

**Ward:** Bury East

Item 01

**Applicant:** Thornfield Properties plc

**Location:** HORNBY BUILDINGS AND ADJACENT NIGHTCLUB, ROCHDALE ROAD/THE ROCK, BURY

**Proposal:** RENEWAL OF PLANNING PERMISSION 45426 FOR MIXED USE DEVELOPMENT OF LAND AT ROCHDALE ROAD/THE ROCK (INCORPORATING HORNBY BUILDINGS AND THE FORMER CINEMA BUILDING) COMPRISING SHOPPING, FINANCIAL AND PROFESSIONAL SERVICES AND FOOD AND DRINK USES WITHIN THE A1, A2, A3, A4 AND A5 USE CLASSES; BUSINESS USES WITHIN THE B1 USE CLASS; NON RESIDENTIAL INSTITUTIONS AND ASSEMBLY AND LEISURE FACILITIES WITHIN THE D1 AND D2 USES CLASSES; NIGHTCLUB AND CASINO USES AND OTHER ASSOCIATED WORKS AND FACILITIES

**Application Ref:** 50667/Full

**Target Date:** 17/03/2009

**Recommendation:** Approve with Conditions

### **Description**

The site is occupied by 2 large buildings which are to be demolished. Hornby Buildings is a 3 storey 1933 construction with shops on the ground floor which also make use of the first floor. The top floor is mostly disused with boarded up windows. The building is clad in terra cotta tiles. The SolViva night club to the rear of Hornby Buildings is a 1936 former cinema with a hairdressers and a hot food takeaway on the ground floor facing Rochdale Road.

The 2 buildings are separated by a back street. Hornby Buildings fronts onto the pedestrianised section of The Rock. To the south west of the buildings a passage leads to a large service area at the rear of the existing Marks & Spencer store. To the south east is a public house separated from the application site by Clerke Street which leads to the Millgate Centre's multi storey car park. The land to the north east forms part of the Rock Triangle site, which is currently under construction.

The application is for the renewal of the previous scheme, and the previous report for the scheme has been attached in full (45426). The development consists of the demolition and redevelopment of the Hornby Buildings and adjacent nightclub in Bury. The proposed development could not commence until all of the leases held by the occupiers of units within the buildings had expired and the lease for the last remaining occupier expires after the three year period to start the development, hence the need to renew the planning permission.

### **Relevant Planning History (updated)**

45426 - Mixed use development comprising shopping; financial and professional services; food and drink uses within the A1, A2, A3, A4 and A5 use classes; assembly and leisure facilities within the D1 and D2 use classes; nightclub use; business uses within the B1 use class and other associated works and facilities at Hornby Buildings, The Rock, Bury. Approved with conditions - 24 January 2006.

48384 - Mixed use development comprising shopping, financial and professional services and food and drink uses within the A1, A2, A3, A4 and A5 use classes; residential use within use class C3 comprising 397 units; assembly and leisure uses within the D1 and D2 use classes; nightclub use; multi storey and other car parking; new street, highways and other means of circulation and other associated works and facilities at land at The Rock and Rochdale Road (known as The Rock Triangle), Bury. Approved with conditions – 28 November 2007

### **Publicity**

A press notice was published in the Bury Times on 1 January 2009. Site notices were posted on 6 January 2009. The neighbouring properties (61 – 111 (odds), 92, 102 – 126 (evens), 132 The Rock;

1 – 7 (odds) Rochdale Road;

First Place Pizza, Club Sol Viva Odeon Building;

Bury United Reformed Church, Chapel Street;

The Show Boat, Clerke Street;

Marks & Spencer, 1 The Haymarket) were notified by means of a letter.

A letter has been received from the occupiers of No. 106 The Rock, which states that the occupier objects to the proposal with no reasons given.

The objector has been notified of the Planning Control Committee.

### **Consultations**

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

Drainage Team – No objections

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

Public Rights of Way Officer – No response

Conservation Officer – No response

Area Board – No response

Waste Management Team – No response

Baddac – No objections, subject to the confirmation of level thresholds around the building

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

S1	Existing Shopping Centres
S2	Control of New Retail and Non-Retail Development
S3	New Retail Dev and Env Improvements
TC1	Town Centres
TC3	Bury Town Centre
S1/1	Shopping in Bury Town Centre
S2/1	All New Retail Proposals: Assessment Criteria
EN1	Built Environment
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
Area	Central Shopping Area
BY6	
PPG6	PPG 6 - Town Centres and Retail Developments

