

Ward: Bury East

Item 01

Applicant: Fusilliers Museum and Learning Centre

Location: LAND AT SPARROW PARK , SILVER STREET, BURY

Proposal: FULL PLANNING PERMISSION FOR ERECTION OF WAR MEMORIAL FOR LANCASHIRE FUSILIERS AT SPARROW PARK, SILVER STREET, BURY (RELOCATED FROM WELLINGTON BARRACKS, BOLTON ROAD, BURY)

Application Ref: 50549/Full

Target Date: 26/12/2008

Recommendation: Approve with Conditions

Description

The application comprises a small park area within the town centre of Bury, known as Sparrow Park. It is some 0.07 ha in size and is located immediately adjoining the Grade II former Arts and Crafts building, which is currently under renovation and extension following the grant of Listed Building Consent and planning permission (refs: 46885 and 46886). The site is within the town Centre Conservation Area and is located in close proximity to a number of listed buildings.

The renovation and extension works are part of a package of proposals, which are in connection with the planned relocation of the Trustees and Regiment of the Lancashire Fusiliers from their existing site on Bolton Road, Bury to the town centre site within the Arts and Crafts building. It is intended that the building would be used as the main headquarters for the Trustees and artefacts in association with the Fusiliers, café and other facilities would be available.

The application is seeking the grant of planning permission for the erection of the Lutyens Memorial, which is a Grade II monument, from the Bolton Road site to Bury Town centre.

A separate application for Listed Building Consent is being sought contemporaneously, which seeks to dismantle the monument from the Bolton Road site and carry out remedial repairs. The details of this report can be found elsewhere on this agenda (ref: 50549). Should this planning application be granted, then the permission would allow the relocation of the memorial to the town centre.

Relevant Planning History

46886 – Listed Building Consent for restoration, alterations, adaptation, partial demolition and extension to form new Fusiliers Museum and Regimental HQ with alterations to existing basement workshops – Approved – 26/10/06

46885 - Alterations, adaptation, partial demolition and extension to form new Fusiliers Museum and Regimental HQ with alterations to existing basement workshops – Approved – 26/10/06

Publicity

Letters were written to surrounding properties within an 80m radius of the Sparrow Park site and all the same neighbours as consulted on the Listed Building Consent (50549) surrounding the Bolton Road site on 7 November 2008. In total 321 addresses have been consulted.

A site notice was erected on 18 November 2008 and a press advert was published in the Bury Times on 13 November 2008.

As a result of this publicity, 132 letters/emails have been received. Two general comments

stating care should be taken when considering the sensitive nature of the proposals.

33 Objections have been received to the proposed development for the following reasons:

- The monument is Listed and should remain at the site. (10)
- Fear that the monument will be vandalised at the proposed location. (15)
- Sparrow Park not a suitable site for the monument, because of it's proximity to bars, clubs, lap dancing club. (10)
- Ashes of the regiments soldiers are scattered at the site. (15)

97 letters of support have been received for the proposed development for the following reasons:

- The monument has already been moved once before.
- If the monument stays at the current site who will look after it?
- Monument will be left to deterioration and vandalism if not moved.
- New location will be easier for people to get to by public transport (bus, metro etc).
- Monument should be situated near the new regiments museum.
- It's the main memorial focus of the regiment.

All interested correspondents have been notified of the Planning Control Committee meeting.

Consultations

Highways Team - No objections.

Drainage Team - No objections.

G M Police - No objections.

Heritage Consultees have responded to both proposals at Bolton Road (50548) and Sparrow Park (50549).

Conservation Officer - No statutory advice is given within Planning Policy Guidance Note 15 - Planning and the Historic Environment. Instead advice is given on the desirability to preserve listed buildings or their settings. Proper justification for the proposals must satisfy the decision maker and how the proposal contributes to the street scene. The proposed relocation of the monument would still relate to the Lancashire Fusiliers, following their planned relocation to the Town Centre. The structure would be preserved as a result of the relocation following its repair and restoration. Overall to the Borough there would be no loss and its ongoing security would be assured should the existing former Barracks site be redeveloped.

The memorial would add to the quality of Sparrow Park and to the setting of a number of adjacent listed buildings and in many respects the new location would be an appropriate one.

There would be a loss to the local scene on Bolton Road. However, the local scene has changed significantly since the memorial's first relocation in 1958. Further redevelopment in or around the Barracks site, should this take place, would further change the area.

The redevelopment of the 1960's housing on the former historic Barracks site has diminished the link between the memorial and the site's former use and the Fusiliers relocation to Bury Town Centre is committed. As such, the sense of place is not what is used to be.

Should the memorial had remained in its original position, with much more of the former Barracks building retained around it, the case for its retention would be much stronger and therefore on balance, there is no objection to the relocation and associated repair works.

The communal value of a historic development, which raises the symbolic and emotional link between a location and people is an issue that can contribute to the development process in terms of the links of the Monument to the site. To protect the emotional link

between people and the barracks, it is important that a significant and lasting record and interpretation is provided at the Bolton Road site. On balance, there is no objection to the relocation and associated works.

It is possible that the relocation of the memorial will require its re-listing in its new location.

English Heritage - Special consideration should be given to views of the local community and those who visit the monument in determining the proposal. It is technically possible to relocate some structures, although their significance tends to be diminished by separation from their historic location. In this instance the monument has already been relocated once when the historic barracks building was largely demolished and the site redeveloped. In the meantime, the monument has been listed in its current position and has acquired a new value by the public. As such its value to its place, visitors and neighbouring community must therefore be understood and fully respected.

There is no doubt that the monument provides distinctiveness, meaning and quality to its current location, providing a sense of continuity, identity and in this case also collective memory. The extent to which these values are diminished by relocating the monument must all be taken into balance.

English Heritage do however believe that each generation should shape and sustain the historic environment in ways that allow people to use, enjoy and benefit from it, without compromising the ability of future generations to do the same. There is no doubt that the establishment of a new centrally located museum to venerate the memory and bravery of the Lancashire Fusiliers is a great opportunity for Bury, the relocation of the monument should not prevent this, however its relocation would also add to the visitors overall experience and ability to offer their respects.

Should the Council be minded to grant Listed Building Consent (and associated planning permission 50549) that further attention be given to site interpretation, landscaping and management at the existing site, which is currently inadequate. The method statement should be supplemented to provide additional information. Careful selection of the contractor to carry out the work should be ensured and the timing of the relocation should be clarified and the repair works. These matters should be conditioned. The Local Planning Authority should apply for the monument to be re-listed within 12 months of it being re-erected.

The 20th Century Society - The monument's relationship to Sir Edwin Lutyen is of significance and on Conservation grounds, the society would normally advise against the relocation of a monument, which is considered to be high risk. However, in this context, the Lancashire Fusiliers Memorial prior relocation from the original entrance of the Regimental Training Depot at the Wellington Barracks to a corner of the old barracks, following closure of the Training Depot can be considered as an additional reason not to have the memorial moved again - its structure has already been through a testing process.

However, the monument is in need of restoration and the scheduled vacation of the Wellington Barracks site and relocation of the Regimental HQ and Museum have also been taken into consideration. This change is likely to put the monument at risk were it to remain separated from the Fusiliers HQ. They are pleased to see the schedule of repair works proposed to the monument.

The Society has no objection to the proposed relocation to Sparrow Park subject to conditional control with specialist consultation and care.

The Society have been contacted by the 'Save the Memorial' campaign and although sympathetic to this cause, and beyond the Society's remit, hope that an additional memorial would be discussed and finalised following public consultation.

The Lutyens Trust - The accepted view is that listed structures should remain on its

existing site however, it is difficult to maintain this argument in this case as its historic original location was at the entrance into the Barracks which was removed some 40 years ago. There is little on site now to connect it with the Regiment's proud past and the relocation of artefacts to the new HQ would render its relationship to its original military connection tenuous.

The Trust is aware of dying veterans stating that they wish to have their ashes scattered near the Memorial and it has not attained any recognition as a military cemetery.

No vandalism is evident on the Memorial but it does appear to be in a potentially vulnerable location. It is in need of sensitive restoration and committed future stewardship. The proposal to dismantle and rebuild the Memorial at the site of the new Regimental Museum in Bury Town Centre offers potential for this. Sparrow Park could be an appropriate solution.

The Trust is concerned about the sketchy nature of the justification report and a more detailed report on the present condition and photographic survey should have been completed, including detailed drawings clearly marked with the stone joints. In addition, no temporary protection measures while work is ongoing appear to have been specified other than a temporary compound site. Dismantling the Memorial in this situation could put pieces at risk.

Working methods are rather open ended and the quality of repair is a vital matter and something should be stated about the process of identifying suitable crafts firms who are able to undertake this work.

There is little information about the new location of the Memorial and hard information about the landscaping in Sparrow Park apart from vague computer generated imagery. Precise details of levels, materials, paving, planting and landscaping, boundary treatment, walling and railings are required as part of the application to ensure that the Memorial will have an appropriate setting, reflecting the finesse and precision customary with Lutyens.

The Trust has no objection to the principle of the dismantling of the Memorial nor to the proposed location adjoining the Regimental Museum in Bury Town Centre. However, further detailed matters are required to enable the scheme to be endorsed at this present stage.

Unitary Development Plan and Policies

EN2/2 Conservation Area Control

Issues and Analysis

The Lutyens Monument is part of a commemorative collection for 13,642 soldiers who died during the First World War and the collection includes the Monument, silver drums and the roll of honour. In 1946 the memorial collection was extended to include the 1285 dead from the Second World War. On the creation of the Royal Regiment of Fusiliers, ownership was transferred to the new regiment and it is now the Regimental Collection in Lancashire commemorating a further 102 soldiers killed since amalgamation. It is now part of a modern Regiment throughout England who have fought numerous campaigns as it is to the people of Bury thus representing strong links between the town and the Regiment.

The Monument originally stood at the entrance into the former Barracks, but was relocated to its current position in 1961, when the vast majority of the complex was redeveloped.

In 2008, the Lancashire Fusiliers were successful in securing a bid from the Heritage Lottery Fund, Northwest Development Agency, Bury MBC bid and donations from businesses and individuals to fund in part, the restoration, extension and conversion of the Grade II former technical school known locally as the Arts and Crafts Centre in Bury Town Centre. Work is underway and is due for completion early 2009 and the Fusiliers Regimental Headquarters together with the museum will be relocated to this site in April 2009.

This site will be an important element of the cultural quarter within the town centre within a cluster of other historic uses including Bury Art Gallery. The Museum intends to offer the main collection of Regimental artefacts, including interpretation boards of its original home on Wellington Barracks. This will be a public facility, widely accessible, interactive and within a fully refurbished listed building.

On moving to the town centre site, the remaining former barracks site would be vacated. It is currently owned by the Ministry of Defence (MoD) and it is their intention to sell the site for redevelopment, with part of the proceeds of any sale, intended to assist the movement into the new Bury Town Centre site.

The Trustees see the movement of the Memorial as an integral part of the Regiments being and its physical relationship is considered to be important by the Regiment and its Trustees. They manage the collection on the Regiments behalf and therefore consider the Monument's relationship to the Regiment to be of utmost importance. The applicant's belief is that the Monument should continue to have a close physical relationship with the Museum and Regimental Headquarters.

Historic remnants of the 1845 barracks gateway are still in position today and it is the consideration of the Fusiliers and Trustees that some form of memorial should remain. The proposals put forward comprise a small garden including interpretation boards would be created to explain the history of the Wellington Barracks and the link to the Fusiliers.

Should the scheme be approved, in addition to the above proposals for the Bolton Road site, in memory of those who served the Regiment and in remembrance of those whose ashes have been scattered on the site, the Regiment and its Trustees intend to move a symbolic piece of earth to Sparrow Park and hold a service of remembrance and dedication in memory of past Fusiliers. Additionally, with the co-operation of the relatives, it is proposed to compile a list of all whose ashes are known to have been scattered on the site and to record their names on an appropriate plaque adjacent to the Monument in Sparrow Park. The Park would be continued to be managed by Bury MBC.

PPG15 does not provide particular or specific guidance concerning the relocation of a listed monument. However, as is stated by the consultees of the application, including English Heritage, the principle of the proposals can be accepted in certain circumstances. In consideration of these circumstances, the background to the proposal and historic development of the site is key. The guidance does pay specific attention to the setting of Listed buildings and that development proposals should not have a detrimental impact upon the setting or character of a Listed Building.

The guidance also considers that Conservation Areas are special character or historic qualities and proposals within Conservation Areas should either preserve or enhance these qualities.

UDP Policies of relevance are: EN1/1 - Visual Amenity considers that proposals will not be permitted where they would have a detrimental impact upon public views of prominent or important buildings. EN2/1 - Character of Conservation Areas seeks to ensure that the overall character of these special areas is preserved or enhanced. Features of these areas, landscape, parks and gardens all contribute and promote the character of these special areas and these features are key to the assessment of proposals subject to this policy. EN2/3 - Listed Buildings states that the Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features. Proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that buildings cannot be retained.

Sparrow Park is land allocated as Protected Recreational Provision Within the Urban Area UDP Policy RT1/1.

The application is to facilitate the relocation of the Lutyens Memorial, a listed monument from the former Wellington Barracks site to the town centre. It would be closely linked to the adjoining new Headquarters of the Regimental Museum and would be surrounded by other Listed Buildings. The proposed re-sited monument's future condition and maintenance should, consequently, be secure and it would add to the quality and multi-use of Sparrow Park, and would add to the setting of a number of adjacent listed buildings and the character of Bury Town Centre Conservation Area.

In terms of the details of the scheme, the proposals suggest a clear methodology of dismantling and restorative works that are needed to be done to the Monument. Other elements that need to be fully finalised including the repair or replacement of structural brackets and any paving that is associated with the Monument can be conditioned through planning controls. This is process advocated by the consultees as much of the repairs cannot be fully known until dismantling occurs. Further details of timings, storage and contractors to be used to carry out the works need to be finalised again this can be secured through the imposition of planning conditions. These proposals and suggested controls for this aspect of the proposals are fully considered within the LBC application 50549. The scale of the Memorial is such that it would not unduly dominate the former Arts and Crafts building and its historical importance would be appropriate in design, appearance and relationship to the new headquarters and surrounding listed buildings.

The proposal would ensure that overall, there would be no loss of heritage to the town and its sense of place at its present location on Bolton Road has diminished over time.

The Lutyens Trust have made a number of comments concerning the lack of detail relating to Sparrow Park and the proposed landscaping. They do not have an objection in principle, but are keen to fully understand the final details of the proposals. They are keen to ensure that the proposals are sympathetic to the Lutyens Memorial. The current proposals for the park comprise the creation of a new resin bonded gravel footpaths together with tables and seating, the existing concrete panel fence would be replaced by a stack bonded brick wall, to reflect the side of the extension to the Arts and Crafts building. Surrounding fencing would remain and the Memorial would be centrally located in the park together with appropriately scaled hard surfacing.

Four semi mature trees are to be planted along the side wall of the new extension of the Arts and Crafts building (required as part of the works to this building).

The agents for the scheme have been asked to provide a response to the Lutyens Trust comments and additional information. It is agreed that there needs to be full details of the landscaping of the site, however, it is not inconceivable for this to be controlled by planning condition. An update will be provided to the Planning Control Committee on this aspect of the proposals. These proposals sit comfortably against UDP Policy RT1/1 and would provide an important contribution and diversity to this area of protected recreational land.

