

**Ward:** Ramsbottom + Tottington - Tottington

Item 01

**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

**The application was deferred from the Planning Control Committee on 23rd December 2008 to allow Members to visit the site.**

**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 19<sup>th</sup> 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.
4. The proposed access arrangements to the first floor open car park are sub-standard in terms of geometry and visibility at its junction with Grassington Court, which would be detrimental to highway safety and maintaining the free flow of traffic. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: HT2/4 - Car Parking and New Development and S2/6 - Food and Drink.
5. The access to the proposed taxi drop off bays is sub-standard in terms of visibility and the proposals do not enable vehicles to be maintained clear of the adopted highway or provide suitable accommodation for vehicles to enter and leave the site in a forward gear, which would be detrimental to road and pedestrian safety and maintaining the free flow of traffic on the adjacent classified road. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: HT2/4 - Car Parking and New Development and S2/6 - Food and Drink.

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

**Ward:** Whitefield + Unsworth - Besses

Item 02

**Applicant:** Dillon Builders

**Location:** LAND ADJACENT TO 68 HARDMANS ROAD, WHITEFIELD, M45 7BD

**Proposal:** 1NO. THREE STOREY DETACHED DWELLING (RESUBMISSION)

**Application Ref:** 50748/Full

**Target Date:** 02/02/2009

**Recommendation:** Approve with Conditions

### **Description**

The application concerns a plot of vacant and overgrown frontage land on Hardmans Road close to the junction with Bury Old Road. The plot is about 25m deep and about 13m wide. It is situated next to a two storey house 68 Hardmans Road on the southerly side and opposite semi-detached houses on the other side of the road. To the rear there is an outbuilding and rear garden to a bungalow on Bury Old Road (no. 97). Immediately to the north there is a landscaped amenity area at the traffic light junction of Hardmans Road and Bury Old Road.

It is proposed to build a six bedroomed detached house on the plot. The house would be of traditional design with two storey high brick elevations and a pitched concrete tiled roof incorporating two of the bedrooms in the roof space. The front roof slope would have a dormer window and a roof light with four more roof lights on the rear roof slope. On the northerly elevation facing the amenity land there would be a first floor upper en-suite window with a similar window to be installed on the ground floor of the opposite side elevation facing no.68 which otherwise would be blank. The frontage would incorporate a block paved driveway and two parking spaces.

The application is a resubmission of the previously refused application ref. 50404. In the revised version the house has the same footprint and height but has been moved about 4.5m closer to Hardmans Road. The fenestration has been altered to avoid a principal window to a bedroom overlooking land outside the applicants control. Also, the application is, on this occasion, accompanied by a land contamination desk study. These changes have been carried out in response to the three reasons for refusal.

### **Relevant Planning History**

43319 – Residential development – 16no. apartments. Withdrawn on 22<sup>nd</sup> November 2004.

43875 – Residential development - 15no. apartments. Refused on 8<sup>th</sup> February 2005 for reasons including that the development would be out of character with and inappropriate to the existing street scene and that it would be detrimental to the amenities and character of the nearby residential properties by reason of its height, size and position. An appeal was dismissed.

44641 - 15 apartments. Refused on 22<sup>nd</sup> July 2005 for the same reasons as were given for ref 43873 above.

45792 – Two storey extension at side and new roof to existing rear single storey outrigger at 68 Hardmans Road. Approved on 7<sup>th</sup> March 2006.

50404 - Three storey detached dwelling. Refused on 27<sup>th</sup> October 2008 for reasons concerning loss of neighbour amenities, window facing out onto land outside the applicant's control and insufficient information provided concerning land contamination.

### **Publicity**

39 properties were notified on 9<sup>th</sup> December 2008 including 50 - 66 and 23 - 47 Hardmans

Road, Smith's Yard, Whitefield Mercedes Benz, 130 - 136, 95 - 97 and 113 Bury Old Road, 1 - 7 and 13 Thatch Leach Lane.

6 letters of objection have been received from 35, 45, and 47 Hardmans Road and 95 and 97 Bury Old Road. The points of concern include the following:

- The height and style of the building is out of keeping with surrounding properties.
- The access would reduce the already very limited amount of on-street parking available to the existing residents on Hardmans Road.
- The property is too large for the plot.
- The access is very close to the Bury Old Road junction.
- The somewhat derelict adjacent building would be an eyesore when viewed from the property.

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

### **Consultations**

Highways Team - Recommend conditions to ensure the implementation of the vehicular access alterations and the turning facilities.

Drainage Team - No objections.

Environmental Health (Pollution Control) - No response.

Environmental Health (Contaminated Land) - Further intrusive site investigation is required, including gas monitoring. Recommend conditions concerning land contamination mitigation.

GMP Architectural Liaison - No response.

BADDAC - No objections.

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN4/2	Energy Efficiency
EN7	Pollution Control
PPS1	PPS1 Delivering Sustainable Development
PPS23	PPS23 Planning and Pollution Control

### **Issues and Analysis**

**Principle** – The principle of residential development on the site is acceptable given its sustainable location on a brownfield site within the urban area. Therefore, there would be no conflict with Policy H1/2 - Further Housing Development that concerns the consideration of new housing development on land not specifically allocated for such development.

**Scale, Design and Appearance** – The traditional design of the house is not out of keeping with the surrounding area. Although, it would have three storeys of accommodation the uppermost storey would be contained within the roof space and, with just one dormer window, the general impression would be that of a conventional two storey dwelling.