### **Issues and Analysis**

There has been no significant change of circumstances since the previous application was determined and the analysis contained in the attached report remains unchanged. Therefore, it is considered that the proposed development would be acceptable for the reasons outlined within the attached report and would be in accordance with the above policies of the Unitary Development Plan.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;- The proposed development is in accordance with Government Guidance, Policies of the adopted Bury Unitary Development Plan and the adopted Development Framework. It will contribute to the vitality of the town centre and improve the character of the area. There will be no adverse effect on occupiers of adjacent property and no implications for 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 as follows: Site layout, (92)LP101, BA(PL)A101 C, BA(PL)A103 E, BA(PL)A104 B, BA(PL)A105 B, BA(PL)A106 B, BA(PL)A201 B, BA(PL)A401 B, BA(PL)A402 B, BA(PL)A405 B, BA(PL)A406 B. The development shall not be carried out except in accordance with the drawings hereby approved unless otherwise agreed in writing with the Local Planning Authority.  
Reason For the avoidance of doubt and to ensure a satisfactory standard of design.
3. In accordance with the approved drawings, no more than 2,249 m<sup>2</sup> of Class A1 retail floorspace shall be formed at any time within the building hereby permitted without the prior written consent of the Local Planning Authority. Within that 2,249 m<sup>2</sup>, no more than 225 m<sup>2</sup> of Class A3, A4 or A5 floorspace shall be formed at any time within the buildings hereby permitted without the prior written consent of the Local Planning Authority.  
Reason For the avoidance of doubt and to ensure that floor space figures are not exceeded pursuant to PPS6 - Planning for Town Centres and UDP Policy S3/3.
4. The implementation of any food and drink unit within Classes A3, A4 or A5 shall not commence until details of the opening hours for each unit have been submitted to and agreed in writing by the Local Planning Authority.  
Reason To safeguard the amenities of adjacent occupiers pursuant to UDP Policy S2/6 - Food and Drink.
5. The implementation of any food and drink use within use classes A3, A4 or A5 shall not commence until details of a scheme for the control of fumes and odours (and details of sound attenuation for any necessary plant) for that unit has been submitted to and approved by the Local Planning Authority. The scheme once approved shall be implemented before any food and drink unit is brought into use and must be retained in full working order thereafter unless otherwise agreed in writing by the Local Planning Authority.  
Reason In the interests of amenity in terms of noise, fumes and smell pursuant to UDP Policy S2/6 - Food and Drink.
6. Before the development is commenced, details of the design and siting of all hoardings and fencing to be erected around the site during demolition and construction shall be submitted to and approved by the Local Planning Authority. The scheme once approved shall be implemented and maintained during construction of that phase unless otherwise agreed in writing by the Local Planning Authority.  
Reason In the interests of visual amenity pursuant to UDP Policy EN1/2 - Townscape and Built Design.
7. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover the following matters: 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 during the period of construction unless otherwise agreed in writing by the Local Planning Authority.  
Reason In the interests of amenity and highway safety pursuant to UDP Policy

EN7/1 and HT2 - Highway Network.

10. Before the development is commenced, full details of the arrangements for storage of refuse and waste including the capacity of the bin store, height and dimension of doors and finished levels shall be submitted to and approved by the Local Planning Authority. The details shall be implemented as approved and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.  
Reason To ensure the satisfactory storage, recycling and collection of waste pursuant to UDP Policy EN1/2 - Townscape and Built Design.
11. Before any part of the retail floorspace is brought into use, details of the location of any security shutters and glazing manifestation shall be submitted to and approved by the Local Planning Authority. The approved details shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.  
Reason To protect the visual amenities of the area pursuant to UDP Policy EN1/8 - Shop fronts.
12. No development shall take place unless and until a programme of archaeological work in accordance with a written scheme of investigation including a programme of historical presentation and publication has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
Reason To identify and record buried remains of archaeological interest pursuant to PPG16 - Archaeology and UDP Policy EN3/1 - Impact of Development on Archaeological Sites.
13. No site works/development shall be undertaken until the implementation of an appropriate programme of building recording has been agreed in writing with the Local Planning Authority, to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief.  
Reason To make a record of the buildings for archive and research purposes and to identify and record remains of architectural interest pursuant to PPG16 - Archaeology.
14. 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.
15. Before the development is commenced, a scheme for the provision of close circuit television cameras shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of: camera locations; camera specification; lighting lux levels; and monitoring. The approved scheme shall be implemented and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.  
Reason In the interests of security pursuant to UDP Policy EN1/5 - Crime Prevention.
16. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.  
Reason To ensure the satisfactory drainage of the site and pursuant to UDP Policy EN1/2 - Townscape and Built Design.
17. Prior to being discharged into any watercourse, surface water sewer or soakaway

system, all surface water drainage from vehicle parking areas shall be passed through an oil interceptor design and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason To ensure the satisfactory drainage of the site and pursuant to PPS25 - Development and Flood Risk.