Given the above, the scheme is considered to be in compliance with UDP Policy and National Guidance contained with PPG15.

Response to Objections

This proposal is a highly sensitive one in terms of what the Monument stands for and the Trustees have put together a list of proposals to ensure that the Monument continues physically in good condition and protection for years to come. In addition to this proposals have been suggested for the former Bolton Road site which can be further developed through consultation.

The case for the dismantling of the structure, its relationship to the Church Ward, the Barracks site and its use as a commemorative monument is considered within application reference 50548.

There are other monuments within the town centre which are within open spaces or an immediate part of the streetscape. These have not been subject to vandalism and the proposed relocation of the Memorial adjoining the new Regimental Headquarters of the Fusiliers in a park enclosure would assist in its stewardship. In addition to this the Police have been consulted on the proposals and raise no objections to the development.

Response from Agent

Design of Sparrow Park - The design report states: 'The proposed alterations (to Sparrow Park) reflect Bury MBC's desire to maintain the layout of the park in its current form with minimal changes' The boundary treatment (stone plinth and railings) will remain as existing and there will be minimal alterations to the levels.

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;-

It is considered that there are justified reasons to substantiate the case for its relocation to the Town Centre and its continued association with the Fusiliers. The proposal would preserve and enhance the town centre Conservation Area without undue impact upon the surrounding Listed Buildings and would add a positive diversity to an area of protected recreational land in the town centre. The proposals would comply with UDP Policy and here 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 Design and Access Statement by Brock Carmichael Architects dated September 2008, drawing No. 200, 201, 202, 203, 205 (Silver Street Elevation) and 205 (Moss Street Elevation) 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 **Dave Marno** on **0161 253 5291**

Ward: Bury West - Church

Item 02

Applicant: Happy Homes UK Ltd

Location: 105 AINSWORTH ROAD, ELTON, BURY, BL8 2PY

Proposal: CHANGE OF USE FROM DWELLING TO HOUSE IN MULTIPLE OCCUPATION (RETROSPECTIVE)

Application Ref: 50363/Full

Target Date: 15/01/2009

Recommendation: Approve with Conditions

Description

The property is a terraced house on Ainsworth Road situated directly opposite Whitehead Park. It is in the midst of a long terrace of similar houses with no frontage gardens and with rear yards onto a wide back street. No off street car parking is provided as is the case with most of the houses in the locality. The property is on the edge of an extensive area of terraced houses of a similar size.

The property has two main storeys but there is accommodation on the roof space. Its use as a house in multiple occupations has been taking place for over 2 1/2 years and the application has been submitted in order to regularise the situation in response to enforcement action but which did not stem from a complaint.

There are communal lounge, dining and kitchen facilities on the ground floor, three bedrooms and a communal bathroom/WC on the first floor and two more bedrooms on the second floor within the roofspace making a total of five bedrooms. At the back of the extensive rear yard there is a brick built outside store.

Relevant Planning History

No recent applications.

Publicity

Nine properties were notified on 24th November 2008 including 72, 99 – 103 and 107 – 111 Ainsworth Road and 58 and 60 Belbeck Street.

An objection has been received from 109 Ainsworth Road. The objector states that he has already had trouble with the current occupiers of the property and that he does not wish to see any more arrivals.

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

Consultations

Highways Team – No response.

Environmental Health – The premises is licensed as a house in multiple occupation and there are no problems with the HMO use. A scheme of soundproofing of the development should be submitted for approval and implemented.

Waste Management – No response.

GMP Architectural Liaison – No response.

Fire Officer - No response.

Unitary Development Plan and Policies

H2/4 Conversions

Issues and Analysis

Principle – The property is situated in the midst of small and medium sized single household occupied terraced houses. HMO use is an exception within the area but its provision helps to vary the type of residential accommodation available locally by providing an element of small relatively low cost accommodation, particularly for single persons.

SPG13 provides supplementary guidance in support of Policy H2/4 - Conversions with detailed planning guidance for applications involving HMO related developments. It discourages developments leading to an undue concentration of HMO accommodation where this could lead to or worsen amenity problems within a particular area. However, the issue of over concentration occurring is not the case with the application development. Locations of a vibrant nature with a busy highway, well served by public transport and a range of services including shopping and leisure are considered to provide a better location for HMO's and the premises is well related to bus routes, local shopping facilities and leisure provision with a large park very close by.

The SPG also states that generally HMO's should not be approved in areas of predominantly family housing but this is qualified with the particular characteristics of the scheme, its impact on the amenity and character of the area neighbourhood needing to be taken into account. The size of the development, the number of bed spaces, provision of off-street parking facilities and proximity to nearby properties are given as factors also to be taken account of. The property is within an area of single family housing but the scale of the scheme is relatively small and there is no significant evidence of an adverse impact on the amenity and character of the area.

In the circumstances, it is considered that the development is acceptable in general principle and that it would not be in conflict with SPG13 in this regard.

External Impact – The already well established use of the property as a HMO has no obvious manifestations externally and the house is indistinguishable from those in the vicinity in normal single household use. It has the appearance of a reasonably well maintained property. SPG13 states that if it is considered that a proposal for a HMO in an area would cause harm to its character then permission should be refused. However, the development subject of the application has been in existence for a considerable period with no apparent harm to the character of the surrounding area.

Residential Amenity – Although the five bedrooms are relatively small the property has significant shared facilities and equivalent to those available in a family occupied property. The rear yard is sizeable and provides a suitably sized external amenity area for the number of occupiers that can be accommodated.

In SPG13 it is stated that proposals for HMO development in properties with an original floor area of less than 115m² will not be accepted as this is considered to be the minimum size at which a property can be converted into a HMO and provide satisfactory accommodation for future residents. In the case of the application property the floorspace is just less than this figure at about 106m². This figure is considered to be sufficiently close to the SPG minimum and there is no evidence that the floorspace area creates any significant amenity problem for the five bedrooms being provided.

A shortcoming of the accommodation is that the second floor bedrooms have only rooflights for natural light and in SPG13 it is stated that this should not be the case. However, the shared ground floor accommodation at the property is particularly extensive and has a good level of outlook and natural lighting through normal windows. Any permission should ensure through a condition that the shared accommodation is not being reduced, for example to accommodate additional bedsits. This would be by means of a condition requiring the internal layout to remain unchanged.

The issue of undue noise disturbance to adjoining dwellings and within a HMO premises is an issue that is raised within SPG13. This is because of the more intensive residential use involved with more people living in the property and given the socio-economic characteristics of most occupants in HMO accommodation with residents that tend to be in their teens or twenties who are single and have no dependents. They tend to be a little more energetic than older people and can lead a more active social life than is the case with other groups. This is an issue that needs to be addressed if planning permission is granted through an appropriate condition requiring the provision of suitable noise insulation measures. As the use is already taking place these measures would need to be carried out within a reasonable period of time.

Car Parking and Servicing – SPG13 seeks to ensure that HMO developments should provide adequate levels of car parking to meet the future requirements of the occupants and that, where possible, such parking should be provided off street. However, the SPG also states that it is difficult to set actual car parking standards for HMO's and that this will often depend on the end user and the location of the property. Accordingly, the level of provision will be considered depending on the specific circumstances involved and the location of the development. Where no off-street parking can be provided then, according to the SPG, the effect of the development upon parking in the vicinity of the site will need to be carefully considered when determining parking provision.

The property, in common with most of its neighbours, does not have off street parking. Although the rear yard is large enough to accommodate one car it is considered that it is better utilised as an outside amenity area for the residents. Most cars associated with the terrace are parked on Ainsworth Road and in the surrounding streets. The occupation of the property in terms of car ownership is equivalent to that of its use by a family with adult children and the use as a HMO makes very little difference to the car parking situation within the locality.

The property has sufficient external space within the yard for the storage of the number of refuse bins needed for the HMO use without this storage unduly impinging on the amount of yard area available as an amenity space.

The Objection – The objector indicates that some degree of conflict has occurred between himself and an occupier or occupiers of the property but he gives no account as to the reason for this. He appears to suggest that changes of occupiers are not desirable. It is difficult to establish with the small amount of information provided whether the problem is specifically related to HMO use or one that could occur between neighbours in single household situations.

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 does not have an adverse impact on the amenities and character of the area. The use has no material impact on the external appearance of the property and the level of amenities available to the occupiers is satisfactory.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The internal layout of the premises shall not be varied from that shown on the approved drawing.

Reason – On order to ensure that the level of communal amenity facilities available within the building does not become reduced through the provision of additional bedsit units pursuant to Policy H2/4 – Conversions of the Bury Unitary Development Plan.

2. A scheme to provide and install suitable and sufficient soundproofing between the bedsit units, between the bedsits and common areas and for the party walls with the adjoining dwellings shall be submitted to the Local Planning Authority for written approval within one month of the date of this decision. The levels of acoustic insulation to be provided shall be, as a minimum, those deemed to be acceptable and specified as standards of construction in current Building Regulations. Such works that form the approved scheme shall be completed within three months of the date of this decision.

Reason. To reduce nuisance from noise to the occupiers of the adjoining dwellings and between the bedsit units that are adjoining each other in order to protect residential amenity and pursuant to policies H2/4 - Conversions and EN7/2 Noise Pollution of the Bury Unitary Development Plan.

3. This decision relates to the drawings received on 20th November 2008 and the development shall not be retained 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: Bury West - Church

Item 03

Applicant: Fusiliers Museum & Learning Centre Ltd

Location: LAND AT WELLINGTON BARRACKS, BOLTON ROAD, BURY

Proposal: LISTED BUILDING CONSENT FOR DISMANTLING AND REPAIR OF EXISTING WAR MEMORIAL AT WELLINGTON BARRACKS (TO BE RELOCATED TO SPARROW PARK, BURY SEE PLANNING REF; 50549)

Application Ref: 50548/Listed Building
Consent

Target Date: 25/12/2008

Recommendation: Minded to Approve

The application is Minded to Approve subject to referral to the Secretary of State as the proposals involve the demolition of a listed structure.

Description

The application comprises the Lutyens War Memorial located within the grounds of the regimental museum grounds used by the Lancashire Fusiliers. The structure is a Grade II Listed Monument and occupies a prominent siting within a memorial garden at the front of the site, next to Bolton Road.

The application has come forward as part of a long term proposal involving the relocation of the Fusiliers Museum, currently in the Barracks building to the former Arts and Crafts Centre in Bury Town Centre.

Listed Building Consent is sought to dismantle the structure having carried out proper photographic surveys, and each part would be lifted and taken to a stone masons for repair works to be carried out.

Repair works to the monument would include the removal of paint work, new dowels and cramps manufactured to the original specification, repolishing to the stonework, re-cutting of lettering, repainting of the lettering prior to it being re-erected. There is concurrent application (50549) which is seeking to relocate the monument to Sparrow Park, in Bury Town Centre.

Relevant Planning History

There is no relevant planning history affecting the site.

Publicity

A site notice was erected on 18 November 2008. Letters were sent to properties within 180m radius of the site including Orpington Drive, Warlingham Close, Haig Road, Bolton Road, Powell Street, Connaught Street, Christie Street, Luton Street, Chiselhurst Close and Bexley Drive. A press notice was published in the Bury Times on 13 November 2008.

As a result of this publicity, 134 responses have been received. 4 general comments and observations stating that appropriate care and consideration should be given to the decision.

One petition containing 2368 signatures has been received and 38 objections to the proposed development for the following reasons:

- The monument is an integral part of this locality (Church Ward).

- The Monument is Listed and should not be moved. (25)
- Will breach the council's policy for protecting Listed Buildings.
- Religious services are held in the garden at the monument.
- The town centre already has a war memorial. (4)
- The monument is not part of the museum.
- Ashes of the regiments soldiers are scattered at the site. (16)
- Only being moved for commercial reasons. (6)
- The suggested site is a problematic area. (7)
- Fear of vandalism to the monument. (7)
- Monument was paid for by public subscription, so it could be argued that the monument is owned by the people of Bury and not the Fusilier's regiment.

91 letters of support have been received to the proposed development for the following reasons:

- Monument should be sited near the new regimental museum.
- It's the main memorial focus of the regiment.
- New location will be easier for the public to get to by public transport (bus, metro etc).
- The monument has already been moved once.
- If the monument stays where it is would be left to deterioration and vandalism.

A full list of all correspondents and their letters can be viewed in the working file.

All interested correspondents have been notified of the Planning Control Committee meeting.

Consultations

Conservation Officer - No statutory advice is given within Planning Policy Guidance Note 15 - Planning and the Historic Environment. Instead advice is given on the desirability to preserve listed buildings or their settings. Proper justification for the proposals must satisfy the decision maker and how the proposal contributes to the street scene. The proposed relocation of the monument would still relate to the Lancashire Fusiliers, following their planned relocation to the Town Centre. The structure would be preserved as a result of the relocation following its repair and restoration. Overall to the Borough there would be no loss and its ongoing security would be assured should the existing former Barracks site be redeveloped.

The memorial would add to the quality of Sparrow Park and to the setting of a number of adjacent listed buildings and in many respects the new location would be an appropriate one.

There would be a loss to the local scene on Bolton Road. However, the local scene has changed significantly since the memorial's first relocation in 1958. Further redevelopment in or around the Barracks site, should this take place, would further change the area.

The redevelopment of the 1960's housing on the former historic Barracks site has diminished the link between the memorial and the site's former use and the Fusiliers relocation to Bury Town Centre is committed. As such, the sense of place is not what is used to be.

Should the memorial had remained in its original position, with much more of the former Barracks building retained around it, the case for its retention would be much stronger and therefore on balance, there is no objection to the relocation and associated repair works.

The communal value of a historic development, which raises the symbolic and emotional link between a location and people is an issue that can contribute to the development process in terms of the links of the Monument to the site. To protect the emotional link between people and the barracks, it is important that a significant and lasting record and

interpretation is provided at the Bolton Road site. On balance, there is no objection to the relocation and associated works.

It is possible that the relocation of the memorial will require its re-listing in its new location.

English Heritage - Special consideration should be given to views of the local community and those who visit the monument in determining the proposal. It is technically possible to relocate some structures, although their significance tends to be diminished by separation from their historic location. In this instance the monument has already been relocated once when the historic barracks building was largely demolished and the site redeveloped. In the meantime, the monument has been listed in its current position and has acquired a new value by the public. As such its value to its place, visitors and neighbouring community must therefore be understood and fully respected.

There is no doubt that the monument provides distinctiveness, meaning and quality to its current location, providing a sense of continuity, identity and in this case also collective memory. The extent to which these values are diminished by relocating the monument must all be taken into balance.

English Heritage do however believe that each generation should shape and sustain the historic environment in ways that allow people to use, enjoy and benefit from it, without compromising the ability of future generations to do the same. There is no doubt that the establishment of a new centrally located museum to venerate the memory and bravery of the Lancashire Fusiliers is a great opportunity for Bury, the relocation of the monument should not prevent this, however its relocation would also add to the visitors overall experience and ability to offer their respects.

Should the Council be minded to grant Listed Building Consent (and associated planning permission 50549) that further attention be given to site interpretation, landscaping and management at the existing site, which is currently inadequate. The method statement should be supplemented to provide additional information. Careful selection of the contractor to carry out the work should be ensured and the timing of the relocation should be clarified and the repair works. These matters should be conditioned. The Local Planning Authority should apply for the monument to be re-listed within 12 months of it being re-erected.