The property would have an adequate area of private amenity space at the rear. On the previously refused scheme the principal window to the fifth bedroom on the second floor was close to the side boundary and would have relied on land outside the application boundary for its outlook. This unacceptable situation does not occur on the current scheme with only en-suite windows on the side elevations and these would not be right against the boundaries and, therefore, it is considered that the previous concern about the relationship of a window to the site boundary has been overcome.

**Residential Amenity** - There are residential properties to the front, rear and on the southerly side. The houses to the front are on the opposite side of Hardmans Road and the

separation distance to the frontages of these houses would be about 23m. Using DCPGN6 Alterations and Extension to Residential Properties as a yardstick this 23m separation would be in excess of the minimum aspect distance set down in the document of 20m between two storey main elevations. However, the front elevation of the proposed house includes a dormer window at second floor level. This is set back from the frontage by 1m making the separation distance to the houses opposite about 24m. For a two storey to three storey main aspect the guidance sets down a minimum distance of 23m. Therefore, the main aspect distances to these houses are considered to be more than sufficient. To the rear the outlook is towards the rear garden area to the bungalow 97 Bury Old Road and not the bungalow itself. Furthermore, the private garden area of that house is mostly shielded from view by its rear garage.

A principle concern is the impact on 68 Hardmans Road, the house immediately to the south, and this needs to be compared to the situation with the previous application where the relationship was unacceptable. Previously, the two storey high gable elevation to the proposed house was shown overlapping the rear elevation to no.68 by about 7m and there would have been a significant impact of overshadowing and overdominance on the nearby windows and the rear garden of this house. By moving the proposed house forward this overlap has been reduced to only about 2.5m. The situation is further mitigated by the set back of the proposed house from this boundary by about 800mm. The change in position would not create a significant overlap of the frontage elevations over that at no.68. The corner of the development would intersect a 45deg line from the centre of the rear French windows at no.68 which, in the case of domestic extension, would not accord with the guidance in DCPGN6. However, the degree of intrusion into this window zone is relatively limited and the occupier affected is the applicant. In the circumstances, it is considered that the amended siting has been sufficient to overcome the previous concern about a adverse impact on no.68 Hardmans Road.

Policy H2/1 sets down that new residential development will be expected to make a positive contribution to its surroundings, including in terms its impact on residential amenity and regarding the position and proximity of neighbouring properties and it is considered that the proposal would not be in conflict with this policy.

Contaminated Land - The proposal involves a sensitive end use. However, the previous application did not include adequate information to enable a robust and comprehensive assessment of the proposal in terms of the risks associated with land contamination. This information had been requested but the request was refused and the lack of this information was one of the reasons given for the refusal of that application. The current application is accompanied by a contaminated land desk study which has been considered by Environmental Health. They have confirmed that there is a requirement for further intrusive site investigation, including ground gas monitoring and have recommended conditions to mitigate any risks from land contamination.

Car Parking - The drive on the house frontage would have sufficient room for two off street car parking spaces. However, the extent of the drive would be reduced in comparison with the previous scheme due to the revised siting of the house. The provision would be in line with the maximum level of provision set down in the Council's car parking standards which for this dwelling is three spaces. The land does not include any existing car parking spaces for 68 Hardmans Road which has no existing provision. Some of the objectors are concerned about the loss of kerb side parking due to the driveway entrance. However, this type of facility is not one that can merit special protection. Furthermore, planning permission would not need to be obtained to construct a vehicle entrance to the site as the formation of a means of vehicular access to an unclassified road is "permitted development".

The Objections - The condition of the adjacent house is not a matter of direct relevance to the consideration of the application and the access point is not very close to the Bury Old Road junction as to give rise to significant highway safety concerns. A similar situation was acceptable to Highways Team with the previous application. The other issues raised by the objectors are discussed in the previous sections.



## **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 site is previously developed land. The design and size of the house and its relationship to adjacent and nearby properties are acceptable. The car parking provision is adequate. 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. 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.
3. The development shall incorporate measures appropriate to meet the Code for Sustainable Homes of a pass rate greater than zero. The details of the measures shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.  
Reason: To provide good levels of sustainable housing provisions pursuant to PPS1 - Delivering for Sustainable Development and Policy EN4/2 - Energy Efficiency of the Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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

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

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

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

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

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

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

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

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

9. This decision relates to drawings numbered BM/25708/TD - 01 rev 1, BM/25708/TD - 02 rev 1, BM/25708/TD - 03 rev 1, BM/25708/TD - 04, BM/25708/TD - 05 and the Design and Access Statement and Desk Top Study and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

**Ward:** Ramsbottom + Tottington - Tottington

Item 03

**Applicant:** Bury MBC

**Location:** ST. ANN'S PLAYING FIELD, SOUTH ROYD STREET, TOTTINGTON

**Proposal:** INSTALLATION OF MULTI USE GAMES AREA , PROVISION OF A CAR PARK WITH VEHICULAR ACCESS FOR USE IN CONNECTION WITH ADJACENT EXISTING FOOTBALL PITCH, CHANGES TO BARRIER AT ENTRANCE TO SITE, PROVISION OF PEDESTRIAN PATH TO BALLZONE.

**Application Ref:** 50470/Full

**Target Date:** 21/01/2009

**Recommendation:** Approve with Conditions

### **Description**

The application involves part of an existing recreation ground situated on the easterly side of the recreational route created on the former Bury to Holcombe Brook railway line. The recreation ground currently has a football pitch on its northerly side but the application involves the area of undeveloped land associated with it on its southerly side.