18. 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.

19. Prior to the commencement of development, details of crime prevention measures to meet the minimum requirements of the Greater Manchester Police Secured by Design Award, or as otherwise agreed in writing, shall be submitted to and agreed in writing by the Local Planning Authority and implemented during the course of the development.

Reason To ensure the security of the development and pursuant to UDP Policy EN1/5 - Crime Prevention.

20. A construction phase environmental management plan shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the commencement of the development and implemented in accordance with the agreed plan as the development proceeds.

Reason To mitigate the effects of the development during demolition and construction pursuant to UDP Policy EN1/2 - Townscape and Built Design.

21. The highway improvements indicated on the approved plan in the form of the widening of the adopted footway that links The Rock with Clerke Street shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use.

Reason. To ensure good highway design in the interests of road safety pursuant to UDP Policy EN1/2 - Townscape and Built Design.

22. Before the development is brought into use, a supplementary access statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall contain details of the measures contained within the developer's proposed tenants handbook to ensure that the entrances to and facilities within all premises within the development are fully accessible to disabled people.

Reason To ensure access for all and pursuant to UDP Policy Ht5/1 - Access for those with Special Needs.

23. The development shall be carried out in accordance with BREEAM (Building Research Establishment, Environmental Assessment Methodology) sustainability standards and/or the North West Sustainability Checklist for Developments. This should achieve a rating of very good/good practice and deploy low and zero carbon technologies (LZC's) to achieve a 10% improvement over the Target Emission Rate (TER) for Carbon Dioxide as defined by 2006 Building Regulation Standards unless otherwise agreed in writing with the Local Planning Authority. No development shall be carried out unless and until an appropriate assessment has been submitted to the Local Planning Authority and has been approved and the development shall not be carried out other than in accordance with the approved assessment.

Reason - To meet the requirements of PPS1 (Climate Change Supplement, 2007) and RSS for the North West - Policies DP9, EM18 and SPD 16 (Design and Layout of New Development).

24. Prior to the demolition of the building(s) permitted by this approval, a 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.
25. The applicant shall, with regard to television reception in the area containing the application site, provide the Local Planning Authority with studies that:
- a) Measure the existing television reception signal within an area to be agreed, which shall be in addition to areas already surveyed within the Taylor TV Reception Report dated March 2008 incorporated Waterman Environmental “Environmental Assessment Statement” dated July 2007 (as part of application 48384), before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Independent Television Commission, and shall include an assessment of the survey results obtained.
- b) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the Local Planning Authority in response to identified television signal reception problems within the potential impact area. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (a) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the Local Planning Authority, whichever is the earlier.
- Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications.

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

**Ward:** Bury East - Redvales

Item 02

**Applicant:** Holy Cross Sixth Form College

**Location:** ABBEYFIELD MANCHESTER ROAD, BURY, BL9 9BA

**Proposal:** DEMOLITION OF EXISTING NURSING HOME BUILDING AND ERECTION OF NEW 3 STOREY TEACHING BLOCK

**Application Ref:** 50724/Full

**Target Date:** 20/03/2009

**Recommendation:** Approve with Conditions

### **Description**

The proposed application site is located at the corner of Manchester Road and Richmond Street and is presently used as a nursing home by Abbeyfield.

The existing building is single storey at the front separated from the back edge of Manchester Road by a lawned area and the whole site frontage is enclosed by a high screen hedge. The rear of the building, due to levels, is two storey and a service road is located at the rear, which is accessed from Richmond Street.

Immediately to the east of Abbeyfield is a row of 7 two storey terraced properties, which have a frontage to Richmond Street. These properties have rear gardens backing on to undeveloped Holy Cross land. This land separates a single storey barrelled roof canteen building from the rear gardens of the housing.

To the north of the site is Holy Cross College, which comprises a number of buildings from single storey in height up to three storeys in height. A three storey teaching block is located just to the north of Abbeyfield and there is an existing servicing/access area that serves the college.

The application is seeking the extension of the college by the redevelopment of the Abbeyfield site. It is intended that the existing nursing home would be demolished and replaced by a new build three storey teaching block and to incorporate a chapel. It would be a freestanding building and not physically connected to the existing college but would be readily accessible to students from the existing college.

The proposed development would retain the access from Richmond Street, although it is intended that this would be a vehicular entrance only. Three car parking spaces are proposed within the site in addition to cycle parking. In addition to the plans, supporting documentation confirms that 30 off site car parking spaces have been secured within the grounds of Bury FC.