The 20th Century Society - The monument's relationship to Sir Edwin Lutyen is of significance and on Conservation grounds, the society would normally advise against the relocation of a monument, which is considered to be high risk. However, in this context, the Lancashire Fusiliers Memorial prior relocation from the original entrance of the Regimental Training Depot at the Wellington Barracks to a corner of the old barracks, following closure of the Training Depot can be considered as an additional reason not to have the memorial moved again - its structure has already been through a testing process.

However, the monument is in need of restoration and the scheduled vacation of the Wellington Barracks site and relocation of the Regimental HQ and Museum have also been taken into consideration. This change is likely to put the monument at risk were it to remain separated from the Fusiliers HQ. They are pleased to see the schedule of repair works proposed to the monument.

The Society has no objection to the proposed relocation to Sparrow Park subject to conditional control with specialist consultation and care.

The Society have been contacted by the 'Save the Memorial' campaign and although sympathetic to this cause, and beyond the Society's remit, hope that an additional memorial would be discussed and finalised following public consultation.

The Lutyens Trust - The accepted view is that listed structures should remain on its existing site however, it is difficult to maintain this argument in this case as its historic

original location was at the entrance into the Barracks which was removed some 40 years ago. There is little on site now to connect it with the Regiment's proud past and the relocation of artefacts to the new HQ would render its relationship to its original military connection tenuous.

The Trust is aware of dying veterans stating that they wish to have their ashes scattered near the Memorial and it has not attained any recognition as a military cemetery.

No vandalism is evident on the Memorial but it does appear to be in a potentially vulnerable location. It is in need of sensitive restoration and committed future stewardship. The proposal to dismantle and rebuild the Memorial at the site of the new Regimental Museum in Bury Town Centre offers potential for this. Sparrow Park could be an appropriate solution.

The Trust is concerned about the sketchy nature of the justification report and a more detailed report on the present condition and photographic survey should have been completed, including detailed drawings clearly marked with the stone joints. In addition, no temporary protection measures while work is ongoing appear to have been specified other than a temporary compound site. Dismantling the Memorial in this situation could put pieces at risk.

Working methods are rather open ended and the quality of repair is a vital matter and something should be stated about the process of identifying suitable crafts firms who are able to undertake this work.

There is little information about the new location of the Memorial and hard information about the landscaping in Sparrow Park apart from vague computer generated imagery. Precise details of levels, materials, paving, planting and landscaping, boundary treatment, walling and railings are required as part of the application to ensure that the Memorial will have an appropriate setting, reflecting the finesse and precision customary with Lutyens.

The Trust has no objection to the principle of the dismantling of the Memorial nor to the proposed location adjoining the Regimental Museum in Bury Town Centre. However, further detailed matters are required to enable the scheme to be endorsed at this present stage.

Unitary Development Plan and Policies

EN2/3 Listed Buildings
EN1/1 Visual Amenity
RT1/1 Protection of Recreation Provision in the Urban Area
EN1/7 Throughroutes and Gateways
PPG15 PPG15 - Planning and the Historic Environment

Issues and Analysis

The Lutyens Monument is part of a commemorative collection for 13,642 soldiers who died during the First World War and the collection includes the Monument, silver drums and the roll of honour. In 1946 the memorial collection was extended to include the 1285 dead from the Second World War. On the creation of the Royal Regiment of Fusiliers, ownership was transferred to the new regiment and it is now the Regimental Collection in Lancashire commemorating a further 102 soldiers killed since amalgamation. It is now part of a modern Regiment throughout England who have fought numerous campaigns as it is to the people of Bury thus representing strong links between the town and the Regiment.

The remnants of the former training barracks, originally built in 1845, which can be seen today, comprises a stone two storey museum building and a clubhouse. These two structures were part of a much larger complex of buildings that were located to the north and east of the site. The main entranceway into the site was from Bolton Road and part of this entranceway remains today to the east of the Monument. Essentially all that is left of the former barracks site is one corner of the historic complex.

The Monument originally stood at the entrance into the former Barracks, but was relocated to its current position in 1961, when the vast majority of the complex was redeveloped.

In 2008, the Lancashire Fusiliers were successful in securing a bid from the Heritage Lottery Fund, Northwest Development Agency, Bury MBC bid and donations from businesses and individuals to fund in part, the restoration, extension and conversion of the Grade II former technical school known locally as the Arts and Crafts Centre in Bury Town Centre. Work is underway and is due for completion early 2009 and the Fusiliers Regimental Headquarters together with the museum will be relocated to this site in April 2009.

This site will be an important element of the cultural quarter within the town centre within a cluster of other historic uses including Bury Art Gallery. The Museum intends to offer the main collection of Regimental artefacts, including interpretation boards of its original home on Wellington Barracks. This will be a public facility, widely accessible, interactive and within a fully refurbished listed building.

On moving to the town centre site, the remaining former barracks site would be vacated. It is currently owned by the Ministry of Defence (MoD) and it is their intention to sell the site for redevelopment, with part of the proceeds of any sale, intended to assist the movement into the new Bury Town Centre site.

The Trustees see the movement of the Memorial as an integral part of the Regiments being and its physical relationship is considered to be important by the Regiment and its Trustees. They manage the collection on the Regiments behalf and therefore consider the Monument's relationship to the Regiment to be of utmost importance. The applicant's belief is that the Monument should continue to have a close physical relationship with the Museum and Regimental Headquarters. However, the proposals would result in the complete withdrawal from the Bolton Road site.

Historic remnants of the 1845 barracks gateway are still in position today and it is the consideration of the Fusiliers and Trustees that some form of memorial should remain. The proposals put forward comprise a small garden including interpretation boards would be created to explain the history of the Wellington Barracks and the Link to the Fusiliers.

Should the scheme be approved, in addition to the above proposals for the Bolton Road site, in memory of those who served the Regiment and in remembrance of those whose ashes have been scattered on the site, the Regiment and its Trustees intend to move a symbolic piece of earth to Sparrow Park and hold a service of remembrance and dedication in memory of past Fusiliers. Additionally, with the co-operation of the relatives, it is proposed to compile a list of all whose ashes are known to have been scattered on the site and to record their names on an appropriate plaque adjacent to the Monument in Sparrow Park. The Park would be continued to be managed by Bury MBC.

PPG15 does not provide particular or specific guidance concerning the relocation of a listed monument. However, as is stated by the consultees of the application, including English Heritage, the principle of the proposals can be accepted in certain circumstances. In consideration of these circumstances, the background to the proposal and historic development of the site is key.

UDP Policies of relevance are: EN1/1 - Visual Amenity considers that proposals will not be permitted where they would have a detrimental impact upon public views of prominent or important buildings. EN2/3 - Listed Buildings states that the Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features. Proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that buildings cannot be retained.

The remnant of the historic barracks site has diminished over the years and the relevance of

the monument to the historic site, particularly as the monument has once been relocated. The importance of the monument rests with its relationship to the Fusiliers.

It is inevitable that the Fusiliers and its associated museum is to relocate to the new town centre site and as is stated within the above supporting background information supplied with the application, the remaining elements, with the exception of the original 1845 access way would be lost to redevelopment proposals of some shape or form.

As no redevelopment proposals have yet been submitted to the Local Planning Authority, the extent of what this could mean is difficult to judge. However, an assessment of the site as it is today, such proposals would effectively remove any historic presence of the former Fusiliers from the remaining Bolton Road site. The 1845 access way is located within an area of land allocated as Protected Recreational Provision Within the Urban Area UDP Policy RT1/1. As such its immediate preservation is secured.

The long term protection and condition of the Monument rests with its close physical relationship with the Fusiliers Museum and its preservation would mean that the heritage of the Borough remain.

In terms of the details of the scheme, the proposals suggest a clear methodology of dismantling and restorative works that are needed to be done to the Monument. Other elements that need to be fully finalised including the repair or replacement of structural brackets and any paving that is associated with the Monument can be conditioned through planning controls. This is process advocated by the consultees as much of the repairs cannot be fully known until dismantling occurs.

Further details of timings, storage and contractors to be used to carry out the works need to be finalised again this can be secured through the imposition of planning conditions.

It is clear that the proposed relocation does gain support in a technical sense from all of the statutory consultees. However there are some concerns over the finalised proposals to remain on the former site in memory of the Monuments Bolton Road location. The agents for the applicants have put forward a plan of a memorial garden together with interpretation boards. These proposals are intended to be a starting point for discussion and indeed the 20th Century Society suggest that further consultation take place to finalise these proposals. This is considered to be a reasonable suggestion and can be controlled through the imposition of a planning condition.

There would without doubt be a loss to the street scene along Bolton Road. However there has been a significant level of change to this area over the years and it is the intention of the MoD to change the area again through redevelopment. Continued and historic redevelopment by the housing in the vicinity of the Barracks site over the years has incrementally reduced the importance of the sites former use with the Monument and thus the sense of place has and would be significantly altered as a result.

The remaining issues concerning the reconstruction in Sparrow Park are considered within application 50549.

Response to Objections

This proposal is a highly sensitive one in terms of what the Monument stands for and the Trustees have put together a list of proposals to ensure that the Monument continues physically in good condition and protection for years to come. In addition to this proposals have been suggested for the former Bolton Road site which can be further developed through consultation.

It is accepted that the relocation of the Memorial would result in a local loss to the ward itself, however there are a clear set of circumstances to warrant special considerations in this case. Overall there would be no loss of heritage to the Borough and the link of the Memorial rests with the Regiment itself. There is a clear purpose to the proposal to site the

Memorial alongside the new home of the Trustees and the Regimental Headquarters and the link with the Bolton Road site becomes more tenuous.

The proposal would not breach the Council's policy as there is clear support in principle to the proposal not only in terms of Officer assessment, but also from the Statutory and Non Statutory consultees. The Memorial would be re-erected following restoration, which would ensure its continued contribution to the Fusiliers, the Town's heritage and longevity of the Memorial for future generations.

The Memorial is not consecrated ground and whilst it is understood from the many letters written in that ashes of relatives have been scattered in and around the monument, the proposals of the Trustees do propose to carry out a number of symbolic steps in remembrance.

The proposed location of the monument within Sparrow Park would be within land that is maintained by the Council and in terms of vandalism, there is little evidence of this taking place in areas in the town centre where monument structures are located. It is considered that should the Memorial remain alone on the Barracks site, it would be more vulnerable as its stewardship would be divorced from the site.

Response from Agent - The following points have been received in response to the comments made by the Statutory consultees:

Proposals for existing site at Wellington Barracks - We are aware that the proposal to site plaques and a small memorial garden at the gates to the existing Regimental HQ is not completely resolved. The proposal was intended to indicate the Fusiliers' preferred location for a memorial to remain at the current site with further details to be subject to consultation and negotiation with all interested parties. The proposed location of the memorial garden was carefully considered and it was decided that the position shown on the plan would be the most appropriate and sustainable option. The existing wall and gate posts will be the most prominent surviving feature of the original barracks when the site is vacated and they will provide a distinctive and robust backdrop for the memorial garden. The Fusiliers would be happy for agreement on the final design of the memorial garden to be subject to a Planning Condition if this is considered appropriate. As previously stated they are concerned to ensure that the views of the local community and relatives of those people whose ashes were scattered at the site are taken into consideration.

Relocation and Repairs to Monument - The dismantling and relocation of the monument will be carried out by stone masons who are familiar with the relocation of fragile heritage items.

A photographic survey has been carried out of the monument and a further detailed survey will be carried out prior to any work taking place.

Exact details of any stone repairs that will be required will be scheduled before any work is carried out and agreed in consultation with Bury MBC's Conservation Officer.

With regard to the use of cramps the design report states: 'The location of all existing cramps and dowels is to be recorded during dismantling and the originals retained for reuse if their material and condition is suitable. If new cramps and dowels are required the originals will be used as templates.' If new cramps are required due corrosion of the originals austenitic stainless steel will be used.

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;-
There is satisfactory evidence presented in the proposals to justify the dismantling and

relocation of the Memorial, to permit its repair and restoration. The proposals would comply with National Policy Guidance and Local Planning Policy subject to conditional controls 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 the expiration of three years beginning with the date of this permission.
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended works to be carried out on the site/building. Any subsequent variation of the timetable shall be subject to further written notice.
Reason - To ensure that the development is carried out in accordance with the approved plans, to protect the fabric of a listed structure/building during implementation and pursuant to Policy EN2/3 – Listed Buildings of the Bury Unitary Development Plan.
3. The Memorial shall not be dismantled unless and until full contractual evidence has been submitted to and approved in writing by the Local Planning Authority that the Memorial will be dismantled in accordance with approved details and will be re-erected in accordance with an approved programme and schedule of works. The contractual evidence submitted shall include full details of timescales of works to be implemented including the re-erection of the Memorial.
Reason - To secure the future of a Grade II Listed Memorial and pursuant to PPG15 - Planning and the Historic Environment.
4. No works shall commence unless and until details of a full structural survey accompanied by photographic recording and detailed drawings of the Memorial and its accompanying paving have been submitted to and approved in writing by the Local Planning Authority.
Reason - To secure the future of a Grade II Listed Memorial and pursuant to PPG15 - Planning and the Historic Environment.
5. During the process of dismantling and investigative analysis, a full report and photographic record of the Memorial and complete list of repairs and specifications to be carried out shall be compiled and the finalised report shall be submitted to the Local Planning Authority for Approval. The restoration works shall be carried out in complete accordance with the approved details only.
Reason - To secure the future of a Grade II Listed Memorial and pursuant to PPG15 - Planning and the Historic Environment.
6. In the event of the Memorial being removed from the former Bolton Road Barracks site permanently, no works subject to this Listed Building Consent shall be carried out unless and until details of including a programme of timing, relating to a lasting memorial feature, to be carried out at the Bolton Road Barracks site, has been submitted to and approved in writing by the Local Planning Authority. The approved memorial feature including any information and interpretation boards shall be carried out in accordance with the approved details and timings; and within six months of the dismantling of the Lutyens Memorial.
Reason - To secure the future of a Grade II Listed Memorial and pursuant to PPG15 - Planning and the Historic Environment.
7. This decision relates to drawings numbered Design and Access Statement

produced by Brock Carmichael Architects dated September 2008, 206 and 200 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 **Dave Marno** on **0161 253 5291**

Ward: Radcliffe - East

Item 04

Applicant: Jah Jireh Charity Homes

Location: 77 BURY ROAD, RADCLIFFE, M26 2UT

Proposal: OUTLINE PLANNING PERMISSION FOR THE ERECTION OF TWO/THREE STOREY CARE HOME (RESUBMISSION)

Application Ref: 50596/Outline Planning
Permission

Target Date: 13/01/2009

Recommendation: Approve with Conditions

Description

The application site comprises a level site some 0.2ha in area, with vehicular and pedestrian access off Orkney Close. There is currently a vacant 3 storey late Victorian/Edwardian former nursing home building on the site constructed in red brickwork and slate roof. The site, although flat, is slightly elevated to Bury Road and is bounded along this frontage by a low brick wall. The boundary features elsewhere comprise 2.0m high close boarded fencing. Further to the north-west is the Metrolink line between Bury and Manchester.