The proposal is to construct a multi-use games area and car park close to the southerly boundary. The car park would comprise a new tarmac surfaced car park with 15 spaces, including one disabled space. There would also be alterations to the access to the land whereby the existing heavy duty vehicle barrier would be replaced by a double leafed steel railing styled vehicular gate with a pedestrian kissing gate alongside in similar construction. The multi-use games area would have a perimeter of 34m x 22m. At the goal ends the mesh panel walls with kick boards would be 2m high at the sides rising to 3m in the centre and the side the walls would be 1m high. In addition, a 4m wide and 35m long access tarmac surfaced roadway would be created from the site entrance gate to the car park with a 1m wide footpath, also surfaced in tarmac, constructed to provide access to the multi-use games area.

The site is accessed from South Royd Street where the nearest houses are situated about 50m from the car park site and about 70m from the site for the multi-use games area. South Royd Street continues past the houses to end at an entrance to Tottington High School and a link from this point crosses the recreational route to reach the site entrance and an adjoining access gate to playing fields situated immediately to the south of the site. There is also extensive open land to the east.

### **Relevant Planning History**

50359 - Installation of multi-use games area on existing playing field. Withdrawn on 26th August 2008 due to its containing insufficient details.

### **Publicity**

51 properties were notified on 11<sup>th</sup> September 2008. These included 1 – 17 Rhine Close, 26-46, 49 and 51 Brookwater Close, 52-80 South Royd Street, 26-46 and 51, 2-10 Avalon Close, Laurel Play Centre c/o 46 Bury Road and Tottington High School. Following the receipt of additional information, these properties were re-notified on 4<sup>th</sup> December 2008 and a notification was also forwarded to 32 additional properties on this date including 12 – 18 Avalon Close, 48 – 52 Brookwater Close, 2 – 44 Laurel Street, Laurel Play Centre, c/o 46 Bury Road and 72 and 74 South Royd Street. A site notice was posted on 11<sup>th</sup> December 2008.

Four objections have been received from residents of 72 and 80 South Royd Street and 5 and 9 Rhine Close. They raise the following concerns:

- The development would lead to a return to incidents of anti-social behaviour.
- South Royd Street and the dirt track to the site are narrow and already excessively busy.
- Litter bins are not mentioned on the plans.
- There will be extra noise disturbance from youths shouting.
- The development will spoil the view from the objector's house in South Royd Street especially in winter when leaves have come off.
- There is no provision for the supervision of the multi-use games area.
- There is no assurance that the area will be maintained.
- Houses would be devalued.
- The application seems unnecessary because there are public parks in Tottington where a multi-use games area could be provided as has been the case in other parts of Bury.

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

### **Consultations**

Highways Team - Recommend a condition to ensure the proper implementation of the car park.

Drainage Team – No objections.

Environmental Health (Pollution Control) - No response.

Environmental Health (Contaminated Land/Air Quality) – No comments.

Wildlife Officer – The site is outside the Kirklees Valley SBI, wildlife corridor and 300m away from the nearest Great Crested Newt Pond. Any planting to be carried out to provide screening should be of appropriate native tree species to take into account these ecological constraints.

Ramsbottom Tottington and North Manor Local Area Partnership - No response.

GMP Architectural Liaison – No objections. There should be a clear management strategy to ensure that the entrance gates are kept locked other when it is necessary for them to be being used for providing access to the established football club and with clear signage regarding the rules and regulations concerning the use of the car park.

BADDAC - No comments.

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

OL1/5 Mineral Extraction and Other Dev in the Green Belt

EN1/1 Visual Amenity

EN1/5 Crime Prevention

EN7/2 Noise Pollution

RT1/2 Improvement of Recreation Facilities

### **Issues and Analysis**

**Principle** – The site is in the Green Belt. However, the multi-use games area and the car park are developments of a relatively limited scale with the majority of the site continuing to remain undeveloped and they are facilities to be provided in support of an existing recreational site, which Green Belt policy can support. As such, the general openness of the site would continue and the developments are considered to be appropriate within the Green Belt.

The developments would occur on land forming part of designated Informal Recreation Area (Proposal RT3/2/4) and, given their purpose for supporting recreational use, it is considered that they would be in line with the general purpose of Policy RT3/2 through which “The Council will encourage the recreational use of the Borough’s countryside and will, in particular, encourage the re-use of vacant or derelict land...for this purpose”. Regarding the

detailed consideration of proposals the policy refers to a set of factors that proposals should not conflict with which include the following:

- they should not having a detrimental effect on the environment or features of ecological value,
- they should not lead to an unacceptable increase of road traffic in the area,
- they should not lead to an adverse effect on the amenity of residents or users of recreational open space,
- there should be no conflict with agricultural interests.

The land is not agricultural. Regarding the other factors these are considered in the following sections.

Design and Appearance – The two main elements which are the car park and multi-use games area are of a standard design and similar developments have occurred elsewhere in the Borough where they are of an acceptable visual standard. The dark green colouring shown for the games area would help reduce its visual impact within the landscape. The gates are of a scale and design commonly found in urban parks and are thus considered to be acceptable within this area of green space. Policy EN1/1 seeks to ensure that new developments would not have a detrimental effect on the visual amenity both within or viewed from areas of environmental interest such as Green Belt and it is considered that there would not be a conflict with this policy.