### **Relevant Planning History**

45033 - Refurbishment of existing boundary walls; rebuilding of Wellington Road elevation; installation of new railings; re-instatement of footpath and removal of dropped kerb - Approved - 24/11/05

44884 - Erection of single storey extension to form kitchen and cafeteria - Approved - 22/08/2005

44385 - Erection of lift shaft, perimeter wall and gates - Approved - 29/06/05

### **Publicity**

Site notice was erected on 9th January 2009. Press notice was published in the Bury Times on 8th January. Letters were sent on 30 December 2008 to -

19 - 41 (all nos) Waterloo Court  
154 - 160, 188 - 194, Parkhills Car Centre, Arden House 172 - 186 Manchester Road  
2 - 12 Walker Street  
1 - 4, 4b, 6 - 22 Parkhills Road  
1 - 19, Fishpool Residents Association c/o 11 Richmond Street  
2 - 60 Brierley Street  
2a, 2 - 6 Wellington Road

As a result of this publicity, three letters have been received. One from Fishpool Residents Association on behalf of the Richmond Street properties, one from 3 Richmond Street and one from Richmond Cottage. The concerns raised include -

- The egress and access onto Richmond Street is of great concern as it may be used by students bringing noise and litter into the street. Additionally this would be a difficult access point for deliveries using this entrance for access and egress and would be a danger to pedestrians passing by.
- There would be a delivery turning area to the rear of their properties which would impact upon residents in terms of noise and general early morning deliveries.
- Richmond Street is too narrow for delivery vehicles to access.
- The structure is too high and would overlook the Richmond Street properties.
- The entrance would be better positioned using the Wellington Street access.
- The college should look for another site big enough to accommodate their needs, such as the Derby High School site when that becomes available.

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

### **Consultations**

Highways Team - Response awaited and shall be reported.

Drainage Team - No objections in principle.

Environmental Health Contaminated Land - No objections in principle.

Environmental Health Noise/Pollution Control - No objections in principle.

Greater Manchester Police Architectural Liaison Unit - No objections in principle.

Fire Officer - No objections in principle.

GMPTE - No objections in principle.

Baddac - No objections in principle.

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

CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD11	Parking Standards in Bury

### **Issues and Analysis**

Principle - There is no specific site allocation for the site within the UDP although it is a brownfield site, with an existing use of a nursing home development. UDP Policy CF2 relates to educational land and buildings and states that the Council will, where appropriate, consider favourably proposals for the provision, improvement and dual use of educational facilities.

The proposed development would be for educational purposes and is seeking to improve existing facilities as such the development is considered to be acceptable in principle.

Details - The consideration of development for the Location of New Community Facilities is dealt with by Policy CF1/1. This policy states that proposals for new and improved community facilities will be considered in details with regard to the following factors including -

- scale and size of the development



- traffic generation and car parking provision
- Impact upon residential amenity
- access to shops and other services
- access to public and private transport
- the needs and requirements of the disabled

In addition to CF1/1, Policy EN1/2 - Townscape and Built Design seeks to ensure that developments appropriately fit into the surrounding context and contribute to the Borough's townscape in a positive manner.

Height, Scale, Massing - The proposed building would be three storeys in height, with the third storey within the roof of the new building. The new development would be seen by the public in the context of Manchester Road, which predominantly contains three storey buildings. The scale of buildings along Richmond Street are two storeys in height, but elsewhere to the east, properties are typically late Victorian/early 20th Century two/three storey properties.

The proposed three storey development retains the existing levels of the Abbeyfield site and thus ensure that there is no significant changes of land levels or tightening of aspects in relation to the surrounding roads and properties. The scale of the development closely reflects the footprint of the existing Abbeyfield nursing home and elevationally maintains bays in the building to reflect existing design patterns found in the existing neighbouring college campus buildings along the Manchester Road frontage. These elements mean that the massing is appropriately designed to fit in to the context without being overbearing and to maintain a sympathetic architectural response to the area.

It is considered that the development would be appropriate in terms of EN1/2.

Residential Amenity - Concerns - The publicity of the application has resulted in three comments having been received, which are described above. The key concerns relate to the further expansion of the college, the height of the development and impact upon amenity from proximity and activities associated with servicing.

The college is a key education provider within the town and is rated as 'excellent' in terms of its academic provision and achievements. Furthermore, the college is located in a sustainable location and in line with the general thrust of UDP Policy and the emerging core strategy of the LDF framework which seeks to ensure close relationships to the urban area.