This current application follows a recently withdrawn application for a nursing home development. The current application is submitted in outline but is seeking permission for the access and scale of the development as part of the principle of a nursing home proposal on the site.

The proposals show a mixed two and three storey block located centrally in the site extending along the length of the site between Bury Road and the Metrolink. Car parking is indicatively shown towards the front of the site with servicing arrangements to the north of the building. At this time, no specific number of bed spaces are shown or applied for, however, in terms of the consideration of scale, the scheme does relate discuss the relationship with the surrounding properties to demonstrate why the scheme has come forward in its current form.

Relevant Planning History

- 09667 - Outline planning for the erection of two storey block of six flats - Approved - 22 May 1980
- 11982 - Change of Use offices to restaurant - Approved 18 June 1981
- 16704 - Change of use offices residential care home - Approved 14 February 1985
- 17378 - Alterations and fire escape extension - Approved - 22 August 1985
- 19555 - External fire escape - Approved - 28 May 1987
- 31647 - Extension to existing care home to provide 36 bedrooms and car parking - Approved 13 July 1995
- 32898 - Demolition of existing Care home and the erection of 42 bed care home - Approved - 15 April 1997
- 46351 - Demolition of care home and erection of 42 bed care home with ancillary accommodation - Withdrawn - 14 July 2006 - insufficient information submitted
- 50227 - Outline planning for the erection of a 42 bed care home and managers apartment - Withdrawn due to concerns over the height of the development - 9 October 2008
- 50735 - Outline planning for two/three storey block of 14 apartments - Yet to be decided.

Publicity

Letters written to the following properties on 23 October 2008:

1 - 15, 17,18 Orkney Close
10 - 42, 57 - 75, 79 - 85 Bury Road
1 - 9 Olsberg Close

Site notices were erected on 18 November 2008 and a press notice was published in the Bury Times on 30 October 2008.

As a result of this publicity, 4 letters of objection have been received from: 11, 15 and 19 Orkney Close, 79 Bury Road and comments received from Mrs P Window (no address supplied).

- Change in outlook from the rear of their property.
- Disturbance from demolition activity.
- Additional traffic to the site using a narrow access during construction and post development.
- Difficulties of emergency vehicles accessing the street via Orkney Close.
- The building has been allowed to become derelict by the owners, which is trying to justify the need for redevelopment.
- There is no need for another care home when others in the area are closing down.
- The application should be supplied in more details rather than in outline.

All interested correspondents have been notified of the Planning Control Committee meeting.

Consultations

Highways Team - No objections subject to conditions concerning implementing shown visibility splays.

Drainage Team - No objections.

Environmental Health Contaminated Land - No objections subject to standard conditions concerning appropriate handling of contaminated land matters.

Strategic Housing - There is an over-provision of this type of housing in the Borough and therefore do not support the scheme.

Environment Agency - No objections subject to standard conditions concerning appropriate handling of contaminated land matters.

Greater Manchester Police - Architectural Liaison - Response awaited.

United Utilities - Response awaited.

Serco Metrolink - Response awaited.

Chief Fire Officer - Response awaited.

British Waterways - Response awaited.

Baddac Access - No comments at this time.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
HT2/4 Car Parking and New Development
CF1/1 Location of New Community Facilities
CF3/1 Residential Care Homes and Nursing Homes
SPD6 DC Policy Guidance Note 6: Alterations & Extensions

Issues and Analysis

UDP Policy CF3/1 - Residential Care Homes and Nursing Homes states that these should be located in residential areas and will be permitted where they do not conflict with the amenity of adjoining areas. Policy CF1/1 - Location of New Community Facilities considers that proposals including those for care facilities should have regard to residential amenity, car parking and traffic generation, the size and scale of the proposal and access to other services.

The site is not allocated for any specific use within the UDP nor are there any particular sensitivities in terms of land use, as essentially the scheme is a residential institution within a residential area. As such the principle of the development is considered to be acceptable.

Scale - UDP Policy EN1/2 - Townscape and Built Design seeks to ensure that new development proposals contribute positively to a street scene in terms of height, scale and appearance, landscaping and access.

The scheme has maintained a three storey element towards the front of the site, which would drop to a two storey height towards the rear of the site. The existing building on site is a three storey building with a height to the eaves of around 10m. The proposed building would be approximately the same height, however, in responding to the surrounding scale of properties to the north and south of the site towards the rear, the development would step down to two storeys in height, some 7.2m.

Layout - Indicative Proposals Only at this time - Principle aspects of 22m can be achieved between the existing houses on Olsberg Close and the northerly elevation of the development. For two storey relationships, policy requirements in this instance would be met.

In terms of the house to the south fronting Orkney Close, can be achieved 17m (side gable facing principle elevation), again the development would exceed Council requirements for aspect standards for two storey relationships.

In terms of the relationship to 79 Bury Road, the proposed layout shows that the three storey element would be moved further away from Bury Road and the new building would be aligned parallel with the side gable of 79 Bury Road. The effect of this would be that the outlook from the side gable of 79 Bury Road would be improved although there are no habitable room windows along this side gable.

Indicative Car Parking and Trees - The proposed car parking is indicated to be located in a crescent form along the frontage of the site, reflecting the same layout as seen within the previously approved scheme (32898). However as there are significant trees on the peripheries of the site, which are currently being assessed as candidates for a Tree Preservation Order, the application has specifically requested that the layout be excluded at this time such that the layout can properly assess the impact of the car parking layout, when the layout comes forward as a reserved matter. This would ensure that the trees indicated to be retained on the plans can be left and worked successfully into the future proposals for the layout of the site.

UDP Policy HT2/4 - Car Parking and New Development together with its associated document DCPGN11 - Parking Standards in Bury considers parking provision for development proposals should be considered in terms of a maximum provision and consideration of the location of the site to high access areas is also material.

The site is located within a designated high access area and indeed there are bus stops within a few metres of the site. The Metrolink station is approximately 600m to the south of the site, all of which assist the sustainable transport credentials to the site's location.

The car parking provision shown within the submitted scheme indicates 17 spaces with two of those purposely for mobility impaired and 4 staff spaces. This level of provision was considered to be acceptable for the previously approved 42 bed scheme (32898) and this level of provision reflects recent development proposals for a development of this scale.

No concerns have been raised by the Highways Team in terms of the capacity of the site, its access or location and in planning terms is considered to be a reasonable number of spaces for the scheme.

Bin Stores - The proposal indicates that the bin stores would be located within an enclosure towards the northeast of the site, within a defined and enclosed compound. The full details of this enclosure would form part of any subsequent application for appearance.

Boundary Treatment - There are no proposals currently for front boundary treatments, which

would also provide a degree of site screening. This can, however, be controlled through the imposition of a planning condition on any approval of appearance of the development.

In essence, the development proposal would largely reflect a previously approved scheme with a reduced height and massing. As such, it is considered that the layout of the proposal and scale would be acceptable.

Access - The proposed development would seek to utilise the existing entrance into the site. Visibility splays at the site access point are indicated together with the turning facilities for any servicing. The Highways Section have been consulted on the proposals and have no objection to the proposed access point. As such the proposed access is considered to be in compliance with UDP Policy EN1/2 - Townscape and Built Design. Conditions are suggested to ensure that the scheme should it be implemented complies with the Traffic Sections requirements for intervisibility and servicing.

Response to Objections

It is accepted that there would be a change in outlook from properties on Olsberg Close. However, the aspect standards between the siting of the proposal and Olsberg Close properties would be some 22m and also that this relationship is between two storey facing elevations, the development would comply with separation distances usually sought by the Council within Supplementary Planning Policy Guidance Note 6.

The scheme would result in some level of disturbance during demolition and development implementation. However, this is an inevitability. Planning Controls cannot be imposed to control the demolition and implementation processes as other legislation controls these factors such as the Environmental Protection Acts.

Access into the site for construction purposes may be difficult but it is not considered to be such that the scheme be refused. The access and egress into the site would be close to the junction of Orkney Close and Bury Road and details have been fully assessed. The access point is not particularly close to Orkney Close properties and thus would limit the impact upon properties in Orkney Close. Should the proposals be approved, the main access into the together with intervisibility splays have been considered by the Highways Team and are considered to be acceptable to ensure safe access and egress to/from the site.

Whether the property has been deliberately left or not is speculation and not for this application to consider. In terms of the need for the development, the Strategic Housing Officer considers also that there is no need for further housing of type in the borough. However, the scheme is a private and not public proposal and in terms of National Policy Guidance competition should not be prevented. This scheme is a private proposal, currently for Jah Jireh Charity Homes, again a private concern. Additionally, the proposed development is a replacement of an existing use. As such, the overall impact upon strategic provision would not change through the acceptance of this development.

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 proposal would provide a new facility for an existing lawful use on the site. The proposal would be appropriate in terms of scale, massing and access and would comply with UDP Policies. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

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

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

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

Reason. To ensure the satisfactory development of the site and because this application is in outline only.
3. A scheme shall be agreed as part of the reserved matters for the layout of the site for the detailed disposition of car parking spaces on the site and that the submitted layout shall accurately reflect the position of the existing trees on the site frontage together with a statement of methodology in respect the earthworks necessary to adequately lay out the car parking spaces.

Reason – There are mature trees along the frontage of the site which are of significant amenity value to the site and the streetscape pursuant to UDP Policy EN1/2 – Townscape and Built Design.
4. The turning and servicing facilities indicated on the approved plans shall be provided before the development is brought into use. The service yard areas used for the manoeuvring of vehicles 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 pursuant to UDP Policy EN1/2 - Townscape and Built Design and HT2/4 - Car Parking within New Development..
5. 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 development hereby approved being brought into use.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
6. Details relating to the bin storage facilities including the enclosure and its design and the boundary treatments for each of the boundaries of the site shall be submitted to and approved as part of the reserved matters application for "Appearance" or "Landscaping of the site" .

Reason - The application has been submitted in outline only.
7. Prior to the demolition of the building permitted by this approval, an updated survey shall be conducted, and the survey results established as to whether the buildings are utilised by bats or owls. A programme of mitigation shall be submitted to and approved in writing by the Local Planning authority. All mitigation measures shall be fully implemented prior to the commencement of the works and 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 and PPS7 – Nature Conservation.

8. The landscaping scheme to form part of the development shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..
9. 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.
10. 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.
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 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.
12. 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.

13. 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.

14. The visibility splays at the junction of the site access with Orkney Close indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m other than the tree to be retained to the east of the access.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to UDP Policy EN1/2 - Townscape and Built Design and HT2/4 - Car Parking within New Development.

15. This decision relates to drawings numbered Site Levels as proposed revision 'A' received 10/12/08 (for purposes of scale); Planning Statement by N Robinson, Environment Research and Advisory Partnership Bat Survey dated Aug 2008, Leyden Kirby Preliminary Risk Assessment dated 31 July 2008, Section 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.

16. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

Reason. To ensure that the site is free from Japanese Knotweed in the interest of UDP Policy EN9 - Landscape

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

Ward: Radcliffe - East

Item 05

Applicant: Mr M Muneer

Location: 62 CHURCH STREET WEST, RADCLIFFE, M26 2SY

Proposal: CONVERSION OF SHOP WITH LIVING AREA ABOVE TO SHOP WITH 2 NO. FLATS ABOVE; TWO/SINGLE STOREY EXTENSION AT REAR; FRONT/REAR DORMERS; PARKING AREA AND BIN STORE AT REAR (RESUBMISSION)

Application Ref: 50666/Full

Target Date: 30/12/2008

Recommendation: Approve with Conditions

Description

The property is a vacant end of terrace building situated at the junction of Church Street West and Crompton Place. There is a ground floor shop with a shuttered shop window on both frontages and an entrance door on the corner. Behind the retail area there is storage space, with more storage floorspace at first floor and second floor level, the second floor being within the extensive roof area. There is evidence of fire damage at the rear with traces of what was until recently a single storey attached outbuilding that has burnt down. Currently there is a small rear yard.

The application area also includes a plot of open disused land beyond the back street measuring about 200m².

The premises are within a part of Radcliffe Town Centre where there are some commercial uses but the immediate surroundings are mostly residential, including the rest of the terrace and properties along Crompton Place. There is a block of modern town houses just beyond the open plot with the nearest unit, no 25 Crompton Place, having a blank gable towards the plot.

It is proposed to refurbish and extend the property to provide additional retail floorspace and two self contained flats one with a single bedroom and the other two bedroomed. In association with the changes to the building the open plot to the rear would be developed to provide six car parking spaces and a small (25m²) outside amenity area. The amenity area would be enclosed by 1m high timber fencing, open boarded on the Crompton Place boundary. Just within the plot next to the back street there would be a set of three brick bin stores with one for each of the flats and one for the shop. Access to the car park would be from Crompton Place.

The property would be enlarged by a two storey 3.5m deep extension between the existing rear outrigger and the outrigger of the adjoining house no.64 Church Street West and a single storey 4m deep extension to the rear of the outrigger and two storey extension. The single storey extension would reach the edge of the back street and would be set to the highway edge on Crompton Place. The two storey extension would be linked to the two storey outrigger no.64 (the plan shows the outer leaf of the outrigger as being within the applicant's boundary). The outer part of the single storey extension is shown as set in by 1.35m from the yard wall boundary with no.64. There would be a small dormer in the frontage roof slope and a larger one in the existing rear roof slope. The whole ground floor, both existing and proposed, would be a shop. The two bedroomed flat would be on the first floor and the single bedroomed one within the roof space with dormer extensions.

As indicated above, the adjoining terraced house no. 64 has a two storey projecting outrigger on the boundary with no.62 with a blank wall on 62's side. This outrigger projects

about half way to the back street. The only rear facing window in the outrigger is an obscure glazed bathroom window. The other rear windows to this house are on the ground floor on the opposite side wall to that facing no.62 and also on both floors in the rear elevation on the far side of the outrigger.

Relevant Planning History

C/10631/80 - Two storey rear extension to provide storerooms. Approved on 21st August 1980.

23077/89 - New shop front. Approved on 24th August 1989.

50051 - Two storey extension to rear and dormers in existing roof to provide additional retail floor area and three flats; provision of new car park, bin stores and an amenity area on land to the rear - Refused on 15th August 2008 for the reason that the extension would, by reason of its size, height and position be seriously detrimental to the residential amenities of the adjoining dwellinghouse.

Publicity

35 properties were notified on 10th November 2008. These included 60, 64, 70 - 76A, 71 - 79 and Llandaff Cottage, Church Street West, 11 to 22 and 23 - 35 (odds only) Crompton Place.

An objection has been received from 64 Church Street West. The objector is concerned about the following issues:

- The proposal appears to involve building past the current natural building line and filling in what to everybody else in the row is the back yard.
- The extension roof would protrude over his yard and potentially reduce light to an area that is already challenged.

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

Consultations

Highways Team - No response.

Drainage Team - No objections.

Environmental Health - Recommend a contaminated land mitigation condition.

BADDAC - Accept that the flats will not be accessible to disabled people. Concern about the suggestion made in the Design and Access Statement of having a portable ramp to the raised shop doorway and about the door seeming to be too narrow.

