

BURY METROPOLITAN BOROUGH COUNCIL
ENVIRONMENT & DEVELOPMENT SERVICES

PLANNING CONTROL COMMITTEE

25 November 2008

SUPPLEMENTARY INFORMATION

Item:01 **WOODGATE HILL RESERVOIR BURY** **Application No. 50274**
54KM OF PART BURIED PART OVER LAND PIPELINE CONNECTING
WOODGATE HILL RESERVOIR IN BURY TO PRESCOT RESERVOIR, KNOWSLEY
(APPROX 9.51KM IN BURY)

Recommendation

As this application has been subject to an Environmental Impact Assessment (EIA), the governing regulations require that the application must be referred to the Secretary of State before the decision notice is issued. As such the recommendation is **Minded to Approve** subject to referral under the EIA Regulation 21 of Circular 02/99.

Additional Conditions

20. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development for the proposed working areas including the pipeline route. It shall be implemented not later than 12 months from the date of completion of any particular phase or as approved in writing by the Local Planning Authority; 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.

21. Prior to the removal of any tree(s) permitted by this approval, a survey shall be conducted, and the survey results established as to whether the affected trees are utilised by bats or owls. A programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority and all mitigation measures shall be fully implemented prior to the commencement of the works and to remain in situ on the site for an agreed period of time.

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.

22. No development shall commence unless and until a detailed phasing plan of works has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason - No detailed timing or phasing proposals have been submitted and pursuant to PPS9 - Biodiversity and Geological Conservation.

Item:02 **LAND ADJACENT TO 506 BOLTON ROAD, BURY, BL8 2DU** **Application No. 50603**
RESIDENTIAL DEVELOPMENT - 1 DWELLING (OUTLINE)

Publicity

Three letters of objection have been received from the occupiers of 504, 508 Bolton Road & 37 Kenmor Avenue, which have raised the following issues:

- The proposed development would be out of character with the surrounding area.

- Impact upon residential amenity by loss of light
- Impact upon residential amenity by loss of privacy
- Impact upon highway safety, including visibility.
- Impact of the proposal upon a capped mine shaft, located in the curtilage of 510 Bolton Road.

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

Issues & Analysis

Response to the objectors - The issues of loss of privacy, loss of light and the character of the development have been addressed within the original report. Informative will be added to the decision notice. The proposed development would provide off-road parking for both the existing and proposed dwelling. The proposed dwelling would be set back from the highway and it is considered that there would be adequate visibility. The highways team has no objections to the proposal, subject to the inclusion of conditions relating to parking and the turning facilities. In light of the comment that there is a capped mine shaft in the locality, an informative has been attached, which identifies the possible hazards and states that it is the applicant's responsibility to take account of these hazards in relation to the application site and the surrounding area.

Item:03 OUR LADY OF LOURDES ROMAN CATHOLIC COUNTY PRIMARY, RUDGWICK DRIVE, BURY, BL8 1JQ Application No. 50261
ERECTION OF 2.4M HIGH WIRE MESH FENCING TO EAST BOUNDARY AND 1.4M HIGH METAL RAILINGS TO SOUTH WEST BOUNDARY

Nothing further to report

Item:04 4 GLEBELANDS ROAD, PRESTWICH, M25 1NE Application No. 50461
SINGLE STOREY EXTENSION AT REAR

Nothing further to report.

Item:05 17 SHEEPFOOT LANE, PRESTWICH, M25 0BN Application No. 50322
SHELTERED ACCOMMODATION (CLASS C3) - 10 APARTMENTS

Nothing further to report.

Item:06 OSTRICH INN, 163 BURY OLD ROAD, PRESTWICH, M25 5JF Application No. 50605
VARIATION OF CONDITION 3 TO READ: 'THERE SHALL BE NO LOUD SPEAKERS, AMPLIFIED MUSIC OR SCREENS PROVIDED TO THE PROPOSED SHELTER, OR IN ASSOCIATION WITH THE SHELTER AT ANY TIME'.