Residential Amenity – The nearest houses are a significant distance away from the developments such that the noise of activity with the games area and from the normal use of the car park should not give rise to a material loss of amenity to residents. In terms of the separation of the games area from existing residential properties the National Playing Fields Association published guidance recommends that there should be a buffer zone between the activity zone and the boundary of the nearest property containing a dwelling. In the case of the proposed games area the distance is more than twice that recommended at about 70m. The intervening area also contains significant existing shrub and tree cover around the recreational route footpath. The car park would enable car borne users of the football field to park off South Royd Street and thereby avoid the inconvenience to residents of additional parking occurring in their road during matches or training sessions.

Access and Car Parking – The car park that would serve a football pitch used by a small amateur club and the attraction to it would normally be very limited. This would be traffic that would be coming to the football facility anyway but utilising nearby roads for parking. The games area would be used mostly by children and youths and would have a negligible attraction to car users. The access arrangements, though limited, would be sufficient for the scale of the developments.

Wildlife – The site is overgrown and the developments would lead to the loss of minor vegetation. It has been confirmed by the Wildlife Officer that the developments would be outside the Kirklees Valley SBI and that the habitat of the Great Crested Newt, a protected species, would not be materially affected with the nearest pond being a distance of over 300m away. Thus, there would be no significant detriment to wildlife interests.

Secure Design Concerns - The concerns expressed by Police Liason are matters that would need to be addressed through the proper management of the facilities rather than by means of a planning condition.

The Objections - The concerns about anti social behaviour, litter, lack of supervision and poor maintenance are not borne out by other multi-use games areas that have been provided in the Borough. These have been found to be a useful facility where local youths are able to use their energy in ball games as an alternative to other less socially desirable activities. The facilities would be too distant from houses to have any material impact on residential outlook or general amenity. The possible effect of a development on the value of property is not a matter that is relevant to planning considerations. The other issues raised

are discussed in the previous sections.

### **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 developments would support the recreational use of an area designated for this purpose and their scale would be acceptable within the Green Belt. The traffic and activity associated with the developments and their visual impact would not be such as to cause a material loss of amenity to local residents. 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 multi-use games area and gates shall be coloured dark green and shall thereafter remain as such.  
Reason. In order to protect the visual amenities of the area pursuant to policies OL1/5 – Mineral Extraction and Other Development in the Green Belt, EN1/1 – Visual Amenity and RT1/2 – Improvement of Recreation Facilities of the Bury Unitary Development Plan
3. The car parking indicated on the approved plans shall be surfaced and demarcated to the written satisfaction of the Local Planning Authority.  
Reason. To ensure satisfactory off street car parking provision in the interests of road safety and amenity pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
4. This decision relates to drawings numbered KG/003, KG005(1), KG005(2), KG005(3), KG005(4), KG006, KG007 and unnumbered drawings showing the general location, the layout of the gates and the layout of the car park and the Design and Access Statement and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

**Ward:** Bury East - Moorside

Item 04

**Applicant:** Potters House School

**Location:** 4 & 6 ARLEY AVENUE, BURY, BL9 5HD

**Proposal:** CHANGE OF USE OF 4 ARLEY AVENUE FROM RESIDENTIAL (CLASS C3) TO SCHOOL (CLASS D1) AT GROUND FLOOR (IN CONJUNCTION WITH EXISTING SCHOOL AT 6 ARLEY AVENUE WITH A MAXIMUM NUMBER OF PUPILS RISING FROM 28 TO 38) AND RESIDENTIAL (CLASS C3) AT FIRST FLOOR TO PROVIDE A SELF CONTAINED FLAT

**Application Ref:** 50523/Full

**Target Date:** 16/01/2009

**Recommendation:** Approve with Conditions

### **Description**

The site is two detached brick/tile properties on an avenue of mainly residential properties. 4 Arley Avenue is currently a residential property and 6 Arley Avenue has been a private school (Class D1 – Non-Residential Institution) on the ground floor and a residential flat at first floor since 1987. The school is a non-profit making organisation offering independent Christian education and was conditioned to not exceed 28 pupils in 2002.

Directly to the rear is the car park for Chestnut Court Nursing Home that is accessed from Newton Street, off Walmersley Road. 2 Arley Avenue has been a long standing industrial/commercial use, last used by an engineering firm (there is no planning history for the original use but a building has been on the land since at least 1930).

The proposal is for the change of use of 4 Arley Avenue from residential (Class C3) to school (Class D1) at ground floor level and a self contained flat (Class C3) at first floor level. The school use is an extension to the existing school use at 6 Arley Avenue. The application includes using the car park of Chestnut Court Nursing Home at the rear as a drop off point to use the existing entrance gate at the rear of 6 Arley Avenue. Proposed alterations to 4 Arley Avenue includes creating a new entrance door to the proposed ground floor school at the rear and using the existing front entrance door to gain access to the self contained flat only. It is proposed that the maximum number of pupils would rise from 28 to 38.

