current planning application has incorporated an accessible entrance from the car park and has formed an accessible route from the car park through to the reception/waiting area and a consulting room. The proposed toilet would be suitable for disabled use and the provision of a disabled parking space is welcomed. While the applicant has provided details of a ramped access from the car park, it is considered that further detail of the ramp, including the gradient and details of the handrail should be submitted and it is proposed to secure this by means of a condition. Therefore, it is considered that the proposed development would be accessible and has overcome the reason for refusal on the previous application. The proposed development would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
The proposed development is acceptable in principle and would not have an adverse impact upon the amenity of the neighbouring residents. The proposed development would not be unduly prominent within the locality and would not be detrimental to highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 2 September 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 render to be used on 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 work or other activity shall take place on the site on Sundays or Bank Holidays and all work and other activity on other days shall be confined to the following hours:-
08:30hrs to 19:30hrs, Monday to Fridays & 09:00 to 17:00hrs on Saturdays.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink, EC4/1 – Small Businesses, EC6/1 – Assessing New Business, Industrial and Commercial Development and H3/1 – Assessing Non-Conforming Uses of the Bury Unitary Development Plan.
5. The car park access improvements indicated on the submitted plans shall be implemented to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing.
Reason. To ensure good highway design in the interests of road safety.
6. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing.
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.
7. Prior to the commencement of the development, details of the ramped access, including handrails, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the building being brought into use.
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.

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

Ward: Radcliffe - North

Item 12

Applicant: Mr Chris Pearson

Location: 41 BURY OLD ROAD, AINSWORTH, BURY, BL2 5PF

Proposal: REPLACEMENT OF EXISTING BUILDING (PARTLY RETROSPECTIVE)

Application Ref: 50298/Full

Target Date: 08/10/2008

Recommendation: Approve with Conditions

Description

The application concerns a development that has been commenced to the side of 41 Bury Old Road that is a semi-detached house situated together with its neighbour in an isolated position within open land in the Green Belt to the west of Ainsworth Village close to the junction of Bury Old Road with Arthur Lane.

The property has to the rear and side an area of smallholding of about 0.54ha. Close to the house at its side there is an existing workshop and stables building that form part of the smallholding. On the side of this structure facing towards the house there is also an existing smaller linear single storey garage style building that is longer than the workshop/stables and has a footprint measuring 6m wide x 17.8m long. It is clad mostly in profiled sheet metal but with part of the rear section in timber. The frontage of this building has recently been removed and replaced with a garage doorway elevation in blockwork. The application seeks consent to retain this work and to complete a rebuilding of the building with a side elevation in a position set in from the line of the existing side wall making the proposed building about 600mm narrower than the existing one. Its overall length would be the same as now. Externally, the structure would be in blockwork cement rendered to match the workshop/stables building. The shallow pitched roof would be in light grey Upvc coated corrugated sheeting to match the existing roof of the workshop/stables. As with the existing building, the replacement would be attached to the workshop/stables.

In the application it is stated that the building would be used for agricultural purposes with the storage of goods and machinery in connection with the smallholding and also for the parking of private vehicles belonging to the applicant and his family. Furthermore, it is stated that the applicant is in the motor trade with two premises in Bury and that the business is not operated from 41 Bury Old Road. His hobby is the racing of Lotus Elise motor cars and there is a 10 race series during the summer. The race car is prepared in the workshop and there are spare cars and parts in the yard in front of the building and the storage area at the side. These cars have attracted people to enter the premises and it is hoped to get everything securely hidden and under cover. The concrete block wall that has been erected at the front of the storage building to support a roller shutter door as the first part of the intended replacement building.

Relevant Planning History

C/00587/74 - Standing for residential caravan. Refused on 2nd January 1975 for reasons including that the site is outside the area for development in the Radcliffe Town Map with detriment to visual amenity, there would be conflict with Green Belt policy and there is insufficient agricultural justification to outweigh planning objections.

C/12079/81 – Storage of six caravans when not in use. Refused on 18th June 1981 for the reasons of conflict with Green Belt Policy, visual intrusion inappropriate in a rural area and setting an undesirable precedent for further similar developments. The subsequent appeal was withdrawn.

C/13021/82 – Parking of six caravans. Refused on 11th February 1982 for the same reasons as application 12079/81.

C/19975/87 – Ground floor lounge extension at the side. First floor bathroom extension at the rear. Approved on 25th August 1987.

32734/96 – Agricultural building. Approved on 15th April 1997.