Nothing further to report

Item:07 UNITS 5 & 6 THE RADIUS, FAIRFAX ROAD, PRESTWICH Application No. 50490

CHANGE OF USE UNIT 5 AND PART CHANGE OF USE OF 6 TO LICENSED BOOKMAKERS (CLASS A2)

Nothing further to report.

Item:08 NEW CENTURY APARTMENTS, STUBBINS LANE, RAMSBOTTOM
Application No. 50486
NEW 900MM HIGH RAILINGS TO SITE FRONTAGE

Nothing further to report

Item:09 LAND TO THE WEST OF OLD HALL LANE, WHITEFIELD Application No. 50250
(OUTLINE) ERECTION OF NEW PRIMARY SCHOOL

The application has been withdrawn by the applicant.

Item:10 WHITEFIELD HEALTH CENTRE, BURY NEW ROAD, WHITEFIELD, M45 8GH Application No. 50487
CONSERVATION AREA CONSENT FOR THE DEMOLITION OF EXISTING THE UPLANDS AND HEALTH CENTRE

Applicant's further Comments

A letter has been received dated 20 November 2008 on behalf of the applicant in response to the produced committee reports for 50460 and 50487. It is reproduced for the Planning Control Committee's information with Officer's response in bold italics.

WHITEFIELD HEALTH CENTRE - AGENTS LETTER DATED 20 NOVEMBER 2008

I write in respect of the applications for the above site that are due to be considered at the Planning Control committee on 25 November. Having read your reports to committee I have to express disappointment at the lack of balance of all of the planning issues contained within it. I am particular concerned that the officer's assessment contained within the report:

- Disregards the clinical/health need for the development to serve the residents of Whitefield and, in this context, makes no reference whatsoever to the UDP policies CF1 and CF4 which state, in terms, that the Council will endeavour to improve healthcare in the borough by looking favourably on proposals for new facilities and seeking improvements to existing facilities where possible.

Officer Response - The benefits of health care investment in Whitefield are to be welcomed. The report acknowledges this by quoting extensively from the agent's supporting planning statement. The Committee report clearly states that the development is seeking to improve the current services under the NHS reforms. The relevant UDP including CF1 and CF4 are listed within the report.

All Members have been sent further detailed information directly by the applicant.

- Fails to recognise the fact that there are no suitable, available alternative sites within the Whitefield catchment that could accommodate the development.

Officer Response - The supporting documentation did include an alternative site assessment. However, the alternative site assessment was based upon a very narrow area of search comprising 300m in width along the Whitefield District Centre corridor. Furthermore the assessment was carried out in August, when the proposals were already at an advanced stage. The assessment is fundamentally flawed in that it seeks to demonstrate that there are no alternative sites available in Whitefield for the form of development proposed. If the assessment had been done at an early stage, it would have been likely to produce an alternative and more flexible form of development that would fit better into this site and other possible sites.

- Gives undue weight to comments raised in just 8 letters of objection whilst failing to report on the community consultation exercise attended by 35 people, the vast majority expressing support for the development – details are set out in the submitted Statement of Community Involvement.

Officer Response - It is standard practice to report to the Planning Committee responses received on planning applications both for and against a scheme. The publicity section of the Officer report confirms that 702 properties were consulted and that 8 letters of objection have been received. No letters of support have been received. A statement of Community involvement accompanies the planning application. It does confirm that the proposals were publicised through letters being sent to all Bury MBC Councillors, newsletters issued to the local press and stakeholders through the Local Area Partnership, mailshots were carried out and a public exhibition in May 2008.

- Erroneously claims that a review of opportunities to retain Uplands House as part of the development was carried out as a retrospective exercise, when this is patently not the case as discussed in pre-application meetings and details provided as part of the Design and Access Statement.

Officer Response - Evidence was not submitted about retaining The Uplands until late in the pre-application discussions. This was finally received on 20th August 2008, 13 days prior to the submission of the application. The agents had concluded that there were no opportunities to retain The Uplands, based upon alternative site selection criteria and the brief for the site. However, no internal assessments have been made of the existing building and how it might be usefully retained as part of the development.