### **Relevant Planning History**

#### 6 Arley Avenue

20141	Use of ground floor as day nursery	Approved Conditionally 15/10/1987
21845	Detached double garage	Approved Conditionally 15/11/1988
34826	Change of use of 1 <sup>st</sup> floor to children's nursery	Refused 17/12/1998
38630	Conversion of garage to playroom	Refused 15/02/2002
38918	Alterations to garage to form a classroom (resubmission)	Refused 26/04/2002
39355	Alterations to garage to form a classroom (resubmission)	Approved Conditionally 24/07/2002

### **Publicity**

Immediate neighbours at 1 to 9 Arley Avenue, 305 to 329 Walmersley Road, 36 Seedfield Road and BUPA Care Homes, Bridge House, 2, Littlewood Cottage and Littlewood Farm, Newton Street were written to on the 3<sup>rd</sup> December 2008. A letter of objection has been received from 8 Arley Avenue which has raised the following issues:

- Another commercial use in the area would set a dangerous precedent for the area.
- Cars do drop off and pick children up on Arley Avenue despite having an agreement to use the car park of the care home. If this agreement were to break down the parking situation would be intolerable.
- Staff and delivery vans park on the Avenue as well as residents from Walmersley Road properties and businesses following the introduction of yellow lines.
- The objector also points out that the owners of Potters House School are good neighbours and wishes them well in their desire to offer children an alternative education. However moving into another residential property on Arley Avenue is an inappropriate way to expand their facilities.

A letter has also been received from BUPA confirming that the school has an agreement with them for using their car park at Chestnut Court for dropping and picking up of children. However they also state that if their own car park use intensified to a degree that the school use caused a problem they would have to review the situation.

The people who have responded to the publicity have been informed of the Planning Control Committee.

### **Consultations**

Highways Team – No objection subject to condition regarding car parking agreement.

Drainage Team – No objection

Environmental Health – No objection subject to a condition regarding a sound proofing scheme between the proposed classrooms and residential flat.

GM Police – No objection to use but recommends the occupier of the flat is an employee of the school.

BADDAC – No objection

Early Years Child Care – No comment

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

H3/1 Assessing Non-Conforming Uses

H3/2 Existing Incompatible Uses

EN1/2 Townscape and Built Design

CF1 Proposals for New and Improved Community Facilities

CF2 Education Land and Buildings

HT2/4 Car Parking and New Development

SPD11 Parking Standards in Bury

### **Issues and Analysis**

**Principle** – The site is within a mainly residential area where the development of non-residential uses, including changes of use can be harmful to the amenity of residents. However a wide variety of non-residential uses exist in areas which are residential in nature and in their own way provide valuable benefits to the local population. These uses include community facilities or more specifically children's nurseries and schools. As the principal of a non-conforming use at 6 Arley Avenue has been established the main consideration of this application is to judge whether the proposal to extend the school (Class D1 – Non-Residential Institution) into the ground floor of 4 Arley Avenue would be an acceptable intensification of the use.

**Parking and Servicing** – There are three existing parking spaces within the grounds of 6 Arley Avenue and three proposed spaces within 4 Arley Avenue. DCPGN 11 requires 1.5 spaces per classroom and in this case that would be 4 classrooms in total 6 spaces would be required. Therefore the proposal accords with the requirements of Development Control



Policy Guidance Note 11 – Parking Standards in Bury for a Non-Residential Institution (Class D1) – School for parking provision.

The school has an existing legal agreement with BUPA, who run Chestnut Court Nursing Home at the rear to use their car park, to drop-off and pick-up children. This agreement has been amended to incorporate the proposed extra number of children that would be accommodated at 4 Arley Avenue. The use of the existing access gate at the rear of 6 Arley Avenue and new separate entrance to the proposed school at the rear of 4 Arley Avenue means that any noise and disturbance to the residential properties on the opposite side of Arley Avenue from pick up and drop off of pupils will be minimised, especially as the main entrance is at the rear. Servicing will remain as existing via the driveway off Arley Avenue and it is not considered that this will increase to such an extent as to create a detriment to the amenity of the residents that would warrant refusal.

Given the above the proposal is considered acceptable in terms of parking and servicing pursuant to Bury Unitary Development Plan Policy HT2/4 - Car Parking and New Development, H3/1-Assessing Non-Conforming Uses and H3/2-Existing Incompatible Uses.

Visual Amenity – The only external alteration to the property is the creation of the new entrance door at the rear. Therefore the proposal is considered acceptable in terms of visual amenity pursuant to EN1/2 - Townscape and Built Design.

Residential Amenity – Given that the entrance to the proposed school extension would be at the rear and accessed mainly from the car park at Chestnut Court it is considered that any additional noise and disturbance from the use of the ground floor of the property as a school would not be sufficient as to warrant the application in terms of its impact on the residential amenity of the area as a whole. Therefore the proposal is considered to be acceptable in terms of affect on the residential amenity of the nearby residents pursuant to Bury Unitary Development Plan Policies H3/1-Assessing Non-Conforming Uses and H3/2-Existing Incompatible Uses

Comments on Representations – The issues raised in the Publicity section have been dealt with in the report above and do not warrant refusal of the application.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-  
Having studied the submitted documents, assessed the proposed development on site and taken into account any representations and consultation responses. It is considered that the proposed extension to the existing school, with appropriate conditions would not affect the character of the area nor cause harm to the occupiers of the adjacent residential properties. In addition it would not cause demonstrable harm to other interests of acknowledged importance nor adversely impact on highway safety issues.  
There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 2008/11/0288 received on 18<sup>th</sup> November 2008 and the development shall not be carried out except in

accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to Bury UDP Policy EN1/2 - Townscape and Built Design.

3. The proposed use of 4 Arley Avenue as a Class D1 (School) hereby approved shall not commence unless and until the entrance door at the rear shown on Plan No. 2008/11/0288 has been created and made available for use and it shall then be used as the main access into the school for the duration of the use as Class D1.