The site forms a natural extension to the existing college campus due to its close siting to the existing college. The college is a privately run facility and there has been much commitment to the site and its operation over the years. This has proved that the college is successful and has no intentions of relocating currently. As such the proposals must be considered in the light of the college staying on the site.

The height and scale of the building is considered to be appropriate in terms of the context and is described above.

Outlook/overlooking - The proposed building has been sited to reflect the position of the existing building on the site. The scheme has maintained a gap between the Summerfield building to the north and the proposed teaching block. As such the new building would only be visible 22m away and at an oblique angle from the main habitable room windows of properties on Richmond Street. Therefore the outlook would be maintained from the rear of the properties on Richmond Street.

The proposed windows within the teaching block have been carefully considered within the scheme to ensure that there would be no overlooking of the properties, including the gardens of Richmond Street. The internal configuration would be such that the only clear windows required in the easterly elevation of the block would face the side gable of 19 Richmond Street. These windows serve three classrooms out of seventeen proposed within

the block. An additional window would be to a chapel but this is a high level window space at first floor level in a double height space and as such there would be no possibility of overlooking from this window.

The stairwells on the north east corner would be obscure glazed to prevent any outlook from the stairwells to the east towards the Richmond Street properties. All other windows have no direct relationship to the neighbouring Richmond Street properties.

*Noise and Servicing* - The original proposals indicated that a turning facility would be located to the rear of the gardens of the Richmond Street properties. This has since been deleted and residents informed of this change on 3 February 2009. The area would remain undeveloped and grassed. The revision now means that deliveries would enter into the site, via a one way system, using the existing Richmond Street access and manoeuvre in between the new teaching block and the Summerfield block. The manoeuvring of servicing vehicles reflects the existing situation by using one of the Manchester Road access points. The vehicles would then exit the site directly on to Manchester Road. Again reflecting the existing situation. These revisions mean that there would not be a direct impact upon the residential properties immediately behind the houses. The Traffic Team have been consulted on this aspect of the proposals and would raise no objections to the scheme on this basis.

It is accepted that vehicles would pass the side gable of 19 Richmond Street. However, this partly reflects the current situation where servicing vehicles that deliver to Abbeyfield not only pass the gable of 19 Richmond Street but also stop and off-load immediately next to this property. The proposed situation in many ways would improve upon the current situation.

The service road from Richmond Street would not have any footpaths designed into it and as such is not intended to be a pedestrian access into the college. It would be gated to control access and as such there would not be any general impact from student use at this point of the site.

Car Parking and Transport Issues - The site is located close to the town centre and is a short walk from the main transport nodes. The site is currently in high demand from parking by staff and this is discussed in more detail below. The proposal has indicated three spaces within the site to add to the existing 111 spaces within the college as a whole.

The scheme should make provision for parking. On the basis of the staffing levels to be provided, three spaces would be needed, reflecting an increase of staff by 5 overall. However, car parking demand on the site is high and already exceeds maximum standards required by the Council's DCPGN 11. The college has responded by ensuring that a good travel plan is operating for the college and also through a partnership agreement with Bury FC to use some of their land for car parking when demand there is low.

The existing arrangement with Bury FC is for 30 parking spaces (which are in addition to the 111 spaces on the college site) to be used on a daily basis for the use of the staff of the college. The current arrangement is renewable on a 3 monthly basis. There is a need to ensure the off site provision is always available to the college for its staff. As such, the current proposal would provide an opportunity to enable the existing informal agreement for the off site parking to be formalised underpinned through the planning process.

It is considered that a condition be imposed, should the scheme be approved, to restrict any implementation of the development unless and until a formal provision has been made for car parking. The process to secure this could be through a s106 planning agreement whereby the college and a car parking provider are both legally bound to honour the agreement to the control of the Local Planning Authority.

The site is within walking distance from the town centre and indeed many of the students do this. The site is well served in terms of public transport with bus stop provision located

directly outside the college in both northerly and southerly directions.

On this basis, the proposals have responded to parking issues and the development would comply with HT2/4.

Trees - There are two trees subject to a Tree Preservation Order within the existing application site and in the consideration of these, the application is accompanied with an arboricultural report. The scheme indicates no adverse impact upon the trees nor their form and that they can co-exist with the building. The scheme proposes to retain to these trees. To ensure appropriate mitigation during construction, it is recommended that any approval include conditions to ensure that the trees are not affected by the implementation of the development. The scheme would comply with EN8/1.

Disabled Access - There is a levels difference between the existing site and the main college campus site of approximately 1.0m. The development has not sought to change the levels of the site but instead would provide a ramped access into the building to accommodate the changes in levels. The proposed ramps would be compliant with current regulations and would ensure that equal access would be provided into the development.