GMP Architectural Liaison - Are concerned that the entrance to the flats would be hidden at the rear and that it should front onto the street to maximise surveillance over visitors. The car park, being open and accessible, may leave the vehicles vulnerable to attack. The retail and residential parking spaces should be provided entirely separately and uniform lighting and enclosure by low level railings should be provided. Recommend laminated 7.5mm minimum thickness glazing at ground floor level and adequate and uniform lighting for the car park. There should be a video entry phone system for the residential entrance to allow vetting of visitors to the building.

Fire Officer - No response.

Unitary Development Plan and Policies

Area	St Thomas's/Bridgefield Street
RD5	
EC1/2	Land Suitable for Business (B1)
H1/1	Housing Land Allocations
S3/1	New Retail Dev Opportunities Within or Adj Town Centres
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention

TC2/1 Upper Floors
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 building and land are within UDP Radcliffe Town Centre Area RD5 St. Thomas's/Bridgefield Street. The policy in this area is to maintain housing as the predominant land use and proposals that enhance the residential character and encourage opportunities for housing/environmental improvements would be encouraged and supported. The retail use is existing and the frontage is on a road that leads into the main part of the town centre with a scattering of shops on this section. The residential element would be in line with the objectives of the policy. The same could be said of the proposal to develop the open overgrown plot as a car park/amenity area as it involves an environmental improvement.

The proposals provide an opportunity to utilise, in a beneficial way, underused or vacant upper floor space above a commercial premises. This is supported by Policy TC2/1 - Upper Floors which, in the justification, refers to living accommodation as an example of a beneficial upper floor use.

The open area at the rear is designated as part of an opportunity site within the UDP where three types of development could be acceptable. These include employment uses for business and offices (Employment Land Provision site EC1/2/11), housing (Housing Land Allocation H1/1/35) and shopping (New Retail Development Opportunity Within or Adjoining Town Centres S3/1/19). The development that has occurred since the allocation is housing. However, the existing garden and garage plots to the rear of the terraced block that includes no.62 were not included in the scheme. The land at the rear of the property, in its current overgrown condition, does not enhance the visual surroundings of the new residential development and its development as proposed could be of some benefit in this regard.

In terms of general principle the proposal is considered to be acceptable

Design and Appearance - The design of the single storey extension includes construction in matching brickwork with a pitched roof in grey slate. Its overall appearance would generally harmonise with that of the existing building.

The design of the two storey extension to the existing outrigger includes construction in matching brickwork with a pitched roof in grey slate. Its overall appearance would generally harmonise with that of the existing building, although there is a concern that its pitched roof would be significantly less accentuated than that of the building. This is to minimise conflict with the proposed rear dormer window. However, other rear outriggers on the terrace, including the one at no.62, also have roofs visibly less steep than the main roof of the terrace. The small section of the extension that would be attached to the outrigger at no.64 would have a roof pitch of only 10deg and this would have a felted roof. However, this element would be well recessed and would be partly screened by the main part of the extension. It would not have a significant visual impact within the nearest street frontage on Crompton Place.

Regarding the dormers, the existing small gabled frontage dormer would be replaced with a somewhat larger one, also gabled and, despite the increased height, it would not look out of proportion with the design and scale of the roof. The external finishes in similar grey roof slates and grey hanging tiles for the vertical surfaces would also help blend the dormer with the roof. The frontage dormer would be in line with current guidance for dormers in SPG6, which is the guidance for domestic extensions. Although not strictly applicable in this case this guidance can be used as a yardstick.

The proposed rear dormer would be significantly larger and set back only about 300mm behind the eaves line. As a yardstick, SPG6 sets down a minimum set back behind a main wall of 1m. However, the visual impact of the dormer would be significantly mitigated by the rear extension that would partly obscure it and, given the good set in from the side boundaries, the gabled style, the grey hanging tiled finish of the vertical surfaces it is considered that this structure can be accepted.

Changes to the elevations of the existing building would be minor with the shop frontage unaltered.

Overall, the design and appearance of the exterior changes, including the extension and dormers, are acceptable and the development would not be in conflict with Policy EN1/2 that concerns impact on townscape or with the visual amenity factors within Policy H2/1 concerning the form of new residential development and also those within Policy H2/4 concerning the impact of residential conversions.

Residential Amenity - An important consideration is the impact of the development on the adjoining terraced house 64 Church Street West, the occupier of which has objected. The outlook from the habitable rooms and kitchen at the rear of this house towards the proposed extensions is shielded by its substantial two storey outrigger. The open yard area at 64 would be set alongside the position of the single storey extension but separated from it by a 1.15m wide pathway on 62's side of the boundary. The extension would have an eaves line on this side and, with the set back, the impact on light and outlook within 62's rear yard would not be significant enough to justify a refusal of the application. With the previously refused application the two storey extension in this position would have created significant overshadowing of the yard area and there would have been a significant overbearing effect on this property.

The development would involve living area accommodation alongside the upper bedroom accommodation at no.64 and, were permission to be granted, it would be necessary to include a condition requiring the provision of acoustic treatment to the internal party wall.

The residents of the proposed flats would benefit from a very small amenity area on the plot to the rear. Its size limits its usefulness but the area could be usable eg. as a drying area and it should be sufficient for the needs of the two flats.

Provision for domestic bins is catered for with room for ordinary domestic wheely bins and extra recycling bins/containers. No.25 Crompton Place, the house adjacent to the proposed car park, does not have a direct aspect towards this parking/amenity area and the use mainly for domestic car parking would not be unduly detrimental to residential amenity.

Secure Design - The concern from GMP about whether the rear entrance to the flats would be sufficiently secure is difficult to overcome. The proposed position would seem to be a reasonably practicable arrangement with other options potentially creating internal layout difficulties. There would be a gated entrance to the back street with residents entering a more secure area before reaching the door into the building. However, if the gate were to be locked this would create problems in terms of admitting visitors.

Regarding GMP's concerns about the car park where cars could be vulnerable to attack there would be enclosure of this provision and a scheme of lighting could be a requirement set down in a condition were the application to be approved.

Despite some concerns, particularly about the entrance to the flats, it is considered that there are insufficient grounds to support a refusal of the application for a reason concerning secure design.

Disabled Access - BADDAC have suggested a widened entrance to the shop and also refer to the Design and Access Statement which mentions the possibility of either creating a ramped access or providing a portable ramp. A portable ramp would not be sufficiently

stable and the private frontage area lacks sufficient space for a concrete ramp with the situation being made particularly difficult due to the doorway being angled to face the corner and set almost up to the public footway. A ramp development would need to encroach onto the highway and an appropriate gradient could not be achieved. Furthermore, the shop is existing and the application does not involve changes to its use nor to the shop frontage. Consequently, it is considered that to require changes to the shop access would be beyond the scope of considering the application.

BADDAC has accepted that the flats would not be accessible to disabled persons.

Car Parking - The provision of six car parking spaces should be adequate to serve the normal needs of the shop together with the proposed flats. It would be just below the maximum standard of 5.5 spaces for the uses set down in DCPGN11 - Parking Standards in Bury. Therefore, the level of parking provision is acceptable.

The Objection - The first concern of the objector is that the single extension would cover the existing yard. However, the loss of this small potential amenity area would be sufficiently compensated for by the provision of the car parking/amenity area facility on the applicant's land to the rear of the property. The objector then states that the roof of the single storey extension would protrude over his yard but the plans show that this would not be the case because of the significant set back of the extension from the boundary position. He also refers to a loss of light. However, as indicated in the residential amenity section above, the single storey extension would not be sufficiently high or close to his yard to cause sufficient light loss to justify a 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:-

The development is acceptable in principle within the local area. The design and appearance of the extensions is acceptable. The residential amenities of the adjacent dwellings would not be adversely affected to a material degree and the development includes an acceptable level of off-street car parking and amenity provision for the needs of the future occupiers 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. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
3. The residential flats and the extended shop accommodation hereby approved shall not be occupied unless and until the car parking and amenities areas and the bin stores shown on the approved drawing number 3 'B' have been completed to the written satisfaction of the Local Planning Authority.
Reason. In order to ensure adequate external amenity space for the residents and

sufficient car parking and refuse storage provision for the needs of the premises as a whole in the interests of road safety and amenity pursuant to policies HT2/4 - Car Parking and New Development, H2/2 The Layout of New Residential Development and H2/4 - Conversions of the Bury Unitary Development Plan.

4. No development shall take place unless and until a scheme for the lighting of the car park has been submitted to and approved by the Local Planning Authority. Neither of the flats hereby approved shall be first occupied unless and until the lighting has been provided in accordance with the approved details.
Reason. In order to ensure an adequate and uniform level of lighting to secure a suitable level of security for the parking area pursuant to Policy EN1/5 - Crime Prevention of the Bury Unitary Development Plan.
5. No development shall take place unless and until a scheme to provide and install suitable and sufficient soundproofing between the flat units, between the flat units and the ground floor shop and for the party wall with the adjoining dwelling no.64 Church Street West has been submitted to and approved by the Local Planning Authority. The levels of acoustic insulation to be provided shall be, as a minimum, those deemed to be acceptable and specified as standards of construction in current Building Regulations. Such works that form the approved scheme shall be completed before either of the flats is first occupied.
Reason. In order to reduce nuisance from noise to the occupiers of the adjoining dwelling and the future occupiers of the flats to protect residential amenity and pursuant to policies H2/4 - Conversions and EN7/2 Noise Pollution of the Bury Unitary Development Plan.
6. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. This decision relates to drawings numbered 1'A', 2 'A', 3'C' and 4 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

Ward: Radcliffe - West

Item 06

Applicant: R & K Grab Hire Ltd

Location: LAND AT OUTWOOD PARK, OFF OUTWOOD ROAD, RADCLIFFE

Proposal: IMPORTATION AND REUSE OF INERT MATERIALS TO MAKE SAFE THE EXISTING FORMER TIP LAND AND LANDSCAPING

Application Ref: 50535/Full

Target Date: 24/12/2008

Recommendation: Approve with Conditions

Description

The application site is located within Outwood Community Park, which is used as a public amenity area and is accessed from James Street, via a single track road, which is also a public footpath. The access track opens out onto a large tarmac area, which currently contains some unauthorised tipped material.

The site for tipping is accessed from the large tarmac area and is a triangular piece of land. Prior to the submission of the previous application in December 2006, the application site was cleared of all vegetation. The site had been wooded and some of the tree stumps remain on site. The application site slopes quite steeply from south to north and there are public footpaths on all the boundaries to the site. The application site was formerly used as a tip and the existing tip faces are very steep and either vertical or have created an overhang, which may collapse and are potentially dangerous.

The nearest residential properties are on James Street and St Aiden's Close and are 378 and 126 metres away from the tipping site respectively. The site is surrounded by mature woodland. The application site is located within the green belt and an area, which has been designated as suitable for informal recreation.

The applicant seeks consent for the importation and reuse of inert materials to make safe an existing former tip. The importation of the material would be engineered to produce a 1 in 3 slope across the site, which can be engineered and safely maintained in the future. The proposed development would involve the provision of a booking-in centre at the entrance point off James Street and the provision of a wheel cleaning facility on the edge of the tipping site.

Relevant Planning History

47269 – Importation and re-use of inert materials to make safe existing former tip and landscaping at land at Outwood Community Park, off Outwood Road, Radcliffe. Refused – 27 February 2007.

The application was refused as there was insufficient information with regard to the need of the development, the ecological impact of the development and pedestrian and vehicle conflict.

07/0081 – Tipping on land at Outwood Community Park, off Outwood Road, Radcliffe. Temporary Stop Notice served on 15 February 2007

Publicity

The neighbouring properties (18 - 50 (evens), 53, 55 Outwood Road; 12, 26 - 30 (evens) Highmeadow; 10 - 16 (evens), 25 - 31 (odds) Churchfield Close) were notified by means of a letter on 26 September and a press notice was published in the Bury Times on 2 October. Site notices were posted on 1 October 2008. One letter has been received from the

occupiers of No. 28 Highmeadow, which has raised the following issues:

- Impact of the proposal on neighbouring properties, including the operating hours
- The impact of the proposal upon health
- Suitability of the company to undertake the work

The objectors have been notified of the Planning Control Committee

Consultations

Highways Team – No objections, subject to the inclusion of conditions relating to the provision of a alternative footpath and the provision of wheel cleaning facilities

Drainage Team – No objections

Environmental Services (Contaminated land) – The site is a registered landfill and therefore, we recommend that conditions, relating to the contaminated land, the type of material and hours of operation, are placed on any grant of planning consent.

Environmental Health (Pollution Control) – No objections, subject to the inclusion of a condition relating to hours of operation

Landscape Practice – No response

Projects & Wildlife Officer – The site was cleared prior to the previous application and the proposed landscaping goes some way to remediating this loss. No objections, subject to the inclusion of conditions relating to the landscaping and Japanese Knotweed

Countryside Officer - No response

GM Geology Unit – No response

Environment Agency – No objection in principle and requests that informatives are attached to any grant of planning consent.

United Utilities – No response

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
OL1	Green Belt
OL1/5	Mineral Extraction and Other Dev in the Green Belt
OL5/2	Development in River Valleys
RT3/2	Additional Provision for Recreation in the Countryside
HT2	Highway Network
HT6/2	Pedestrian/Vehicular Conflict
MW4	Environmental Considerations for Waste Disposal Sites
MW4/1	Assessing Waste Disposal Proposals
MW4/2	Development Control Conditions (Waste)
MW4/5	Land Contamination
MW4/6	Standards of Restoration (Waste)
PPS10	PPS10 Planning for Sustainable Waste Management

Issues and Analysis

Principle - The proposed development involves the importation and re-use of inert materials to make safe a former tip within Outwood Park, which is located within the Green Belt.

Policy OL1/5 states that mineral extraction and other development within the green belt would be deemed inappropriate unless it maintains the openness of the green belt and does not conflict with the purposes of including land within the Green Belt.

Policy RT3/2/2 states that the Council will encourage the re-use of vacant and derelict land for recreational use, providing that the proposal would not be detrimental to the environment, a feature of ecological value or the amenity of the neighbouring residents, and would not result in an unacceptable increase in traffic within the area. Policy RT3/2/9 identifies the Outwood area as a site which is suitable for informal recreational use.

Policy MW4 sets out the criteria against which all waste proposals will be assessed and states that proposals for waste disposal sites will be accepted in principle when all of the criteria have been satisfied.

The site for tipping cannot currently be used as recreational land due to the steep and vertical tip faces, which may fail. The proposed tipping of the site would make the site safe and would allow this land to be used for recreational purposes. It is considered that the proposed development would not have an adverse impact upon the openness of the Green Belt and would be acceptable in principle. Therefore, the proposed development would be in accordance with Policies OL1/5, RT3/2/2 and MW4/1 of the adopted Unitary Development Plan.

Impact upon the surrounding area - The previous application was refused as there was insufficient information with regard to the need to import material and the quantity of the imported materials, as the amount of tipping proposed may be much greater than required to address the safety issue at the site. A Supporting Statement was submitted with the application, which states that following consultation with the Environment Agency, the existing tip faces cannot be re-graded as this would release leachates from the existing tipped material. As a result, it is considered that the need to tip and make safe the site has been established.

On the adjacent large area of tarmac, there is some existing tipped material, which has been tested by GMGU and the proposal includes the relocation of this material.