45563 – Two storey extension at the rear and conservatory at the rear. Withdrawn.

45805 – two storey extension at the side (resubmission). Approved on 10th March 2006.

46956 – Revised roof line and two dormers (retrospective). Approved on 30th October 2006.

Publicity

Six properties were notified on 15th August 2008 including Arthur Lane Nurseries at 1 Arthur Lane, Sunnybank in Arthur Lane, 39, 43 and Dearden Fold Farm Cottage, Bury Old Road and 33 Turks Road. A site notice was displayed from 3rd September 2008 and a press notice was published in the Bury Times on 11th September 2008 concerning the application involving a departure from the Development Plan.

Two objections have been received as follows:

- The Ainsworth Community Association is concerned that the creation of a workshop/garage is an inappropriate development in the Green Belt. If permission were, nevertheless to be granted, it should be subject to a condition that there would be no commercial use in connection with the motor trade.
- A resident who wishes to remain anonymous is concerned that over the past year a transformation has been observed from a quiet peaceful quality of life to the current situation involving the unofficial/unregistered sports car workshop business operated at the address. The legitimacy of this application to extend this activity in a Green Belt quiet residential semi-rural location. The activities taking place include the following:
 - Regular articulated vehicle transporters delivering/collecting vehicles.
 - Regular loud grinding and banging noises often on a daily basis.
 - Often loud car engines revving up, sometimes with clouds of smoke.

The disturbances described take place regularly during the daytime, evenings and weekends with a mechanic in overalls seen strolling around in overalls.

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

Consultations

Highways Team – No objections.

Drainage Team – No objections.

Environmental Health – No comments.

BADDAC – No comments.

Unitary Development Plan and Policies

OL1/2 New Buildings in the Green Belt

EN1/1 Visual Amenity

EN7/2 Noise Pollution

Issues and Analysis

Planning Background – There has been a similar sized building on the site for over 10 years and that building was there when planning permission was granted for the existing workshop/stables in 1997. However, it was replaced by a previous owner with the current mostly profiled sheet metal clad building without planning permission at an unrecorded date since 2000. It is likely that the existing building has been in place for over 4 years and thus it is immune from enforcement action.

Green Belt –The proposed building is in the Green Belt and its provision needs to be considered in terms of Policy OL1/2. The building would not perform a genuine agricultural function and is above the size at which it could be described as a limited extension to an existing dwelling. It would not, therefore, fall within the types of developments that under the policy are appropriate within the Green Belt. However, the policy indicates that inappropriate development can be permitted in ‘very special circumstances. It is for the applicant to demonstrate that such ‘very special circumstances to justify inappropriate development exist but they do not exist unless the harm to the openness of the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances.

A statement of ‘very special circumstances to justify inappropriate development in the Green Belt has been submitted to support the application. These are outlined as follows:

- A building already exists on the site.
- The existing building appears to have been created by erecting sheeted walls outside a smaller building whose walls have been removed and it is industrial in appearance.
- It is proposed to utilise the foundations that remain to support new walls and the sheet walls will be removed.
- The building will therefore be slightly smaller than that which is presently on site and its appearance will be significantly improved.
- Rendered walls will give the building a more traditional appearance appropriate to its location in the countryside.
- The building is well screened from the road by existing vegetation and not readily visible from other viewpoints.
- The existing use for a combination of agricultural and domestic purposes will not change.
- The building will have a much softer appearance and will be less prominent than it is at present.
- The proposed development does not conflict with any of the five purposes of including land within the Green Belt.
- The proposal does not in any way affect the openness of the Green Belt and its integrity will not be harmed.
- Any theoretical harm by reason of inappropriateness is clearly outweighed by the considerations set out above.

As indicated in the justification, the building would replace a similar building of slightly larger size and would occupy a site where a building of a similar footprint has existed for a considerable period. The new building would be of a more appropriate design than the existing industrial styled structure and would be contained within an existing part domestic/part smallholding plot with good screening from most vantage points. There would be no materially adverse impact by the building on the openness of the Green Belt. Although the development would, according to Policy OL1/2, be inappropriate in the Green Belt the justification provided in terms of ‘very special circumstances’ is acceptable.