The proposed building would have both lift access to enable full access to all floors and disabled accessible WC facilities. The development would comply with Policy HT5/1.

#### Response to Objections -

The scheme has been subject to both pre-application discussions with both the Local Planning Authority and with the community. A community meeting was held on 23 October 2008 following advertisement of the proposals at a public event through

- Governors meetings;
- Direct invitation to residents and ward members;
- Posters advertising the event in the local area; and
- Press Notice on 16 October 2008

A Statement of Community Involvement (SCI) submitted with the proposals includes dates of the above publicity and copies of the comments form including a summary of issues and response to comments.

The SCI confirms the following revisions have been made to the scheme to respond to the concerns raised by residents:

- Decrease in the height of the building and its bulk in relation to the roof area, incorporating the top level of accommodation within the roof space;
- Decrease in the bulk and massing of the building by the removal of a 3 storey glazed linked atrium;
- Footprint of the building modified in order that the part of the building which can be seen from the rear of the residential properties on Richmond Street is further away;
- The inclusion of a turning head to allow a forward exit onto Richmond Street (This has since been further amended following further commentary from residents and following officer assessment such that a one way system would be operated and the turning facility has been moved away from the rear of the properties on Richmond street entirely).
- The inclusion of gates on the Richmond Street access to prevent students using this as a general daily access. Access would only be provided to use the three parking spaces and servicing.

Many of the issues raise in the objections have been positively responded to by the amendment of the proposals both prior to and post submission of the application and are discussed in detail above.

Given the above matters, it is considered that the scheme would comply with CF1/1.

#### **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 has incorporated many changes in response to issues raised in the assessment of the proposals from the LPA and from residents. The design, height scale and massing of the development would be appropriate in terms of the context of the development with the surrounding area; significant trees would be unaffected and from a traffic point of view the scheme would be appropriate and safely operate in the area. The scheme would comply with adopted UDP Policies and 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 - Manchester Road elevation rev 30 Jan 09; Proposed elevations rev 30 Jan 09; Proposed floor plans rev 30 Jan 09; Proposed site plan rev 30 Jan 09; Proposed Roof Plan rev 30 Jan 09; Design and Access Statement rev 30 Jan 09; Tree Constraints Plan A049862 01; Statement of Community Involvement; Planning Statement; Dragonfly Environmental Geo-Environmental Report; Savell Bird & Axon Transport Statement as amended by letter dated 2 February 2009; Angela Graham Bat Consultancy Report; Tree Survey Report; Landmark drawing dated 05-Nov-2008; Existing Site Plan 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/protection measures is/are 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, ground gas 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. Following the provisions of Condition 3 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.

7. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

8. The proposed windows to the stairwells located on the easterly elevation of the proposed teaching block shall be obscured glazed and shall remain as such unless otherwise approved in writing, for as long as they continue to serve the development.

Reason - To maintain the residential amenities of the properties on Richmond Street and pursuant to UDP Policy CF1/1 - Location of New Community Facilities.

9. No development shall commence unless and until provision has been made for off site car parking as described within the submitted Transport Statement to the satisfaction of the Local Planning Authority and is made available for use by the College.

Reason - To ensure that adequate car parking provision is made available for the use of the College and the development pursuant to UDP Policy Ht2/4 - Car Parking and New Development.

10. The development shall be carried out, unless otherwise agreed in writing, in accordance with the recommended programme of mitigation as specified within the Angela Graham Bat Consultancy Report dated 10 October 2008. 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.

11. 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.
12. 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.
13. The development shall be carried out in accordance with BREEAM (Building Research Establishment, Environmental Assessment Methodology) sustainability standards and/or the North West Sustainability Checklist for Developments. This should achieve a rating of very good/good practice and deploy low and zero carbon technologies (LZC's) to achieve a 10% improvement over the Target Emission Rate (TER) for Carbon Dioxide as defined by 2006 Building Regulation Standards unless otherwise agreed in writing with the Local Planning Authority. No development shall be carried out unless and until an appropriate assessment has been submitted to the Local Planning Authority and has been approved and the development shall not be carried out other than in accordance with the approved assessment.  
Reason - To meet the requirements of PPS1 (Climate Change Supplement, 2007) and RSS for the North West - Policies DP9, EM18 and SPD 16 (Design and Layout of New Development).