The access to the site would be taken from James Street, where there are existing residential properties. It is acknowledged that there would be some adverse impact upon the amenity of the neighbouring residents through noise and disturbance of the lorries passing along James Street. The potential for noise and disturbance would be mitigated by the restriction of the hours of operation from 08:00 to 18:00 on Mondays to Fridays and 09:00 to 14:00 on Saturdays. The proposed tipping operation would take 6 months to complete and it is considered that the benefits of making the former tip safe would outweigh the disturbance to the amenity of the neighbouring properties during the opening hours.

The proposed site for tipping would be located some 126 metres from the nearest dwelling on St Aidan's Close and the application site would be screened from view by the existing mature trees. Therefore, it is considered that there would be no significant adverse impact upon the amenity of the neighbouring residents and the proposal would be in accordance with Policy MW4/1 of the adopted Unitary Development Plan.

Ecological issues/Landscaping - Prior to the submission of the previous application, the application site had been cleared of a substantial number of trees, which were considered to be of ecological value. An Ecological Assessment has been provided, which states that the current habitat at the site is of low ecological value and is of negligible value to wildlife. Following completion of the tipping element of the proposed development, the application site would be landscaped and the proposed landscaping comprises locally native species, which would complement the existing species in the locality. It is considered that once the proposed landscaping is established, it would provide habitats for breeding and feeding birds and the creation of a greater length of woodland edge habitat would be of benefit to birds and butterfly species. The Wildlife Officer states that the proposed landscaping would go some way to remediating the loss of the cleared vegetation, subject to the approval of the grassland species mix. There is Japanese Knotweed on site and the agent has submitted a Method Statement for its treatment. It is considered that the Method Statement is acceptable in principle, but further detail would be required and this would be secured via a condition. Therefore, it is considered that the proposed landscaping would not be unduly prominent within the locality and would not have an adverse impact upon a feature of ecological value and would be in accordance with Policies EN1/3 and EN6/3 of the adopted Unitary Development Plan.

Highway issues - The access to the site would be taken from James Street and a booking-in office would be provided at the entrance to the site. The access to the site for tipping consists of a single track cobbled road, which forms part of a public footpath and opens out on to a large tarmac area. James Street is considered to be suitable as the access into the site and has adequate visibility. The highways team has no objections to the proposal, subject to the inclusion of conditions relating to the provision of separate pedestrian access.

The cobbled section of the access to the site is quite narrow and it is considered that there would be a conflict between vehicles and pedestrians due to the size of the vehicles required to carry the materials. The agent has submitted a revised plan, which shows that a 1 metre wide pedestrian footpath would be provided along side the cobbled road and the public footpath would be closed on a temporary basis. It is considered that the provision of a separate footpath for use by pedestrians would negate any potential conflict between pedestrians and vehicles. The Public Right of Way Officer has no objections to the proposal, subject to the provision of the alternative footpath. Also, there is an alternative access point to Outwood Park, which is located some 80 metres along Outwood Road. Therefore, it is considered that the proposed development would not have an adverse impact upon pedestrian or highway safety and would be in accordance with Policies MW4/1, HT4 and HT6/2 of the adopted Unitary Development Plan.

Response to objectors - The impact upon the amenity of the neighbouring properties is dealt with above and the operating hours will be controlled via a condition. As the material will be inert, it is considered that there would be no significant adverse impact upon the health of the neighbouring properties. The suitability of the operator is not a material planning consideration.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and would not impact upon the openness of the Green Belt. The proposed development would not have a significant adverse impact upon the amenity of the neighbouring residents and would not have a detrimental impact upon pedestrian and 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 Q208-001 , Q208-002 1, Q208-003 1, Q208-004, Q208-005 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. Stockproof fencing with gates or cattlegrids at all opening shall be erected along either side of the access road and around all operational areas of the site wherever necessary and shall be maintained to the satisfaction of the Local Planning Authority until the completion of restoration at which time they shall be removed unless previously agreed in writing by the Local Planning Authority.
Reason. In the interests of the amenities of the area and pursuant to the following

Policy(ies) of the Bury Unitary Development Plan:
Policy MW4/1 - Assessing Waste Disposal Proposals
Policy MW4/2 - Development Control Conditions (Waste)

4. Dust suppression measures must be employed at all times to minimise the generation and dispersal of dust arising from the operations hereby consented.
Reason. To ensure that the level of dust emanating from the site is not excessive and is not detrimental to the amenities of the occupiers of nearby premises pursuant to the following Policy(ies) of the Bury Unitary Development Plan:
Policy MW4/1 - Assessing Waste Disposal Proposals
Policy MW4/2 - Development Control Conditions (Waste)
5. Unless otherwise approved in writing by the Local Planning Authority, the tipping of waste materials shall be carried out and the site restored in such a manner as to ensure that the final restored levels of the site are in accordance with the contours shown on Plan no Q208-002 1 and details shown on drawings showing cross-sections (Q208-002 1), forming part of this permission.
Reason. In the interests of proper site restoration and to accord with the terms of application, and pursuant to the following Policy(ies) of the Bury Unitary Development Plan:
Policy MW4/1 - Assessing Waste Disposal Proposals
Policy MW4/2 - Development Control Conditions (Waste)
6. Restoration of the site shall be carried out under the supervision of a person in the employ of or responsible to the applicant with knowledge of and expertise in restoration of and with authority to stop restoration operations during unsuitable weather conditions.
Reason. In the interests of the area and restoration of the site pursuant to the following Policy(ies) of the Bury Unitary Development Plan:
Policy MW4/1 - Assessing Waste Disposal Proposals
Policy MW4/2 - Development Control Conditions (Waste)
7. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Within three months of the completion of the restoration of the site or in the first available planting season following restoration, the site shall be landscaped in accordance with the approved landscaping scheme. All trees and hedges included in the landscaping scheme shall be retained, protected and maintained for a period of five years after planting during which period any tree or hedge that may become damaged or be removed or die shall be replaced with a similar plant in the next available planting season.
Reason. To ensure satisfactory development of the site pursuant to the following Policy(ies) of the Bury Unitary Development Plan:
Policy MW4/1 - Assessing Waste Disposal Proposals
Policy MW4/2 - Development Control Conditions (Waste)
8. No materials other than inert material shall be deposited on the site, in accordance with the waste management exemption issued by the Environment Agency for the site – Ref NR1/E/RTK002/2. NR1/003668.
Reason. In the interest of protecting residential amenity and pollution of the land and water environment pursuant to Planning Policy Statement 23 - Planning and Pollution Control and the following Policy(ies) of the Bury Unitary Development Plan:
Policy MW4/1 - Assessing Waste Disposal Proposals
Policy MW4/2 - Development Control Conditions (Waste)
9. All waste disposal and soiling operations, including the finished site levels, shall be carried out in accordance with the specifications shown on the plans submitted.
Reason. To ensure that the Local Planning Authority has control over the amount of material deposited on the site and the final landform in order to safeguard the

amenity of the area within which the site is located pursuant to the following Policy(ies) of the Bury Unitary Development Plan:
Policy MW4/1 - Assessing Waste Disposal Proposals
Policy MW4/2 - Development Control Conditions (Waste)

10. No development shall take place unless and until a date for the commencement of the infilling works hereby approved has been submitted, in writing, to the Local Planning Authority. The infilling works shall then be completed within a period of 6 months from the date that the first inputs of fill material are deposited on site.
Reason. To ensure that the development is acceptable to the Local Planning Authority pursuant to the following Policy(ies) of the Bury Unitary Development Plan:
Policy MW4/1 - Assessing Waste Disposal Proposals
Policy MW4/2 - Development Control Conditions (Waste)
11. All materials to be used to make safe the existing tip shall consist only of clean, graded hardcore and soil. In particular, any biodegradable materials, plastics, timber, metal or paper wastes shall be strictly excluded. 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 works commencing on site.
All materials to be used in the landscaping 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 works commencing on site, and;
Any approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.
Proposals for monitoring and verification reporting of the infilling engineering works in terms of land contamination (including ground gas and groundwater assessment) and suitability for use are required for submission and approval prior to the works commencing on site.
Proposals for dealing with any unexpected contamination are required for submission and approval prior to works commencing on site.
Reason. To ensure that only clean, non-polluting materials are used, to prevent the pollution of the land, water and the surrounding environment pursuant to Planning Policy Statement 23 - Planning and Pollution Control and the following Policy(ies) of the Bury Unitary Development Plan:
Policy MW4/1 - Assessing Waste Disposal Proposals
Policy MW4/2 - Development Control Conditions (Waste)
12. Proposals for the screening of invasive species within imported materials, such as Japanese Knotweed and treatment if necessary are required for submission prior to works commencing on site. All materials to be used in the filling operation must be demonstrated to be free from invasive species including Japanese Knotweed.
Reason. To restrict the spread of invasive species including Japanese Knotweed across the site in the interest of UDP Policy EN9 - Landscape.
13. All waste shall be effectively contained so as to prevent littering beyond the site boundary.
Reason. To protect the amenities of occupiers of nearby premises pursuant to the following Policy(ies) of the Bury Unitary Development Plan:
Policy MW4/1 - Assessing Waste Disposal Proposals
Policy MW4/2 - Development Control Conditions (Waste)
14. 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:-

08:00 to 18:00 - Monday to Fridays

09:00 to 14:00 - 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.

15. Notwithstanding the details indicated on the submitted plans, the development hereby approved shall not be commenced unless and until full details of the provision of a segregated temporary footpath along the proposed access route from Outwood Road to protect pedestrians/users of the adjacent public rights of way have been submitted to and approved in writing by the Local Planning Authority: The measures subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is commenced and maintained for the duration of the importation and landscaping operations.

Reason. In the interests pedestrian safety pursuant to Policy HT6/2 - Pedestrian /vehicular conflict of the Bury Unitary Development Plan.

16. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter for the duration of the importation and landscaping operations.

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to the following policy(ies) of the Bury Unitary Development Plan:

Policy HT4 - New Development

Policy MW4/1 - Assessing Waste Disposal Proposals

Policy MW4/2 - Development Control Conditions (Waste)

17. Notwithstanding the submitted information, no development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) is submitted to and approved in writing by the Local Planning Authority. The approved management plan should be implemented as part of the development hereby approved and shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

Reason. To ensure that the site is free from Japanese Knotweed in the interest of UDP Policy EN9 - Landscape

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 07

Applicant: Aldi Stores Ltd

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

Proposal: PROPOSED MIXED USE DEVELOPMENT COMPRISING USE CLASS
A1/FOODSTORE AND USE CLASS B1/B8 COMMERCIAL UNIT

Application Ref: 50660/Full

Target Date: 04/02/2009

Recommendation: Approve with Conditions

Description

The application site is located in the town centre and is bounded by the Ramsbottom Conservation Area on the Square Street boundary. There is a two storey building which is located on the boundary with Railway Street and is in use as offices. There are various prefabricated buildings on site, which are also in use as offices. The remainder of the site is in use as a car park.

The East Lancashire Railway is located to the east of the application site and to the north, is a small car park, vehicle repair garage and craft shop. A stone wall forms part of the boundary of the site with Square Street and the remainder consists of palisade fencing. On the opposite side of Square Street there are three to four storey mill buildings which have either been converted to residential or have planning permission in place for conversion to residential. There is a nursery which fronts onto Square Street and has a boundary with the application site.

The proposal is a mixed use development, which would comprise a food retail unit and a commercial unit (use class B1 or B8). The food retail unit would have a floorspace of 1543 square metres and the commercial unit would have a floorspace of 278 square metres. The proposal would also involve the formation of a car park, which would provide 89 spaces, 6 disabled parking spaces, 3 parent and child spaces and cycle parking.

The proposed buildings would be single storey and would be of a modern design. The proposed buildings would incorporate a mono-pitch and a split roof, which would create gable elevations to Railway Street. The proposed buildings would be constructed from stone (split faced and smooth) with stone coloured rendered panels and slate grey cladding as the roofing material. The proposed buildings would incorporate glazed panels on the gable elevations to Railway Street, which would create an active frontage.

The proposed development would involve the retention and erection of a stone wall to the boundaries with Square Street and Railway Street and a 2.4 metre high paladin fence would be provided to the northern boundary.

Relevant Planning History

49973 – Proposed mixed use development comprising 1543 sq m food retail unit (Class A1) and 278 sq m commercial unit (Class B1/B8) and associated car parking and servicing at Land at Railway Street, Ramsbottom. Refused – 21 August 2008

The application was refused as it was considered that the design, appearance and materials of the proposed units were not sympathetic to the character of Ramsbottom town centre and the adjoining Ramsbottom Conservation Area.

Publicity

The neighbouring properties (58, 60, 99 Square Street; Flats 1 – 6 Old Engine House, Square Street; Apartments 1 – 6, The Corner House, Square Street; Cobden Mill; TNT, Kay Brow garage, Railway Street) and the properties which commented on the previous application (99 Square Street; The Flower Gallery 12 Bridge Street; 15 Ducie Street; 39 Stanley Street; Ramsbottom Heritage Society; 54 Stanford Hall Crescent, Bury; 148 Market Street, Edenfield) were notified by means of a letter on 12 November and a press notice was published in the Bury Times on 20 November. Site notices were posted on 13 November 2008.

One letter of support has been received from the occupiers of No. 76 Whalley Road, which has raised the following issues:

- The proposal would bring employment to the area
- The proposed buildings would be an aesthetic improvement to the area.

7 letters of objection have been received from the occupiers of The Flower Gallery 12 Bridge Street, 34 Bridge Street; Ramsbottom Heritage Society; 1 Chiltern Road; 82 Summerseat Lane; 22 Market Place, which have raised the following issues:

- A third supermarket would have a detrimental impact upon the independent retailers of Ramsbottom
- The existing TNT building is the only surviving building from the Meadow Mill/Crow Mill complex and should be retained
- Object to the render of the boundary wall adjacent to the loading bay of the proposed retail unit
- Object to any signage above roof level
- Lack of an archaeological survey

The objectors and supporter have been notified of the Planning Control Committee.

Consultations

Highways Team – No objections to the proposal, subject to the inclusion of conditions relating to the Travel Plan, visibility splays and parking and servicing.

Drainage Team – No objections

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

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

Environmental Health – Commercial Section – No response

Environmental Health – Public Health – No response

Conservation Officer – The reduction in higher level cladding and its replacement with stone, the increase in the use of stone along the car park elevation and the appearance of a designed frontage to the commercial store are positive factors.

While the large single pitch roof could be a dominant feature, it is considered that from most views (near and far), the site and buildings are reasonably hidden. The proposal represents an improvement from the previous scheme.

Waste Management - No response

Wildlife Officer – A bat survey was submitted. The bat survey was carried out by a licensed bat surveyor and found no evidence that bats utilise the building. However, as the bat survey was carried out in April 2008 a fresh bat survey should be carried out prior to the demolition of the building. This should be secured via a condition.

BADDAC – Welcome the provision of a disabled toilet in the proposed foodstore.

Environment Agency - No objections

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

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

United Utilities - No response
East Lancashire Railway - No response

Unitary Development Plan and Policies

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

Issues and Analysis

Principle – The proposal must be assessed against the following policies:

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

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

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

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

It is considered that a commercially based mixed use development would be appropriate on the site and consistent with the policy context. The proposed food retail store would be

adjoining the main shopping area of the town centre and would be accessible by public transport, thereby complying with the policies above.