Reason. To safeguard the amenities of the occupiers of nearby residents pursuant to Bury UDP Policy H3/2 – Existing Incompatible Uses.

4. The number of children attending the school at 4 Arley Avenue at any one time shall not exceed 10 and the number of children attending both schools at 4 & 6 Arley Avenue at any one time shall not exceed 38.

Reason. To safeguard the amenities of the occupiers of nearby residents pursuant to Bury UDP Policy H3/2 – Existing Incompatible Uses.

5. The car parking and drop off area at the rear at Chestnut Court as indicated on the approved plan 2008/11/0288 shall be made available for use prior to the building hereby approved being brought into use and thereafter maintained at all times, unless otherwise agreed in writing with the Local Planning Authority.

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. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flat, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.

Reason. To protect the residential amenities.

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

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 05

**Applicant:** Great Places Housing Group

**Location:** LAND AT FIR STREET, RAMSBOTTOM, BL0 0BG

**Proposal:** 2 STOREY BUILDING, PROVIDING 15 NO. UNITS OF LONG TERM SUPPORTED ACCOMMODATION FOR PEOPLE WITH LEARNING OR PHYSICAL DISABILITIES, (3 UNITS WITH 3 BEDS AT GROUND FLOOR LEVEL, 6 SEPARATE UNITS AT FIRST FLOOR LEVEL) WITH 3 NO. SUPERVISOR'S ROOMS.

**Application Ref:** 50579/Full

**Target Date:** 09/02/2009

**Recommendation:** Approve with Conditions

### **Description**

The application concerns an open plot of land of about 0.24ha situated close to the westerly edge of a housing estate. The site was formerly occupied by a detached building used as a children's home and the concrete base of that structure is in evidence close to the Fern Street frontage. The remainder of the land is maintained as a grassed area and the site slopes generally from the frontage down to the lowest point at the westerly boundary. The site contains a scattering of mostly small trees.

There are two storey houses facing the site across roads on three sides. However, to the west where the land continues to fall in level there is an extensive open recreational area with an equipped children's play space with the rest of that land maintained as mowed grass and available for informal recreation.

It is proposed to build a mostly two storey residential block on the land. This would provide special needs accommodation for persons with learning and/or physical disabilities. On the ground floor of the two storey building there would be three units with three apartments each with 24 hour support available in each of the units. This floor would be designed to accommodate wheelchair users. It would initially accommodate residents from Woodbury in Tottington which is no longer considered to be suitable for its purpose. On the first floor there would be 6no. self contained one bed roomed apartments for independent users with an independent entrance from Fir Street to this accommodation.

The building would be of a traditional brick built design with a hipped roof in grey concrete roof tiles. It would be set facing Fir Street across approximately the centre of the site. Although the bulk of the building would be two storeys each end would be only single storey in height. On the frontage there would be two driveway access serving six car parking spaces each. Three of the spaces would be designed for use by the disabled. At the rear there would be an extensive open amenity area enclosed by railings and planting. The building would have a footprint about five times that of the previous children's home.

### **Relevant Planning History**

No recent applications.

### **Publicity**

40 properties were notified on 11<sup>th</sup> November 2008. These included 46 – 76 and 55 -81 Fir Street and 52 – 80 and 31 – 37 Fern Street. A site notice was displayed from 18<sup>th</sup> November 2008 and a press notice was published on 20<sup>th</sup> November 2008.

One objection has been received. The resident at 76 Fern Street states that the site is not the correct place to have a building erected. The land is used by children for playing football or cricket and is the only green space in the area for children to play on. The Council should be encouraging children to play outside more and not drive them inside.

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

### **Consultations**

Highways Team – Recommend conditions to ensure that the indicated highway improvement works and car parking facilities are implemented.

Drainage Team – Recommend a condition requiring prior approval to be obtained to the details of the foul and surface water aspects.

Environmental Health (Contaminated Land/Air Quality) – Recommend land contamination mitigation conditions.

Environmental Health (Pollution Control) – No response.

Landscape Practice – The landscape works/tree report is acceptable. However, the tree planting proposals require more details of species size specification and the planting/securing method.

Waste Management – No response.

Wildlife Officer – Agrees with the assessment that the potential of the trees within the site for bats is low. Recommends a condition to ensure that nesting birds are not disturbed due to development activity.

GMP Architectural Liaison – No objections. There needs to be a long term management plan for the scheme to ensure a secure and sustainable development.

BADDAC - Despite their advice during pre-application discussions with the applicants they are concerned that on the submitted scheme the first floor flats are not designed to Lifetime Homes Standards including, as an example of this, that to meet the standard a staircase designed to accommodate a platform stairlift rather than a domestic stairlift is required.

### **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
H4/2	Special Needs Housing
EN1/2	Townscape and Built Design
EN7/5	Waste Water Management
CF3	Social Services
CF3/1	Residential Care Homes and Nursing Homes

### **Issues and Analysis**

Principle - The site was, until recently, used for an institutional development which was a children's home. The proposed special residential accommodation use is not a significant departure from the previous use and, although the site is open land within the residential area, this is a temporary situation with a social use to be resumed after a relatively short interruption and with the base of the former building still in place. In the circumstances the site cannot be regarded as Greenfield.