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

**Ward:** Radcliffe - East

Item 03

**Applicant:** Jah Jireh (Charity) Homes

**Location:** 77 BURY ROAD, RADCLIFFE, M26 2UT

**Proposal:** OUTLINE PLANNING APPLICATION FOR TWO/THREE STOREY BLOCK OF 14 NO. APARTMENTS

**Application Ref:** 50735/Outline Planning  
Permission

**Target Date:** 19/03/2009

**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.

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 for an apartment scheme of 14 units. Car parking is indicatively shown towards the side of the site with servicing arrangements to the north of the building.

Access to the site would be provided from the existing access point off Orkney Close, but would be improved to provide appropriate geometry and site lines.

No specific designs are 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. As such, appearance, layout and landscaping are reserved for a future application, with scale and access being considered at this time.

### **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  
50596 - Outline planning for the erection of a two and three storey nursing home - Approved - 23/12/08

### **Publicity**

Site notice - 23 December 2008. Press Notice - 1 January 2009

Letters were sent to 10 - 42, 57 - 85 Bury Road, 1 - 19 Orkney Close, 1 - 7 Olsberg Close on 19 December 2008

As a result of this publicity 2 letters of objection has been received from 30 and 75 Bury Road.

#### 30 Bury Road

- There are too many apartments within Radcliffe, many of which are still vacant , unsold or unlet.
- There is the problem of additional burdens to services and supplies.
- The proposal would create additional traffic to a problematic junction, worsened by double parking.

#### 75 Bury Road

- The proposed building would be too close
- Concerned that visitors to the apartment block would use Orkney Close to park their vehicles. Orkney Close is already used by current neighbours and their visitors for parking, often making it difficult for us to access our garage and drive, which are at the side of our property, on Orkney Close.
- Concerned that should an emergency vehicle need access to any of the houses on Orkney Close there may be problems arise from careless parking.
- There are also several apartment blocks on Bury Road, which have been built for some time and are as yet unoccupied - does Bury Road need even more apartments?
- In the current economic climate we feel that it would be difficult to sell even more apartments, so we would then be exchanging one empty building for another.
- Should the apartments sell, then we feel Orkney Close could not cope with the extra traffic.

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

#### **Consultations**

Highways Team - No objections in principle. Attach standard conditions concerning the implementation of the access design.

Drainage Team - No objections in principle.

Environmental Health Contaminated Land - No objection in principle. Attach standard conditions to ensure appropriate remediation of the site.

Environmental Health Pollution Control - No objections.

Waste Management - No objection in principle.

British Waterways - No objection in principle.

Greater Manchester Police - Architectural Liaison - No objection in principle but raises issues that would be subject to consideration at the reserved matters stage.

Serco Metro - No comments.

#### **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
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
PPG24	PPG24 - Planning and Noise

#### **Issues and Analysis**

Principle - UDP Policy H1/2 - Considers that sites that are not identified specifically for new housing, that any proposals for housing should ensure that new housing should be directed towards the urban area, subject to the availability of infrastructure and is acceptable in terms of the interrelationship with the wider context. In considering the use of a site for housing, permitting appropriate sites would release the pressure on peripheral open land



and would also be consistent with urban regeneration.

H2/1 and H2/2 provides assessment criteria when considering residential schemes to ensure that any new proposals assimilate appropriately into the existing surrounding context, whilst providing appropriate levels of amenity for the development site itself.

The site is not allocated for any specific use within the UDP nor are there any particular sensitivities in terms of land use. The site is surrounded on two sides by residential development and residential dwellings are found opposite the site. The site is within an existing urban area and fronts onto a main classified highway linking Bury to Radcliffe. Under these circumstances, the principle of the development is acceptable.

Scale - UDP Policies EN1/2, H2/1 and H2/2 seeks to ensure that new development proposals contribute positively to a street scene in terms of height, scale and appearance, landscaping and access and assimilate appropriately into the existing context.

The application is seeking the approval of the scale of the development and 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 25m 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. In addition to this, the footprint of the proposed building reflects that of the recently approved redevelopment of the site for a nursing home (50596).

Indicative Car Parking and Trees - 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 for the development is indicated to be located in a linear form along the northerly boundary of the site. However, as the layout is not being sought at this time, this positioning could change. However, the indicative plan does show that the site can accommodate 21 spaces, which in terms of SPD11 - Car Parking Standards in Bury equates to 150% provision, which is considered to be appropriate given the location of the site.

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.

There are two significant trees on the peripheries of the site, one along the frontage and one part way along the southerly boundary on Orkney Close. Both these trees are now subject to a Tree Preservation Order. Neither of the trees would be affected by the development and contribute significantly to the street scene.

As the layout is excluded at this time, any future application for reserved matters can properly assess the impact of the car parking, its layout and final provision details. It would also be key to ensure that the protected trees are retained and unaffected by any future development proposals.

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.