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

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

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

The provision of the proposed employment unit would ensure that the proposal conforms to the other relevant policies (EC1/2) in the Unitary Development Plan. Therefore, the proposed development would be in accordance with Policies EC1/2, S2/1 and S3/1 of the adopted Unitary Development Plan.

Design - The previous application was refused as it was considered that the materials and design of the proposed development was not appropriate or sympathetic to the character of Ramsbottom Town Centre or the adjacent Conservation Area. While the footprint and layout of the proposed buildings has not changed from the previous application, a more traditional palette of materials has been negotiated with the applicant. As a result, the choice of stone, with some render, better reflects the mixture of materials and building styles within the locality.

The main entrance for the proposed commercial building would be located on the southern elevation so as to face the small parking area. It is considered that the glazed entrance and screens would ensure an active frontage and there would be large glazed elements on the northern elevation to ensure the building is of architectural interest and ensure visibility throughout the site. The proposed commercial unit would be constructed almost entirely of stone with a small area of render on the gable elevations. The silver cladding has been replaced with metal louvers and the roofing material would be anthracite grey cladding, which would match the roofing materials of the surrounding buildings in terms of colour. While the proposed commercial building is of a modern design, it is considered that the increased use of more traditional materials would ensure that the proposed commercial building would relate to the surrounding buildings and would not be unduly prominent within the locality.

The gable elevation facing Railway Street of the proposed retail store would consist entirely of stonework (split faced and smooth) with full height glazed panels. The proposed glazed

panels would wrap around the building and would ensure an active frontage onto Railway Street as well as the southern elevation, where the main entrance would be located. The proposed retail unit would be of a modern design, but would use more traditional materials. The western corner of the proposed retail unit would be constructed in stone and render, with the rendered element of the building being obscured by the loading bay and the existing stone walls. Therefore, the proposed building has been designed so that only stonework would be visible when the site is viewed from the Conservation Area. There would be five panels of render along the southern elevation, which would be broken up by stone piers and the agent has agreed to further break up this elevation by the provision of stone detail within the rendered panels. It is considered that the proposed development would be acceptable in terms of height, scale and design and would not be unduly prominent within the locality, through the use of a traditional palette of materials. Therefore, it is considered that the proposed development would not have an adverse impact upon the character and appearance of the Ramsbottom Conservation Area and would be in accordance with Policies EN1/1, EN1/2, EN2/1 and S2/1 of the adopted Unitary Development Plan.

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

Boundary treatments - The application site has a boundary with Square Street, which forms the boundary of the Ramsbottom Conservation Area. Two thirds of the boundary wall along Square Street would be retained and the remaining third of this wall would be stepped down in height. It is proposed that the stone, which would be removed from the existing wall, would be re-used in the construction of the new retaining wall along Square Street and Railway Street. It is considered that the part retention and the construction of the new retaining wall would not have an adverse impact upon the character of the Conservation Area.

The section of wall, labelled Section A on the site plan, is currently some 5 metres in height. This section of wall would be lowered by 1 metre and coping flags added to maintain the stability of the wall. The existing stone wall, labelled Section B on the site plan, is some 2.5 metres in height. This section of wall would be retained, but would be rebuilt for safety reasons. The rebuilt wall would have a stone face to Square Street and the conservation area and would be rendered on the other side. However, the rendered section of the wall would be screened by the proposed retail building and loading bay. It is considered that the proposed boundary treatments, including the paladin fencing along the northern boundary would match those in the locality and are acceptable. Therefore, the proposed development is in accordance with Policies EN1/1, EN1/2 and EN2/1 of the adopted Unitary Development Plan.

Landscaping – The existing trees are located in close proximity to the boundary wall and are of poor quality. Therefore, the existing trees will be removed and replacement trees would be planted in other areas of the site. Additional planting would take place in raised beds around the perimeter of the site. The proposed landscaping plan is considered to be acceptable in principle. It is considered that the detailed issues of species mix and the separation of the car parks through different surface treatment should be controlled by a condition requiring the submission of a landscaping plan. Therefore, it is considered that the proposed development would be in accordance with Policy EN1/3 of the adopted Unitary Development Plan.

Pollution issues – The proposed commercial building would be used for either B1 or B8 purposes and it is considered that a B1 use would accord with Policy EC1/2 of the Bury

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

Protected species – A bat survey has been submitted as part of the application. The survey states that there was no evidence that bats are using the building and its potential for roosting is low. The Wildlife Officer has no objections to the proposal but as the survey was undertaken some time ago, it is recommended that another bat survey should be carried out prior to the demolition of the building. This would be secured via a condition. Therefore, it is considered that the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Parking and access – The proposed development would involve the relocation of the existing access to a position further south, which would result in better visibility at the junction with Railway Street. The boundary wall at the junction of Railway Street and Kay Brow would be lowered, which would result in much better visibility at the junction of Railway Street, Square Street and Kay Brow.

Any deliveries to the proposed retail store would utilise the loading bay which is located to the north of the store. It is considered that there would be adequate turning facilities for any heavy goods vehicles within the car park, through the use of the hatched area. The Highways team has no objections to the layout of the site and the proposed development is considered to be in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

DCPGN 11 states that the maximum parking standards for a food retail store consist of 1 space per 16 square metres of floorspace, 3 disabled bays (6%) and cycle parking. The parking standards for a B1 business unit are 1 space per 40 square metres; 2 disabled bays or (5%) and cycle parking. Therefore the application site should contain 102 spaces, 7 disabled bays and cycle parking as a maximum.

The proposed development would provide 86 parking spaces, 6 disabled spaces, 3 parent and child spaces and cycle parking. It is considered that although the proposed development would not provide the maximum parking standards, there is an acceptable level of provision as the application site is located within a highly accessible town centre location. Therefore, it is considered that there would be adequate parking facilities and the proposed development would not be detrimental to highway safety. Therefore the proposal will be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and DCPGN 11.

The Council has sought to improve the accessibility of the site in relation to the town centre by the improvement of the footpaths in the area. A section of the footpath along Square Street and Railway Street would be resurfaced and this is indicated on the site plan with a hatched area. The applicant has agreed to provide these improvements and this would be secured through a condition.

Disabled access - The proposed development would incorporate level access into both the proposed buildings and the provision of the disabled parking spaces is welcomed. There would be no customer toilet facilities provided at the proposed retail store, but there would be a fully accessible toilet for staff. It is considered that the proposed development would be accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Response to objectors - The impact of the proposal upon the town centre is dealt with above and any signage would be subject to a further application. The existing wall (Section B) would be rebuilt to ensure stability and would be rendered on the elevation facing the proposed retail unit. However, the rendered section of the wall would not be visible, as it would be obscured by the loading bay and the proposed retail store. The wall would be constructed in stone where it would be viewed from the conservation area. Greater Manchester Archaeological Unit has no objections subject to the inclusion of conditions relating to the completion of an archaeological survey.

Summary of reasons for Recommendation

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

The proposed uses are acceptable in principle and would not have an adverse impact upon the occupiers of the surrounding properties. The proposed development would be acceptable in terms of height, scale and design and the proposed development would not have an adverse impact upon the character and appearance of the conservation area. The proposed development would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 0193 MID Red line plan, 0193A-100, 0193A-110B, 0193A-111A, 0193A-112A, 0193A-113A, VL0193MID L01A 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. 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.

6. Prior to the commencement of the development hereby approved, a survey shall be undertaken to establish the ambient noise levels at the boundary of the site and shall be submitted to and approved in writing by the Local Planning Authority. Noise from the proposed development shall not increase the prevailing ambient noise levels contained in the approved survey, as measured at the boundary of the site.

Reason. To protect the amenity of the neighbouring residents pursuant to Policy EN7/2 of the Bury Unitary Development Plan.

7. The use hereby permitted shall not be open to customers outside the following times: 06.00 to 23.00 on a daily basis.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.

8. No deliveries shall be made to the building hereby permitted outside the hours of 08.00 to 19.00 on any day.

Reason. In the interests of residential amenity pursuant to Policy S1/2 - Shopping in town centres of the Bury Unitary Development Plan

9. A sample panel of stonework and mortar, demonstrating the colour, texture, face bond and pointing, not less than 1 sq.m in size, for the proposed buildings and the boundary wall on Square Street shall be erected on site for inspection, and approval in writing, by the Local Planning Authority prior to the commencement of the development. Samples of the roofing materials shall also be made available for inspection on site. Thereafter the development shall be constructed in the approved materials and manner of construction.

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

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. Prior to the commencement of the development hereby approved, a scheme for the provision of drainage works shall be submitted to and approved in writing by

the Local Planning Authority. The approved details shall be implemented as part of the development.

Reason. To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan.

12. Prior to the commencement of the development hereby approved, details of the diversion of the water main shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development.

Reason. In the interests of an effective public utilities infrastructure pursuant to Policy EN1/11 - Public Utility Infrastructure of the Bury Unitary Development Plan.

13. Notwithstanding the submitted information, a bat survey shall be conducted and the results of the survey, along with any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority, prior to the demolition of the building(s) permitted by this approval. All mitigation measures shall be fully implemented prior to the commencement of the works and 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 and PPS7 – Nature Conservation.

14. No development, building work or demolition shall take place unless and until a desk-top study and building survey, including measured floorplans, elevations and a detailed written description, has been submitted to and approved in writing by the Local Planning Authority.

Reason. To make a record of buildings and features of archaeological interest and to comply with legislative requirements pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan.

15. No development shall take place on the site unless and until details of a scoping report for a watching brief and a program of archaeological works have been submitted to and approved in writing by the Local Planning Authority. The approved programme of works shall be implemented and the report shall be submitted to and approved in writing by the Local Planning Authority.

Reason. To make a record of buildings and features of archaeological interest and to comply with legislative requirements pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan.

16. No development shall commence unless and until a scheme for the resurfacing of the footpaths indicated on approved plan 0193-101 REV H has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the buildings hereby approved.

Reason. To improve the accessibility of the site to the town centre pursuant to Policy HT6/1 - Pedestrian and Cyclist Movement of the Bury Unitary Development Plan.

17. 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.

Reason. In order to deliver sustainable transport objectives in accordance with PPG13 - Transport and Department for Transport's 'Guidance on Transport Assessment'.

18. The development hereby approved shall not be brought into use unless and until the access alterations have been implemented and low level wall adjacent to Railway Street and Square Street has been reduced in height to a maximum of 900mm above adjacent footway levels as indicated on the approved plans to the written satisfaction of the Local Planning Authority.
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
19. The visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m.
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
20. The turning and servicing facilities indicated on the approved plans shall be provided before the development is brought into use. The service yard/car park areas used for the manoeuvring of vehicles 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 highway safety.
21. The car, motorcycle & cycle 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 development hereby approved being brought into use.
Reason. To make adequate provision for parking.

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

Ward: Ramsbottom + Tottington - Tottington

Item 08

Applicant: TOTOS

Location: TOTO RISTORANTE, HIGH STREET, BURY, BL8 3AG

Proposal: REDEVELOPMENT OF EXISTING RESTAURANT AND ADJACENT MILL TO FORM A WINE BAR AND RESTAURANT WITH FIRST FLOOR OPEN CAR PARK ACCESSED FROM GRASSINGTON COURT

Application Ref: 50588/Full

Target Date: 27/01/2009

Recommendation: Refuse

Description

The site comprises an existing restaurant (Toto's) and 3 storey Mill adjacent together with the surrounding service areas fronting High Street Walshaw. An area of land is included within the application site off Leigh Street opposite, for staff parking. The land to the west is occupied by traditional red brick residential properties including a three storey block of flats off Grassington Court which is an existing service road to both the residential development and the restaurant, to the north are modern stone clad detached and semi detached properties, to the east is the main road frontage and opposite this are early 20th Century terraced properties, a small industrial area, the War Memorial and garden as well as a mix of modern detached and terraced development in red brick. The main road slopes down from its junction with Grassington Court to Leigh Street and there is a height difference of 1 storey. The existing restaurant has 12 parking spaces accessed off Grassington Court, as well as its main service yard.

The application involves the demolition of the existing restaurant and mill and the erection of new contemporary designed restaurant. The new restaurant will have a total of three floors including roof top parking with a central pedestrian access core from the roof to the basement (lower street) level. The agent has advised that the new restaurant measures 270 sq. metres and can provide for between 180 and 270 covers. This would therefore amount to a maximum of an additional 154 covers, although it has been indicated that the applicant would accept a limit of 190 covers. The lower ground floor has a wine bar with a separate access direct from High Street (as well as from the central core) and this has tables for 120. The roof top car park has 26 spaces including 3 disabled spaces and the central service core allows disabled access from this car park to all levels of the new building. The roof top also includes a small office suite for the use of the restaurant. A remote car park is also provided off Leigh Street, formerly used by the light industrial estate, for staff parking (10 spaces) and a dedicated taxi drop off and pick up area would be located on Grassington Court in close proximity to the junction with High Street.

The building involves the use of modern materials and has the principal elevations of white render with timber cladding to the access core and roof perimeter, copper cladding to the ground floor windows overlooking High Street and on the windows on the access core. The access to the roof top car park is off Grassington Court and the ramp is screened by stainless steel mesh.

The application is supported by a range of documents including a Design & Access Statement and the applicant has already carried out consultation with the local community that has resulted in the original proposals being modified in response to local of concerns.

Relevant Planning History

The site is split into uses, the one occupied by the existing restaurant and the other by the Mill building, formally occupied by Mount Engraving.

The restaurant site was first used as a garage and car showroom before consent was granted for a change of use to a restaurant in October 1989 (23535) with a further detailed approval for alterations to the premises in March 1990 (24266).

The last application on the Mill was in 1983 and was for the erection of a new boundary wall and covered area (15341).

Publicity

A Press Notice was published in the Bury Times on the 6th November 2008 and a Site Notice placed on High Street on the 13th November 2008. The following neighbouring properties at Units 1 to 5, 1 to 7 (odd) & 9 A to D Leigh Street, 500 to 510 (evens) and 581 to 609 (odd), 488 to 498 (evens), 488A, 611 to 615 (odd) Walshaw Road, 1 to 63 (odd) Grassington Court, 17, 30 and 38 High Street, 2 to 16 (even) Hall Street, 2 to 6 (even) Bentley Fold Cottages, 9 Walshaw Brook Close, 1 to 45 (odd), 2 to 18 (even) Campbell Close, 6 to 10 and 16 to 18 Bank Street, 1 & 3 The Cross High Street have been consulted by letter.

8 letters/emails of objection have been received from 23, 25 & 27 Campbell Close, 21 and 49 Grassington Court and 1 of support from 30 Claughton Road which is located off Hall Street in the northern part of Walshaw (316m away from the site).

Summary of objections received as follows:

- Out of character with the area
- Over dominant in the street scene
- Choice of materials is inappropriate for a village
- Scale is inappropriate for a village setting
- Excessive late night disturbance from traffic and parking
- Would conflict with LDF Policy about protecting the character of villages
- Scheme would worsen poor road safety in area
- Development will increase on-street parking in the area to the detriment of residents
- Proposal is contrary to PPS 6 - Town Centres

Summary of supporting comments received is as follows:

- Modern design should be encouraged and this will create a design statement moving the village forwards
- Current restaurant is a valuable facility in the village and an increase in its size will make it more accessible to locals
- There is a lack of eating and drinking establishments in Walshaw

The objectors and supporter have been informed of the Planning Control Committee.