Vehicular Activity - The existing building is used to store vehicles and there are a number of cars on the forecourt and a small car park close by. On behalf of the applicant it is stated that the vehicles, other than day to day personal transport, are there because of the applicant’s hobby of racing Lotus Elise cars and the applicant’s business in the car trade is carried out elsewhere. In one of the objections it is alleged that, in fact, the applicant is carrying out a sports car workshop business at the address. Such an allegation has been investigated as a possible enforcement matter but the information available was insufficient to support an enforcement action against change of use. Allegations are, however, continuing including about possible commercial trading in vehicles from the property. Consequently, information about vehicular activity at the premises is being sought from the applicant through the service of a Planning Contravention Notice. Given the situation, any planning permission should be subject to a condition to ensure that the building would only be used for domestic purposes or in connection with the maintenance and agricultural use of the land within the smallholding and not in connection with the motor trade or other

business activity not directly connected with agricultural use at the smallholding.

The applicant's response to the Planning Contravention Notice will help to clarify the planning status of the activity involving vehicles at the premises and may result in a separate enforcement action or possibly a separate application. However, it is considered that a planning condition requiring the non-commercial use is sufficient to deal with this concern as far as the intended garage is concerned.

Summary - The main conclusions that have arisen from consideration of the proposal can be summarised as follows:

- There are 'very special circumstances' that justify why the building, which is inappropriate development in the Green Belt, can be permitted.
- The future use of the building can be controlled by the use of an appropriate condition to prevent a loss of amenity due to unacceptable commercial activity.
- If there is sufficient evidence of an unauthorised commercial use taking place at the premises this can, more appropriately, be dealt with through planning enforcement powers.

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 development is inappropriate development in the Green Belt, the applicant has demonstrated very special circumstances why it can be accepted. Provided that the development is subject to an appropriate condition to prevent the building from being used for commercial activity not directly associated with the agricultural use of the smallholding, the activity within the building would not be detrimental to the amenities of the area.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. 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.
2. The building shall only be used in connection with the domestic use of the dwelling 41 Bury New Road and the maintenance and agricultural use of the land on the smallholding associated with this dwelling. It shall not be used for commercial business purposes associated with the motor trade or any other business activity not directly associated with an agricultural use of the smallholding.
Reason: In order to protect residential amenity in the area pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
3. This decision relates to the drawings received on 13th 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.

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

Ward: Radcliffe - North

Item 13

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

The application was deferred at the last meeting of the Committee to allow a site visit to take place

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 15th July 2008 and a press notice was published in the Bury Times on 17th 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.

32 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.

The applicant has stated that the company has injection moulding machines and he is concerned that if they buy a new one they would not be able to bring it through the factory if the roller shutter doors were not in place. He asks whether it could be possible for the roller shutter door to be retained subject to a condition allowing it to be used for one day only in the event of needing to install a machine, or as otherwise agreed. This would occur probably on fewer occasions than two a year. He points out that, once installed, the machine would have no perceptible impact externally and could be used as part of the lawful planning use of the premises as an industrial building within Class B2. Otherwise, he adds, they would need to remove two layers of cladding, lining material and horizontal beams which would be a large job and could presumably annoy neighbours more.

The enforcement of a condition as suggested by the applicant is likely to raise significant problems. The doors would remain in place and contraventions of such a condition by their being opened for short periods or for other reasons than the installation of machinery could occur and would be difficult to monitor and thus to secure enforcement action.

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 12 and 14 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 other two bunds have little visual impact on residential properties and frontage areas. They do not, therefore, require landscaping treatment to reinforce the existing natural growth of vegetation..

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

Conditions/ Reasons

Condition 1 - The landscaping scheme for the entire bund adjacent to nos. 12 and 14 Bradley Fold Cottages and 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**

Applicant: Mr Eric Taylor

Location: PILSWORTH FISHERIES, PILSWORTH RESERVOIR, PILSWORTH CLOUGH, MOSS HALL ROAD, BURY

Proposal: CONSTRUCTION OF NEW BANKING AND ISLANDS REUSING INERT MATERIALS, FOOTPATH & PLATFORMS (RESUBMISSION)

Application Ref: 50161/Full

Target Date: 23/10/2008

Recommendation: Approve with Conditions

Description

The application concerns an existing extensive reservoir that is used for angling. The other much smaller ponds and reservoirs making up the fishery are not affected.

The area is open and within the Green Belt. Immediately to the north is the Viridor sand quarry. Sand extraction is currently occurring to be followed by backfilling with controlled waste and then reinstatement to pasture/amenity open land. On the side of the quarry/backfilling site next to the reservoir there is a wide buffer zone of vegetation. Vehicular access to the extensive reservoir car park at the easterly end of the waters is via an unmade lane from Moss Hall Road. The reservoir is a Grade B SBI.