- Does not acknowledge that the development will also result in the demolition of the existing Whitefield health centre which, in the Council's own assessment, significantly detracts from the character and appearance of the conservation area. Taking that building into account, the proposed development will actually have a smaller overall footprint than existing buildings on the site (c.1258m² compared to 1453m² existing) and will not increase the footprint by more than 100% as indicated.

Officer Response - The existing health centre is not a sympathetic building within the Conservation Area and this is acknowledged in the Council's All Saints Conservation Area Management Plan. It is not particularly prominent within the Conservation Area because it is a low profiled building to the rear of The Uplands. The officer's report is clear in saying that the development footprint will be more than 100% greater than that of the Victorian building. The key point being made is about scale and bulk of the existing against the

proposed building. Whilst the existing single storey building has a large footprint, due to its low height it has little impact on the wider character of the conservation area. The scale and bulk of the proposed building is made more emphatic because it is located at a prominent part of the site.

- Raises concerns regarding the adequacy of car parking provision on site, whereas parking numbers have been agreed with the highways officer in advance of the application submission.

Officer Response - The Officer's report raises concerns on parking. However, it does not suggest that the application be refused for this reason and the final recommendation reflects this. Additionally, the supporting transport assessment considers that the 70 spaces are the minimum that should be provided. The parking levels for a development should be based upon a maximum provision and is a matter of judgment on the acceptability of the spaces to be provided. It is stated within the report that more provision should not be sought but instead that with an effective travel plan and the provision to potentially provide financial incentives, the minimal car parking provision could be sufficient.

- Implies that the application has been submitted without due thought or consideration to all of the relevant planning issues or consultation with the LPA and other stakeholders when that clearly is not the case as evidenced by the number of pre-application meetings and discussions.

Officer Response - That meetings have taken place does not automatically mean that all matters have been fully addressed. This case has been unusual in that the agent's refused to discuss heritage and conservation issues through the pre-application process. Officers did write several times to the agents in June and July 2008 to express their great concerns over this.

- Does not acknowledge a key plank of the applicant's case that national guidance at paragraph 3.19(iii) of PPG15 indicates that, exceptionally, there may be cases where proposed works would bring substantial benefits to the community which have to be weighed against the arguments for preservation of buildings. This applies in respect of proposals for the demolition of listed buildings and unlisted buildings that make a positive contribution to the character or appearance of a conservation area.

Officer Response – The proposals have not made an adequate case for the demolition of The Uplands, not shown how the Conservation Area would be preserved or enhanced as a result of the development. This is a key issue in PPG15. Instead, the proposals have chosen to set aside any consideration about whether a scheme could be developed that would be appropriate to this special area, either through proper examination of the contribution of The Uplands to the Conservation Area or an appropriately designed scheme. There is no issue about the many benefits a new health centre would bring and in principle it is to be welcomed. However, Officers together with other statutory consultees, have significant concerns about the design, scale and massing of the proposal and consider that as the proposal would be detrimental to the All Saints Conservation Area.

- Overall, our main concern is that the report clearly fails to address all of the relevant issues in the round and focuses principally on the loss of Uplands House and the impact of the development in the Conservation Area, rather than weighing

those objectives against the undeniable need for the development, lack of alternative sites and the wider community benefits that the scheme will bring. Not only is the proposal in accordance with the development plan (policies CF1 and CF4) but those benefits are strong material considerations that should be weighed in the determination of this application. Failure to recognise this is, in our opinion, a serious omission from the report.

Officer Response – There is no planning objection to a new health centre which would bring many benefits to the people of Whitefield. However, the particular design solution that has been chosen is quite inappropriate to this site. There are solutions that should have been pursued which would have brought benefits to Health provision and also respected the principles of conservation. Whilst provision of a new health centre is very definitely a community benefit, so too is the protection and enhancement of our urban heritage. The applicants need to engage with the Council, CABI and English Heritage to produce a mutually beneficial solution.