Consultations

Environmental Health - Pollution Team. No objections subject to standard conditions on contamination and treatment of fumes.

Highways Team - Object on lack of off street parking and poor design of taxi pickup/drop off area.

Waste Management - Comments awaited.

BADDAC - Support application as it gives access to all areas for the disabled.

Drainage Team - No objections subject to standard conditions.

GM Police Architectural Liaison Unit - No objections.

Ecology (Bats) - No objections subject to standard condition.

Unitary Development Plan and Policies

- EC2/2 Employment Land and Premises
- EC4/1 Small Businesses
- H3/2 Existing Incompatible Uses
- EN1/1 Visual Amenity
- EN1/2 Townscape and Built Design

EN1/5	Crime Prevention
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
S2/6	Food and Drink
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
PPS1	PPS1 Delivering Sustainable Development
PPS23	PPS23 Planning and Pollution Control
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises

Issues and Analysis

Principal.

Employment Land - The loss of the industrial land occupied by the Mill building must be assessed against Unitary Development Plan Policy EC2/2 - Employment Land and Premises. The industrial site has been assessed as part of the Council's Employment Land Review and this has concluded that the mill building was no longer suitable for continued employment use and, on that basis, the loss of the employment use is acceptable in principal.

Small Businesses - With regards to the existing restaurant use this is a small business and Policy EC4/1 - Small Businesses supports their retention and growth providing they do not have a detrimental impact on the surrounding area.

Restaurant/Wine Bar Use - UDP Policy S2/4 - Food and Drink sets the following criteria for assessing the acceptability of new schemes for restaurants, namely:

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

and this is the main policy for an application of this type and each of these criteria is considered below:

Amenity of nearby residents.

Access and Servicing - The proposed new restaurant will continue to use the current access for servicing and parking off Grassington Court whilst the main pedestrian access to the restaurant has been resited to front onto High Street, and the pedestrian entrance to the wine bar will also be direct from street level off High Street. There will be a significant increase in access for both servicing and car parking for the enlarged facility from Grassington Court which will adversely impact on the amenities of local residents.

Scale and Massing of the building - The new building fronting onto Grassington Court is 1.1m higher than the existing restaurant and a minimum of 2.9m lower than the Mill building and has a height of 5.2m to the top of the parapet of the car park when viewed from the flats on Grassington Court. The ramp to the roof top car park is set 15m from the ground floor windows of the 3 storey block of flats that fronts Grassington Court. However the outlook from the properties onto a car parking ramp and roof top car parking will not be conducive to the residential amenity of local residents.

The properties adjacent on Campbell Close are set some 7.25m from the single storey element of the new building and 11m from the main block. This compares with 5.5m to a two storey part of the existing Mill and 10m to the main Mill building that is 1.5m higher. The gable wall on this face has no windows and will be white rendered and is located due south of the existing properties. Whilst the new building will not fully meet the Council's typical aspect standards it is considered that the reduction in height of the proposed building from

the existing Mill and the improvement of the separation distances will improve the aspects of the existing properties and as such is acceptable.

-General impact on residential amenity - The applicant has undertaken pre-application consultation with the residents, and as a consequence did reduce the proposed floor space, delete dedicated function rooms and omitted a further deck of the car park. However the increase in the size of the restaurant to up to 270 covers and the introduction of a Wine Bar with the potential for 120 people to be seated is a significant increase in the growth of activity on the site from the current restaurant. It would be impracticable to enforce a planning condition based on the number of covers at any one time. Furthermore the layout and space available would still lend itself to use as a function room. There are therefore justifiable concerns that the scale of activity on this site would be harmful to the amenities of local residents and also the character of the area.

Over concentration of Class A3 use

The site is not located in close proximity to or in an area of an over supply of A3 (or A4 public houses or A5 take aways) and as such will not conflict with this criteria.

Parking and Servicing

The standards are established in DCPGN 11 Parking Standards in Bury. This sets out maximum standards of 1 space per 7 sq m of public floor area for restaurants. The scheme will have a total public floor area of 427sq m the standards require 61 car parking spaces. In this case 26 spaces are proposed on the roof of the building with an additional 10 staff spaces off site, a total of 36. The submitted Transport Statement and layout plan that shows 2 dedicated taxi drop off/pick up spaces however these are sited on the radius into Grassington Court and of insufficient length in order to avoid obstructing the footpath and therefore do not meet the requirements of the Highways Team.

A short fall of 25 spaces would give rise to a significant increase in on street car parking and a real concern about the impact on the safety and convenience of road users, contrary to DCPGN 11.

Storage and disposal of refuse

-This will be from a service court which is accessed from Grassington Court as at present and will result in additional movements to serve the larger premises.

Impact of flues/ventilation

-The flues for the kitchen will be located on the roof of the building and air conditioning units will be mounted on the rear, fronting Grassington Court. The applicant has been in discussion with Environmental Health and they are happy that a scheme can be brought forwards that would ensure that both fumes and noise could be reduced to a level that will not be of detriment to the neighbours. As such the scheme will comply with this policy.

Visual Amenity.

The village of Walshaw has a mix of styles of development from large red brick mill buildings, turn of the century red brick terraced properties, stone semi, terraced and detached properties both 19th Century and modern, modern industrial units and new red brick flat and terraced properties. The applicant has taken a contemporary approach to the design of the building for this location. It has taken its key elements from the current design of Toto's which is a 70's single storey 'garage' building as it was felt by the architect that trying to create a traditional building to blend in with Walshaw eclectic mix of styles of development was inappropriate. The applicant had initially considered converting the Mill building but the structure of the building did not lend itself to conversion and as such they decided the best approach was to design a specific building for the site. The proposed building will be striking and the mix of white render, timber and copper would be a strong visual statement. Although the building would not have any 'traditional features', however, the general massing and scale of the building is not considered to be detrimental to the street scene or visual character of the immediate vicinity. It is therefore considered appropriate in terms of Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

Objections.

The issues raised in the objections have been covered in the main body of the report. The reference to PPS 6 and the need for a sequential approach is not relevant in this case as PPS 6 does not apply to this development.

Summary of reasons for Recommendation

Recommendation: Refuse

Conditions/ Reasons

1. The development, by reason of its scale and intensity would be seriously detrimental to the residential amenities of nearby occupiers, by reason of the noise, activity including access and servicing facilities, disturbance and general nuisance associated with the proposed use. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: S2/6 - Food and Drink.
2. There is insufficient car parking provided within the site which will give rise to on street car parking to the detriment of the residential amenities of local residents and also the safety and convenience of other road users. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: HT2/4 - Car Parking and New Development, S2/6 - Food and Drink and the associated Development Control Policy Guidance Note 11 - Parking Standards in Bury.
3. The design and appearance of the proposed car ramp and inclusion of a roof top car park would not be appropriate to, nor sympathetic with the existing character and appearance of the area, and would be detrimental to the visual amenity of the area and the residential amenities of the adjacent residential properties on Grassington Court. As such this element of the scheme would be contrary to Policies EN1/2 - Townscape and Built Design and S2/6 - Food and Drink of the Bury Unitary Development Plan.

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

Ward: Ramsbottom + Tottington - Tottington

Item 09

Applicant: Lockmanor Limited

Location: PLOT 5, LAND AT HIGH STREET, WALSHAW

Proposal: RESIDENTIAL DEVELOPMENT - ONE DETACHED DWELLING

Application Ref: 50621/Full

Target Date: 07/01/2009

Recommendation: Approve with Conditions

Description

The site is situated on an area of land to the south of the Bentley Meadows residential development, adjacent to High Street. To the west of the site are open fields within the Green belt. To the south is an unmade street leading to the rear of terraced cottages on Bentley Hall Road. To the east across High Street are stone built terrace properties.

This proposal is a full application for one five bedroomed detached dwellinghouse on the vacant plot to complete the final element of a 6 dwellinghouse development. It is proposed that the property would be 3 storey in height with dormers in the roof space on the southern elevation. The appearance of the dwelling and design and style would be similar to the already approved houses, with materials of brick and render and Artstone facings and Artstone heads and cills. The Plot would have a private driveway from Bentley Meadows off High Street.

Relevant Planning History

Ref 40678/03 - Outline permission for Plot 5 approved October 2003

Ref 47591 - Erection of 1 dwelling (Plot 5) together with access road - refused on Housing Restrictions Policy - 5/4/2007.

Ref 50090 - Erection of 1 dwelling (Plot 5) with access road - refused on Housing Restrictions Policy and design - 25/7/2008

Publicity

Neighbours notified at Nos 21-65 (odds), 38, 42, 60-82 (evens) High Street; 2-14 Bentley Hall Road; Reflex Europe Ltd, Player Promotions Ltd, RMF Ventilation; CPU Solutions; Software Installations, Bell and Associates, Business Leadership Group, Safe in Sure, Tower Lottery System, at Stoneholme Business Centre, 42 High Street.

Site notice posted 20/11/2008.

Letters received from Nos 19, 23, 60, 62, 64, 66, 72, 74, 76 High Street; 10, 14, Bentley Hall Road, and a petition with 35 signatures, with the following comments:

- the proposal is still contrary to the Housing Restrictions Policy
- the development has not contributed to affordable housing
- the local community have submitted proposals for the LDF for this site to be protected from further development
- the development is not environmentally sustainable
- fear the development may expand to the Greenfield site adjacent
- the size of the boundary on this application has been extended into the Greenfield area
- the development has had a negative impact on the local community and is disastrous
- the height, size, style of the buildings so far are completely out of proportion and out of character of the village
- this house would be overbearing to the cottages opposite and there is inadequate separation distances
- the erection of a large and ugly fence is inappropriate
- increase in traffic, noise and pollution from another house

- also unauthorised advert and fencing
- there is no evidence of replanting of trees
- over development of the site
- only 1 of the houses has been sold and another build should not be allowed in the current financial climate

The objectors have been notified of the Planning Control Committee.

Consultations

Highways Team - No comments received to date

Environmental Health Contaminated Land - No objections subject to conditions

Drainage Team - No objections

Landscape Practice - No objections subject to tree planting condition

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

EN8/1 Tree Preservation Orders

PPS3 PPS3 - Housing

RSS 13 Regional Spatial Strategy for the North West

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

PPS23 PPS23 Planning and Pollution Control

PPS25 PPS25 Development and Flood Risk

Issues and Analysis

Principle - The publication of the latest version of the Regional Spatial Strategy (RSS) in August 2008, has identified that the Borough no longer has an over supply of housing. The previous restrictions in Development Control Policy Guidance Note 7 - Managing the Supply of Housing have been revised in September 2007 to reflect these changes. This site had previously been granted planning permission for 1 dwelling and as such it is established that the principle of housing development on this site is acceptable .

Unitary Development Plan Policy H1/2 - Further Housing Development, which sets out the broad criteria for assessing proposals for residential development, is the primary policy against which residential proposals will be assessed, and has regard to the following factors: the need to direct development towards the urban area; the availability of infrastructure; the need to avoid the release of peripheral open land; the suitability of the site with regards to amenity; the nature of the local environment; other policies and proposals of the plan.

In so far as consideration of the detailing of proposal, UDP Policies H2/1 The Form of New Residential Development, H2/2 - The Layout of New Residential Development, H2/6 - Garden and Backland Development and DCPG Note 7 (Consultation Draft - Revised September 2008) are the appropriate and relevant policies.

Residential amenity - There would be a separation distance of 30m between the proposed habitable room window on Plot 5 which would face the rear elevations of Nos 61 and 62 High Street. The nearest part of the proposed dwelling (a blank wall) would be 22m from these terrace houses on High Street. The south elevation would have dormer windows in the roof space and would be 32m from the houses on Bentley Hall Road. A 2m high boundary wall to this elevation would also screen the proposed doorway and window at ground floor level. In relation to Plot 4, there would be bedroom windows (No 2) on the proposed 1st floor north/front elevation facing onto this adjacent property. A minimum distance of 6.5m is the required separation distance between a 1st floor habitable room window and a blank gable of a neighbouring property. The distance between the two would be 6.6m and is therefore acceptable. As such the position of the proposed dwelling would comply with the council's aspect standards with regards to aspect standards between adjacent houses.

The objections which relate to the outlook and privacy issues and the relationship of the proposed dwelling to the nearby properties, particularly with relation to Nos 60 to 66 High Street are material considerations. These properties currently have an open aspect to the rear of their properties, and whilst there is no "right to a view" the position of Plot 5 may have an impact on the outlook of these properties, particularly given the height and massing of the proposal. However, the position of the house on Plot 5 complies with the council's separation distances and UDP Policies H2/2 - The Layout of New Residential Development and H2/6 - Garden and Backland Development.

Visual amenity - The proposed dwelling would be similar in design and appearance to those recently developed on the adjacent land. Although the property would be visible from the rear of Nos 60 to 66 High Street, its position would satisfy the required aspect standards and being set back into the site would not be visible from High Street. As such the proposal is considered not to be intrusive to the street scene and would comply with H2/1 - The Form of New Residential Development and H2/6 - Garden and Backland Development.

Trees - The proposal includes the planting of 2 trees in the rear garden of Plot 5. The Landscape Practice have specifically requested the type of tree which would be suited to the landscape character of the area and as such has been conditioned.

Objections - The objections which relate to the principle of a dwelling on this plot, the design and size of the proposal and its relationship to the surrounding properties have been covered in the above report.

Other issues raised -

The proposal is within the original previously approved red edge site and does not include the adjacent Greenfield site.

The Local Development Framework is not an adopted plan and the proposal is considered under the current Unitary Development Plan policy context.

The proposed boundary timber fence is a type and height appropriate to a residential development.

An application for the unauthorised fencing has been received and the signage has been removed. However, an application is anticipated for a smaller sign at the entrance to the site. This action by the applicant is as a result of action by the Enforcement Team.

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 considered acceptable as it would not cause demonstrable harm to the residential amenities of the neighbouring properties. The dwellings would be in keeping with the previously approved houses on Bentley Meadows and would not be detrimental to the visual amenity of the area.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

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

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

2. This decision relates to drawings numbered 1096/F, 1096/RevD -PLANS/PLOT5, SS15554-200, 1096/FENCE and the development shall not be carried out except

in accordance with the drawings hereby approved.

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

3. The hardstanding hereby approved shall be carried out in accordance with the materials and finishes stated as part of the application unless otherwise agreed in writing with the Local Planning Authority.
Reason. To secure the satisfactory development of the site pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and PPS25 - Flood Risk and Development
4. The proposed tree planting scheme attached to the approval of Plot 5 shall be implemented not later than 1 month from the date of the completion of the dwellinghouse. The trees should specifically be 1 No Crataegus prunifolia size = 16 - 18 Extra Heavy Standard (Rootballed) and 1 No Crataegus laevigata 'Pauls Scarlet' =16 - 18 EHS (Rootballed).
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.
5. 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.
6. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. Following the provisions of Condition 6 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
 - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in

writing;

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

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

9. Notwithstanding The Town and Country Planning (General Permitted) (Amendment) (No2) (England) Order 2008, the development shall not have any extensions added without the prior consent of the Local Planning Authority.

Reason. In the interests of residential and visual amenity pursuant to Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/3 - Extensions and Alterations and Development Control Policy Guidance Note 6 - Alterations and Extensions to Residential Properties.

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