The main proposal is to create two islands within the easterly portion of the reservoir and to improve the southerly banks for angling purposes by replacing the current vertical stone wall banking with a sloping clay banking. The operation would be carried out by importing approximately 12000m³ of inert material consisting of solid demolition, construction and excavated waste over a projected three month period and with the source areas given as 60% from Bury MB, 40% from other parts of Greater Manchester and the rest from elsewhere. The material would be brought in from the highways system at Moss Hall Road via the narrow unmade lane that serves the fishery at the reservoir.

The details include, as well as the proposed islands, the creation of new stable banks on the southerly side of the reservoir to replace the existing masonry wall bank. This would enable 14 new fishing platforms to be provided on the new bank two of which two nearest to the car park would be designed for use by disabled anglers. There would be a 2m wide footpath provided alongside the bank providing access to the new platforms.

The application is supported by a Written Statement, a Design and Access Statement, an Ecological Survey with Planting Recommendations, a Traffic and Highways Statement and a Technical Specification for the Suitability of Materials to be Used at Pilsworth Lake.

Previously, planning permission was granted for a similar development but with the material to be used for the islands to be clay brought in directly from the adjoining Viridor sand quarry/ refuse disposal development (ref.46426). However, that scheme would have required funding that was not forthcoming and a subsequent scheme was submitted as an alternative which, in the same way as the current scheme, involved the importation of the material by road from other unspecified sources. Planning permission was refused for the reason that the application contained insufficient information concerning the assessment of the materials to ensure that they were suitable for use and would not pose a significant risk to the environment and pollution of controlled waters (ref. 48535). The current application is accompanied by a technical specification that has been prepared to resolve the concerns that led to the refusal of this previous application.

Relevant Planning History

45469 - Construction of new banking and bund to separate reservoir into two bodies and the creation of fishing platforms. Withdrawn on 5th January 2006.

46426 - Construction of new banking, two islands and creation of fishing platforms (resubmission). Approved on 26th July 2006.

48535 - Construction of new banking, two islands, footpath and creation of fishing platforms (resubmission) including the importation of waste material. Refused on 28th November 2007 for the reason that the application contained insufficient information concerning the assessment of the materials to ensure that they were suitable for use and would not pose a significant risk involving land and water contamination concerns.

Publicity

17 properties were notified on 25th July 2008 including 1, 2, 3 and The Bungalow, Pilsworth Cottages, 12 Clarence Avenue, Whitefield, Jackson Fold Farm, Pilsworth Road, Windsor Gardens, The Three Arrows Inn, Higher Barn Farm, Coal Pits Farm, Higher Barn Cottage, Whipple Tree Cottage and 1 to 5 The Boskins, Moss Hall Road. Site notices were displayed from 8th August 2008 and a press notice was published in the Bury Times on 31st July 2008.

An objection has been received from an occupier of 12 Clarence Avenue, Whitefield. The concerns raised include the following:

- Loss of feeding and breeding facilities for birds.
- Loss of the attractiveness of a large body of open water.
- Loss of part of the green buffer between Bury and Rochdale.
- The development would not sit well in the landscape.
- Apart from angling what other recreation use has the applicant in mind?
- An approval could set a precedent for the further sub-division of the reservoir.
- The associated traffic would impact on the tranquility of the area as more facilities could be proposed.
- With additional use the narrow access track is liable to become blocked with problems arising in the event of an emergency.
- The importation of materials could result in undesirable not locally native species of plants and animals being brought in.
- The importation of materials would cause undue impact on the surface of Moss Hall Road and excessive air pollution from vehicle emissions.
- The submitted traffic statement that on completion there would be no additional pedestrian or vehicle traffic appears to be untrue given the expense and additional amenities provided.
- The size of the passing places in the access lane is unclear.
- This would become an increased area for recreational use at the expense of the countryside.

Consultations

Highways Team - No objections.

Drainage Team - No objections.

Environmental Health - No objections subject to a condition to ensure that the nature of the imported materials would accord with the submitted Technical Specification, including the later amendment letter.

Environment Agency - No objections subject to conditions requiring prior approval to the detailed design and construction method statement for the works, a scheme for the conservation of the lodge network and a planting scheme for the reservoir with a programme of planting and maintenance.

Landscape Practice - No objections or comments as no removal of trees is involved.