Policy H4/2 states that the Council will encourage special needs housing subject to appropriate location in terms of local facilities and transport being convenient and subject to satisfactory design. Similarly, Policy CF3 states that the Council will, where appropriate, consider favourably proposals for the provision of new social services facilities for persons with mental and/or physical handicaps and illnesses and groups with special needs. According to Policy CF3/1 care homes will be located in residential areas and will be permitted where they do not conflict with amenity of adjoining areas. Subject to the impact on local amenity being taken into consideration, the proposal accords with Policies CF3 and CF3/1.

Design and Appearance – The scale and traditional design of the proposed building would not be at variance with the surrounding residential estate. The removal of four trees, including a dead one, that would occur to facilitate the building would be adequately compensated for by the planting of 8 new trees. The landscaping information provided is indicative only and any planning permission would need to require through a planning condition prior approval to be obtained for the details of planting and hard landscape.

Residential Amenity – The existing houses on three sides of the development have frontages directly facing the site. The front elevation of the building would be about 32m from the houses on the opposite side of Fir Street. Its single storey side elevations would be from 15.5m to 17m from the houses directly opposite. Using criteria set down in SPG6 – Alterations and Extensions to Residential Properties as a yardstick these distances would provide an adequate standard of privacy and aspect for both the existing and proposed residential buildings.

Access and Car Parking – The provision of two driveways serving 12 parking spaces is an acceptable arrangement to the Highways Team. The number of spaces would be above the maximum standard set down in DCPGN11 – Parking Standards in Bury of 1 space per 3 units in a sheltered housing scheme. However, the scheme would involve a higher number of staff and care visitors than would be the case with a normal sheltered housing scheme and, as such, the provision is acceptable.

Disabled Access – BADDAC have expressed disappointment that, despite pre-application discussions and the stated intention of the development to cater also for the needs of persons with physical disabilities, only the ground floor of the facility would be accessible to wheelchair users. The applicants have explained that such a level of provision for only six apartments is unfeasible and would render the project not viable. Having expressed its point of view on this matter BADDAC has not asked for the issue to be pursued further.

The Objection – the objector is concerned that the development would result in the loss of recreational land used by children for play. Following the removal of the children's home building the site can be used by local children for informal play. However, it is not designated as recreational land. The extensive open area immediately to the west is so designated and contains both an equipped play area and extensive areas of mown grass suitable for informal play. Thus, there would continue to be sufficient land availability for use by local children for play activity.

### **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 on the previously developed land and the site is appropriately located for the provision of special needs housing. The design, appearance and parking provision of the development is acceptable and there would be no materially adverse impact on nearby residential properties.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

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

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

2. 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.
3. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. Following the provisions of Condition 4 of this planning permission, where remediation/protection measures are required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed time scales; and  
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning

Policy Statement 23 - Planning and Pollution Control.

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

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. No development shall commence unless and until a Preliminary Risk Assessment report to assess the actual/potential ground gas / landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.
  - Where actual/potential ground gas/landfill gas risks have been identified, a detailed site investigation(s), ground gas monitoring and suitable risk assessment(s) shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation / protection measures are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
9. Following the provisions of Condition 8 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and  
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
10. No development shall take place unless and until the details of foul and surface drainage works have been submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason. In order to ensure the satisfactory disposal of foul and surface water from the development pursuant to Policy EN7/5 – Waste Water Management of the Bury Unitary Development Plan.
11. No development shall take place unless and until the details of the means of

enclosure around the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of amenity and to secure a satisfactory development pursuant to Policy H2/2 - The Layout of New Residential Development.

12. No development shall take place unless and until the details of the exterior lighting have been submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of amenity and to ensure a satisfactory development pursuant to Policy H2/2 - The Layout of New Residential Development.
13. The development hereby approved shall not be brought into use unless and until the highway improvement works on Fir Street including the refurbishment of the footway from Bowling Green Street North and Bowling Green Street South indicated on the approved plans have been implemented to the written satisfaction of the Local Planning Authority.  
Reason: To ensure good design in the interests of road safety pursuant to Policy H2/2 The Layout of New Residential Development
14. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied.  
Reason: To ensure adequate off street car parking provision in the interests of road safety and amenity pursuant to policies HT2/4 - Car Parking and New Development and H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
15. The development shall incorporate measures appropriate to meet the Code for Sustainable Homes of a pass rate greater than zero. The details of the measures shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.  
Reason: To provide good levels of sustainable housing provisions pursuant to PPS1 - Delivering for Sustainable Development.
16. The development hereby approved shall not be brought into use unless and until the highway improvement works on Fir Street, including the refurbishment of the footway from Bowling Green Street North and Bowling Green Street South indicated on the approved plans, have been implemented to the written satisfaction of the Local Planning Authority.  
Reason: To ensure good highway design in the interests of road safety pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
17. No vegetation clearance shall be carried out between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year unless otherwise previously approved in writing by the Local Planning Authority.  
Reason: Birds on the nest are protected and in order to ensure that clearance of vegetation does not occur until it is proven that birds are not present.
18. This decision relates to drawings numbered 2943/0.1, 2943GM02/001 Rev B, 2943GM02/002 Rev C, 2943GM02/003 Rev B, 2943GM02/007, Design and Access Statement, Arboricultural Constraints Assessment, Preliminary Risk Assessment and the Extended Phase 1 Report 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 - East

Item 06

**Applicant:** Bury MBC - Libraries & Cultural Services Dept

**Location:** LAND BETWEEN 36 & 38 SEDDON AVENUE, RADCLIFFE, M26 9GP

**Proposal:** COMMUNITY LIBRARY

**Application Ref:** 50769/Full

**Target Date:** 11/02/2009

**Recommendation:** Approve with Conditions

### **Description**

The site comprises an area of land 11m wide by 21m deep that is principally given over to hard landscape with an informal footpath linking Seddon Avenue to York Street. The site is at the head of Thorpe Avenue off Dumers Lane and has a semi detached property to the east and west and a row of terraced properties, fronting York Street, to the north.