Finally, you will be aware that the detailed comments received from English Heritage and CABI arrived at a late stage in the process. It is noted that neither have formally objected to the proposals, but have indicated concerns regarding the detailed design. Since being in receipt of those letters we have been in direct dialogue with EH (two meetings) and CABI to discuss an alternative design solution, culminating in the submission of further sketch details to you by email on 18th November. We consider that there is scope for further discussion and modification of the scheme details to overcome those concerns. In particular, the revised sketches indicate that by simplifying the range of materials and introducing a softer palette and providing additional landscaping and range of materials in the car park the development can be better assimilated into the landscape.

Officer Response – CABI referred to here is understood to be the "CABI Enabler", who had been involved with the applicant's team throughout the process. It is clear however that CABI's central review team, who have independently considered the application have not supported the proposal and state "We do not think that the design quality of the development proposed responds sufficiently to the character of its mature landscapsetting or the All Saints Conservation Area. We think that further work is required to achieve an architectural expression of sufficient quality for this special site."

English Heritage state that the demolition of The Uplands is not founded on sound architectural investigation of the building and its wider contextual relationships. The rationale for demolition...has not been fully explored in terms of use. We would support a scheme utilising contemporary design to creatively interpret this fine site and surroundings. Several elements of the submitted design, however, do not preserve or enhance the conservation area".

Both CABI and English Heritage can and will be consulted by Officers with any other submission that may come forward.

I note that you are unwilling to consider any revisions to the scheme plans at this stage, but would request that the application be deferred at committee to enable further meaningful dialogue to take place with a view to arriving at an agreed solution as soon as possible. Given that this site has been identified as the only viable option for development of a new Primary Care Centre in Whitefield if the scheme does not go ahead the PCT has indicated that it will severely compromise their ability to

address the significant healthcare needs of the locality.

Officer Response - It is standard practice not to accept late revisions to schemes that require reconsultation, as often there is insufficient time for this process to take place prior to a Planning Committee meeting. Very minor changes can be accepted but if changes are minor there is a strong likelihood that the recommendation would remain the same. In this instance, there would be a significant process involved in re-consulting the public, the statutory and non- statutory consultees on amendments reflecting the complexities of this site and the proposal. All amendments would require careful consideration and should properly be assessed and subject to further consideration via the submission of a further application.

**Letter written by Sam Ryan
Director – Turley Associates**

Additional Neighbour Comments

89 Haig Road - has further stated that the car parking provision of 70 spaces is woefully insufficient. The Transport Assessment has underestimated the time that patients would be at the centre (25 minutes per visit) and that a multi storey car park could be included within the plans to ensure that there is sufficient parking.

Item:11 WHITEFIELD HEALTH CENTRE, BURY NEW ROAD, M45 8GH

Application No. 50460

FULL PLANNING PERMISSION FOR THE DEVELOPMENT OF EXISTING HEALTH CENTRE AND ANCILLARY BUILDINGS. ERECTION OF A NEW 3 STOREY PRIMARY CARE CENTRE WITH ASSOCIATED LAND WORKS, 70 SPACE CAR PARK, SUB STATION, LANDSCAPING. TEMPORARY USE OF TENNIS COURT ADJACENT TO STAND CRICKET CLUB FOR PATIENT PARKING AND CONTRACTORS COMPOUND THEN RE-INSTATED TO PRACTICAL USE FOLLOWING DEVELOPMENT COMPLETION.

Applicant's further Comments

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Consultee Response

The Traffic Team have responded to the application and have no objections to the scheme on highway grounds subject to the inclusion of planning conditions in the event of the application being approved.

Item:12 WHITEFIELD GOLF CLUB, HIGHER LANE, WHITEFIELD, M45 7EZ

Application No. 50494

TOILET EXTENSION TO EXISTING REFRESHMENT HUT ADJACENT 10TH TEE (RETROSPECTIVE) WITH NEW PITCHED ROOF TO BUILDING (RESUBMISSION)

Nothing further to report.