GMEU - They are not in a position to advise whether the application would adversely affect the nature conservation interests of either the Grade B Site of Biological Importance or the Wildlife Corridor. Whilst they are of the opinion that there is some risk involved with the proposal they cannot assess whether mechanisms can be implemented to reduce these

risks to acceptable levels. The Council needs to be confident that the imported materials can be maintained at the highest quality before any permission is granted. Recommend conditions concerning the following

- Agreement of final bank profiles and shape of waters edge
- Methodology on timing of works and time limit on length of construction period etc. which should now include details of quality control procedures for the imported waste.
- Agreement on replanting and source of planting stock.
- An establishment period for planting with replacement of failures.

GMGU - Suggest that the Council's contaminated land team needs to be satisfied with the assessment methods intended to be used to test materials for contamination. If possible, the materials should be fully assessed for suitability off site and only materials deemed suitable for use within the project should be brought onto the site.

Wildlife Officer - The submitted ecological survey is satisfactory. Recommends conditions requiring prior approval to the following details -

- Plant rescue and storage methodology
- The habitat creation scheme for marginal plants.

GMP Architectural Liaison - No comments.

United Utilities - No objections.

Rochdale MB - No response.

BADDAC - More details should be obtained of the following:

- The car park layout ie. siting of disabled parking spaces.
- The location of disabled fishing pegs and access route to them.
- How will the disabled fishing pegs be dedicated to disabled users only?

The applicant's agent has responded with details showing two disabled parking bays in the car park to be defined and signed for disabled users only. The plan also shows details of two specially designed disabled fishing platforms close to the car park with footpath access from the disabled parking bays.

Unitary Development Plan and Policies

OL1	Green Belt
OL1/5	Mineral Extraction and Other Dev in the Green Belt
OL5/2	Development in River Valleys
EN1/1	Visual Amenity
EN6	Conservation of the Natural Environment
EN6/2	Sites of Nature Conservation Interest LNR's
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/3	Water Pollution
EN9/1	Special Landscape Areas
MW4/1	Assessing Waste Disposal Proposals
MW4/2	Development Control Conditions (Waste)
MW4/5	Land Contamination
MW4/6	Standards of Restoration (Waste)
RT1/2	Improvement of Recreation Facilities
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
PPS9	PPS9 Biodiversity and Geological Conservation
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Need -The reservoir is a major element within a sizeable fishery and the site is important locally as a centre for this popular participant sport. The long southerly bank of the reservoir has a restricted usefulness for angling due to its construction including a raised drainage channel running alongside the waters edge where it is supported by a masonry wall. This makes access hazardous as evidenced by a recent serious incident when an angler needed rescuing after falling into the channel. The proposal would open up this bank with better, more level access and new fishing platforms. It would create the opportunity to establish here a more natural waterside habitat. The presence of the islands would vary the nature of the aquatic environment with benefits for angling.

Principle - As described in the previous section, the scheme, if successfully executed, would bring benefits to the fishery which is a significant recreational facility. In this regard the development would comply with Policy RT1/2 as it involves an improvement to an existing recreation facility.

Landscape Quality - Unavoidably, the development would be visually disruptive during the implementation stage. However, once properly vegetated the islands and southerly bank of the reservoir should blend in with the surrounding open land. There is no special reason why, for landscape reasons, the reservoir surface should remain unbroken. The area is designated as a Special Landscape Area and it is considered that there would be no conflict with Policy EN9/1 which protects the visual quality of the Special Landscape Areas.

Green Belt/River Valleys - The development would preserve the openness of the area which is within the Green Belt and a designated River Valley and, therefore, there would not be conflict with policies OL1/5 and OL5/2 that protect the open character of the Green Belt and designated River Valleys from inappropriate development.

Ecology - The reservoir is a grade B SBI and it lies within a designated Wildlife Corridor. The submitted ecological supporting statement and the intended ecological impact of the scheme are very similar to those associated with the previous application and that proposal was considered to be acceptable in ecological terms. In this regard, the creation of the islands would serve to increase the attractiveness of the reservoir for bird life. However, the Wildlife Officer has commented that he would prefer to see some willow planting on the islands to further enhance habitat. If permission were to be granted it would be appropriate to impose a condition requiring a detailed planting specification to be approved and this should include the type of island planting that has been suggested.