The application is to build a modern designed single storey building on the site to act as a Community Library and base for the Community Development Officer. The application involves the re-alignment of the footpath from its diagonal track across the site to one that runs along the boundary with No. 36.

The single storey building measures 12m deep by 8m wide, has buff facing brick walls, with a blue render to demarcate the main entrance and the disabled ramped access. It has a mono pitched roof with cedar cladding above the brick walls and finished in profiled grey metal roofing. The main access is direct off the footpath alongside Seddon Avenue and a stepped as well as ramped access will be provided. The site boundary will be protected via a 1.8m high 'school railing' type fence painted blue. The existing parameter fences to 36, and 38 Seddon Avenue and the properties fronting York Street will remain. A new gateway will be provided to the private access along the back of the properties fronting York Street.

### **Relevant Planning History**

None on this site. However, this is one of a number of Community Libraries that are being developed throughout the Borough to bring facilities closer to the point of need in the community.

Approval has recently been granted for the use of land at the rear of 11 to 21 Seddon Avenue as a community garden and this area is actively used by the for various recreational activities ref: 44833 and a temporary building ref: 47428 which is used as a base for these activities.

### **Publicity**

Immediate neighbours have been written to at 1-51 (odd) and 2-26 (even) Thorpe Avenue, 1 - 76 Seddon Avenue and 59a to 89 (odd) York Street on the 17th December 2008 and a site notice placed on the 22nd December 2008. To date no comments have been received.

### **Consultations**

Highways Team - No objections.

Drainage Section - No objections.

Environmental Health Team - No objections subject to standard conditions.

Greater Manchester Police Architectural Liaison Unit - Comments awaited.

Baddac - Support application.

Public Rights of Way Officer - No objections subject to diversion of the non statutory right of way to the new alignment.

Environment Agency - Comments awaited.

## **Unitary Development Plan and Policies**

CF1	Proposals for New and Improved Community Facilities
EN1/2	Townscape and Built Design
PPS23	PPS23 Planning and Pollution Control
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
SPD11	Parking Standards in Bury

### **Issues and Analysis**

Principal. The proposal needs to be assessed against the principals set out in the Unitary Development Plan Policy CF1/1. These state that proposal will be considered having regard to the following factors: a) impact on residential amenity and local environment, b) traffic generation and car parking provision, c) the scale and size of the development, d) access to shops and other services, e) suitability of the site within the catchment area, f) accessibility to transport and g) the needs and requirements of the disabled.

Residential amenity and local environment. The building is set over 13m from the original rear wall of the properties fronting onto York Street and over 5.5m from those either side which do not have habitable room windows directly overlooking the site. As such the proposal accords with the aspect standards of the Council as set out in DCPGN 6. The building is surrounded by an estate of semi detached houses of red brick construction with grey tiled roofs. The proposed building will not reflect the design of these properties but will be a modern statement of a new civic building in the middle of these properties. The design allows it to be identified as such and the general massing and scale of the building, being single storey with a simple roof design will not appear out of place and will be an addition to the local environment. As such the proposal accords with this criteria and UDP Policy EN1/2.

Traffic generation and car parking provision. The building has been positioned in the middle of the community and the principal users of the building will travel by foot. The library staff and community officer will involve 4 part time posts, 3 of which are on a job share. No parking is provided on the site but there is unrestricted parking on the street. If the standards of Development Control Policy Guidance Note 11 - Parking Standards in Bury were followed a maximum of 1 space per 30sq of public space would be required. The building has 37.3 sq m of space and as such 1 space would be required at a maximum. However, given the fact that there is unrestricted parking immediately in front of the site for 2 cars it is considered that this is adequate and no off street parking is required. As such the proposal accords with this criteria.

The scale and size of the development. The development is of an appropriate size to fit on the site and sufficient to meet the needs of the community within which it is based. The site allows for the re-alignment of the existing footpath across the site and a protective area around the building. As such the application accords with this criteria.

Access to shops and other services. The site is located in close proximity to the shops on Dumers Lane but given the use of the building the proximity of other services is not considered to be relevant in this case.

Suitability of the site within the catchment area. The site was chosen after extensive site search and an assessment of other opportunities. The site is centrally located within the Community that it will serve and is of sufficient size to provided the services required. As such the proposal accords with this criteria.

Accessibility to transport. This criteria is not relevant as the proposal is community based and the principal access will be via foot.

The needs and requirements of the disabled. The building has been designed to be fully accessible and to be fully compliant with the needs of the disabled. As such the proposal accords with both this criteria and UDP Policy HT5/1.

Having assessed all the criteria set out in UDP Policy CF1/1 that proposed building is acceptable.

Impact on Footpath. The proposed realignment of the footpath will create a more direct route between Seddon Avenue and York Street. The new footpath will be level and will allow for disabled access. As such the realignment will accord with both UDP Policies HT5/1

and HT6/1 and is acceptable.

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

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the proposed development would provide a valuable new community based facility that will accord with Unitary Development Plan Policy CF1 and would not cause demonstrable harm to interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered S6040 P-01, 02 & 03 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.

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