The principal difference between the current proposal and the previously approved scheme schemes is that the material to be utilised in the current one for creating the islands and bank would be imported from elsewhere. The specific sources and precise nature of the material are not known, other than the general source areas and that it would be inert material consisting of solid demolition, construction and excavated waste. GMEU has raised a number of concerns about the quality of the material, the mechanism for monitoring it, the maintenance of water quality and sediment load during the construction and refilling stage. These concerns about the possibility of contamination of the natural environment if the imported material is not properly monitored raises issues about compliance with policies EN6, EN6/2, EN6/4, EN7, EN7/3, MW4/2 and MW4/5 that are concerned with planning issues arising from sites of nature conservation interest and developments involving potential pollution impacts and waste disposal activity. With the previous application the source and nature of the material was known and monitoring would not have been difficult. However, the change to imported material has raised understandable concerns about the potential impact on the ecology of a sensitive water environment if the material or even some of it was not to be suitable. The previous application for the same development also involving imported materials was refused for the reason that there was a lack of sufficient information as to how the suitability of the materials would be assessed.

The current application is accompanied by a technical report that provides information about how the imported materials would be assessed for their suitability. Environmental Health are

of the opinion that the report provides an acceptable scheme for validating the suitability of the materials and any consent should be subject to a condition to ensure that the scheme of material validation set down in the report would be complied with.

Access and Traffic - The access route for the importation of material is via a narrow and unmade lane bounded by rural hedges and also designated as a public right of way. The predicted HGV movements would be about 2 per hour during the working day over about 3 months.

The access junction into the lane at Moss Hall Road and the first few yards of the lane are in Rochdale MB. That authority has been consulted about the application but has not responded. Regarding the previous similar application Rochdale expressed concerns that visibility and markings at the junction should be improved, the former by hedge cutting back. They were also concerned about the dual use of the lane by HGV's and pedestrians with it being a public right of way, as well as the increase in traffic in this part of their borough during the development.

Highways Team has raised no objections and are aware of the public right of way designation of the lane.

The lane is not included within the application. However, it appears to be a highway and has been used for years as access to Pilsworth Fishery. Informal advice from GMGU has been that the lane need not be included within the application red edge. This and the location of the access junction at Moss Hall Road in Rochdale makes it impossible to deal with any improvements at the junction through planning conditions. The Highways Team response finds the development acceptable from an access and traffic point of view and Rochdale's previous concerns could not be addressed through any decision to approve the application. If necessary, they would have an option of seeking highway powers to achieve the minor improvements at the Moss Hall Road junction. However, the development phase with HGV movements is intended to occur only over a short period.

Contamination Issues - The application states that the material to be imported would be inert demolition, construction and excavated materials. It would be deposited within an aquatic environment used as a fishery and within a rural area. It is very important to ensure that the imported material does not give rise to pollution of the land and water environment. As related in the ecology section above, the submitted technical report about the validation of the materials is acceptable to Environmental Health and any consent should ensure through a condition that the scheme of material validation set down in the report would be complied with.

Residential Amenity - There are no residential properties close to the area of the reservoir where the island formation and embankment work is proposed. There are also no such properties along the access lane. However, there is a group of houses situated on the opposite side of the junction at Moss Hall Road. The turning of HGV vehicles delivering material for the development into and out of the lane would cause a degree of disturbance to these residents but only for the limited period of three months the operation, whereupon the current low volume angler car and van traffic would resume. These properties have been notified as well as other scattered properties along this road and no objections have been received. The only objection is from a resident living well away from the site.

Disabled Access - The scheme includes two fishing platforms dedicated for use by disabled anglers and designed and signed for their use. These are out of the total of 14 platforms to be provided. The car park layout also includes two disabled parking spaces within easy reach of the disabled fishing platforms and 2m wide access paths from the car park to these platforms. It is considered that these details have sufficiently addressed the needs of disabled persons using the reservoir for angling.

The Objection - The objector expresses concerns that any approval would set a precedent for more facilities being developed in the future with attendant extra traffic, noise and

disturbance in a peaceful location. However, any decision on the application should take into consideration only what is currently being proposed. Future proposed developments, if any, would need to be considered on their merits at the time when they are the subject of an application. The current proposals, once the initial development stage is completed, do involve a materially more intensive use of the fishery. The other points raised by the objector are covered in the above issues sections of the report and through the recommended conditions.

Summary of reasons for Recommendation

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

The development would enhance the recreational use of the reservoir and, on full completion of the works, the visual amenities of the area and the wildlife interests of the site would be restored. The application includes adequate information concerning the validation of the imported material as being suitable for use in the development. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The permission hereby granted is for a limited period only, namely for a period expiring on 31st December 2011, by which date the approved work to create islands, new banking fishing platforms and the associated footpath access shall have ceased and the site shall have been satisfactorily restored in accordance with planning condition no. 5 below to the written satisfaction of the Local Planning Authority, unless in the meantime a further planning permission has been granted extending the period for the development.

Reason. To ensure the satisfactory completion of the development in the interests of visual amenity and to protect and maintain the ecological status of the locality pursuant to the following policies of the Bury Unitary Development Plan:

EN1/1 - Visual Amenity

EN9/1 - Special Landscape Areas

EN6 - Conservation of the Natural Environment

EN6/2 - Sites of Nature Conservation Interest (Local Nature Reserves and Grade B and C Sites of Biological Importance)

EN6/4 - Wildlife Links and Corridors

MW4/1 - Assessing Waste Disposal Proposals

MW4/2 - Development Control Conditions (Waste)

MW4/6 - Standards of Restoration (Waste).

2. The works hereby authorised shall be undertaken from start to final completion within a single period of operations and no work shall be undertaken outside the period from September to March.

Reason. In order to mitigate the impact of the development on the nature conservation interests within a Grade B Site of Biological Importance pursuant to the following policies of the Bury Unitary Development Plan;

EN6/2 - Sites of Nature Conservation Interest (Local Nature Reserves and Grade B and C Sites of Biological Importance)

EN6/4 - Wildlife Links and Corridors

MW4/1 - Assessing Waste Disposal Proposals

MW4/2 - Development Control Conditions (Waste)

MW4/6 - Standards of Restoration (Waste).

3. No material shall be utilised for the creation of the islands and banking unless it has undergone sampling and scientific testing for contamination in accordance with the assessment criteria set down within the submitted Technical Specification for the Suitability of Materials to be Used at Pilsworth Lake (ref. no. 07433/1A dated September 2008) by The Arley Consulting Company Limited and it has been verified to the written satisfaction of the Local Planning Authority, in accordance with these criteria, as suitable for use in the development. A copy of a verification certificate concerning the testing results shall be submitted to the Local Planning Authority not later than three months after the completion of the groundworks for the creation of the islands and banking.

Reason. To ensure that the development does not give rise to the pollution of land, watercourses or water bodies pursuant to the following policies of the Bury Unitary Development Plan:

EN7 - Pollution Control

EN7/3 - Water Pollution

EN6 - Conservation of the Natural Environment

EN6/2 - Sites of Nature Conservation Interest (Local Nature Reserves and Grade B and C Sites of Biological Importance)

EN6/4 - Wildlife Links and Corridors

MW4/1 - Assessing Waste Disposal Proposals

MW4/2 - Development Control Conditions (Waste)

MW4/6 - Standards of Restoration (Waste).

4. No development shall take place unless and until a detailed design and construction method statement of the new bank works and the two islands has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason. To ensure the protection and conservation of the Site of Biological Importance and in pursuance of the following policies of the Bury Unitary Development Plan:

EN6/2 - Sites of Nature Conservation Interest (Local Nature Reserves and Grade B and C Sites of Biological Importance)

MW4/1 - Assessing Waste Disposal Proposals

MW4/2 - Development Control Conditions (Waste)

MW4/6 - Standards of Restoration (Waste).

5. No development shall take place unless and until full details of the habitat creation scheme for marginal plants of native species have been submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out other than in accordance with the approved details. These details shall include the following:

1. A description of the target range of species appropriate for the site.
2. A formal landscaping schedule and plan.
3. The source of plant material.
4. A method statement for site preparation and the establishment of target species with a programme of planting and maintenance relating to stages of the work.
5. The extent and location of the proposed works, including all site facilities during the operations.
6. A programme of maintenance/aftercare and monitoring for a five year period on the completion of the habitat creation, including proposals for the replacement of any planting material that has failed.

7. The timing of the works, including the removal of all site facilities at the end of the operations.

Reason. In order to mitigate the impact of the development on nature conservation interests within a Site of Biological Importance and a Wildlife Corridor pursuant to the following policies of the Bury Unitary Development Plan:

EN6/2 - Sites of Nature Conservation Interest (Local Nature Reserves and Grade B and C Sites of Biological Importance)

EN6/4 - Wildlife Links and Corridors

MW4/1 - Assessing Waste Disposal Proposals

MW4/2 - Development Control Conditions (Waste)

MW4/6 - Standards of Restoration (Waste).

6. No development shall take place unless and until full details of a scheme of plant rescue and storage methodology have been submitted to and approved in writing by the Local Planning Authority and these works shall be implemented in full prior to the lowering of the water level within the reservoir, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall include the following details:

1. A description of the target range of species to be rescued.
2. A method statement for the collection of plants, including timing.
3. The estimated number of plants by species to be rescued.
4. Details of the storage area.

Reason. In order to mitigate the impact of the development on nature conservation interests within a Site of Biological Importance and a Wildlife Corridor pursuant to the following policies of the Bury Unitary Development Plan:

EN6/2 - Sites of Nature Conservation Interest (Local Nature Reserves and Grade B and C Sites of Biological Importance)

EN6/4 - Wildlife Links and Corridors

MW4/1 - Assessing Waste Disposal Proposals

MW4/2 - Development Control Conditions (Waste)

MW4/6 - Standards of Restoration (Waste).

7. No development shall take place unless and until a scheme for the conservation of the lodge network within Pilsworth Fisheries with has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be completed in accordance with the approved details not later than by the end of the first planting season following the commencement of the development authorised by this consent.

Reason. To protect and conserve the linking wetlands pursuant to the following policies of the Bury Unitary Development Plan:

EN6/2 - Sites of Nature Conservation Interest (Local Nature Reserves and Grade B and C Sites of Biological Importance)

EN6/4 - Wildlife Links and Corridors.

8. No topsoil or overburden shall be sold or otherwise removed from the site without the prior written approval of the Local Planning Authority.

Reason. In the interests of proper site restoration pursuant to the following policies of the Bury Unitary Development Plan:

EN6/2 - Sites of Nature Conservation Interest (Local Nature Reserves and Grade B and C Sites of Biological Importance)

EN6/4 - Wildlife Links and Corridors

MW4/1 - Assessing Waste Disposal Proposals
MW4/2 - Development Control Conditions (Waste)
MW4/6 - Standards of Restoration (Waste).

9. All internal combustion engines and other machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment and shall be maintained in an efficient condition at all times, as may be reasonably appropriate, to the satisfaction of the Local Planning Authority.

Reason. In the interests of the amenities of the area pursuant to the policies of the Bury Unitary Development plan listed below:

MW4/1 - Assessing Waste Disposal Proposals
MW4/2 - Development Control Conditions (Waste).

10. No angling shall take place on the separated areas of water body created by the island creation development until the habitat creation scheme has been implemented in full to the written approval of the Local Planning Authority.

Reason. In order to ensure the effective completion of site restoration pursuant to the following policies of the Bury Unitary Development Plan:

EN6/2 - Sites of Nature Conservation Interest (Local Nature Reserves and Grade B and C Sites of Biological Importance)
EN6/4 - Wildlife Links and Corridors
MW4/1 - Assessing Waste Disposal Proposals
MW4/2 - Development Control Conditions (Waste)
MW4/6 - Standards of Restoration (Waste).

11. Within three months of the completion of the restoration works all buildings, plant and machinery used in connection with the operations hereby permitted shall be removed and the land concerned reinstated to the written satisfaction of the Local Planning Authority.

Reason. In the interests of the visual amenities and nature conservation interest of the area and the proper restoration of the site to open land pursuant to the following policies of the Bury Unitary Development Plan:

EN6 - Conservation of the Natural Environment
EN6/2 - Sites of Natural Conservation Interest (Local Nature Reserves and Grade B and C Sites of Biological Importance)
EN6/4 - Wildlife Links and Corridors
EN9/1 - Special Landscape Areas
OL1 - Green Belt
OL1/5 - Mineral Extraction and Other Development in the Green Belt
OL5/2 - Development in River Valleys
MW4/1 - Assessing Waste Disposal Proposals
MW4/2 - Development Control Conditions (Waste)
MW4/6 - Standards of Restoration (Waste).

12. This decision relates to drawings numbered P188-001 Rev 1, P188-002 Rev 3, P188-003 Rev 3, P188-004, P188-006, 070801/03, Design and Access Statement, Written Statement, Ecological Survey of Main Reservoir Pilsworth Fisheries with Ecological Notes on Other Reservoirs plus Planting Recommendations, Technical Specification for the Suitability of Materials to be Used at Pilsworth Lake (report number 07433/1A dated September 2008) by The Arley Consulting Company Limited, Traffic and Highway Statement, and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