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 appropriate intervisibility. The Highways Team have been consulted on the proposals and have no objection to the proposed access point. Conditions are suggested to ensure that the scheme should it be implemented complies with the requirements for intervisibility and servicing.

Coal Mining - There is a known mine shaft within the application site located in the northwesterly part of the site. The submitted remediation report has included an assessment of the development proposals in relation to the shaft and investigated the shaft. It is stated within the report that the shaft is capped and it has been infilled at some point in the past. A bore hole and investigation has demonstrated that there are no significant voids below the cap. It is not considered to be detrimental to the development nor would it preclude the site from being developed. In line with the advice from the Coal Authority, an informative should be placed on the grant of any planning permission requiring any developer to liaise directly with the Coal Authority when considering the implementation of any scheme.

Noise - The proposals have been submitted with a noise report to assess the potential areas of concern in relation to a sensitive end use of the site in conjunction with the proximity to the Metrolink line. The report, following advice contained within PPG24 - Planning and Noise, advocates that residential development can be an acceptable use in terms of its relationship to a noise source. However, there is a need for appropriate mitigation including ventilation controls and choice of window glazing specifications. As such should the application be approved appropriate measures would need to come forward as part of the reserved matters application relating to the appearance of the development.

Response to Objections - The decision of whether there are too many apartments in Radcliffe is a matter of developers risk and one of the key aims of regional planning policy is to ensure that there is a good mix of housing in an area to accommodate different house types and households. The market demand therefore is a strong dictator of the type of property that comes forward and a developer needs to be sure that their product would sell. It is not for the Local Planning Authority to control this.

There are no proven over demands known upon existing services or supplies and no objections have been raised by any of the consultees. In terms of the relationship of the development to the junction, the scheme would utilise an existing access and improve it to ensure appropriate access and egress to the surrounding highways can be achieved, whilst accommodating pedestrians as well. The Highways Team has raised no objections to the proposals in terms of the relationship of the access/egress to the junction nor in terms of issues concerning double parking.

The parking provision indicated on the plans demonstrate that sufficient parking can be achieved within the site, to include resident and visitor parking and as such, there is an expectation that this be carried through when considering the finalised layout for the site.

Appropriate aspect standards can be achieved by the development in terms of the existing surrounding context all of which would exceed standards sought when assessing proposals against SPD6 and residential extensions. As such, the development would not produce a cramped development in relation to existing dwellings.

### **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 residential development within the existing urban area with ready access to public transport infrastructure. 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. This decision relates to drawings - Site Layout Plan [Rev A], Site Levels as existing plan, proposed access details plan, Design and Access Statement dated November 2008, Supporting planning statement November 2008, Crime Impact Statement, Environmental Research & Advisory Partnership Bat Survey report dated August 2008, Preliminary Risk Assessment by Leyden Kirby July 200, Section 1-1, and Sound Advice Noise Report dated 5 January 2009 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.
4. 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 any access to 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.
5. 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.

6. Provision shall be made within the curtilage of the site to the written satisfaction of the Local Planning Authority to enable vehicles to enter and leave the site in forward gear and for the parking of cars which visit the site in connection with the use hereby approved.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety.

8. 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.

9. 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.

10. 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..

11. 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.

12. Prior to the development hereby approved commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill 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/landfill 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/protection measures is/are 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, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

13. Following the provisions of Condition 12 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

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

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

16. No development shall commence 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

17. The development hereby approved shall include an element of recreational provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development.

Reason - To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development.

18. As part of any reserved matters application submitted for the "appearance" of the development, the proposals shall incorporate the noise mitigation Conclusions and Recommendations report carried out by Sound Advice dated 5 January 2009, unless otherwise agreed in writing by the Local Planning Authority. All measures

proposed in the report shall be implemented as part of the approved development and all mitigation measures shall remain operable and in situ for as long as they serve the development.

Reason - To ensure appropriate noise protection measures are incorporated into the development pursuant to the provisions of PPS24 - Planning and Noise.

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

**Ward:** Bury East - Moorside

Item 04

**Applicant:** Viridor Waste Management Ltd

**Location:** GREATER MANCHESTER WASTE LTD, EVERY STREET, BURY, BL9 5BE

**Proposal:** VARIATION OF CONDITION NO. 3 OF PLANNING PERMISSION REF.49415 FOR THE REDEVELOPMENT OF A HOUSEHOLD WASTE RECYCLING CENTRE (HWRC), A TRANSFER LOADING STATION (TLS) AND A GREEN WASTE PROCESSING FACILITY (GWPF) TO ALLOW AN EXTENSION OF THE PERMITTED OPENING HOURS OF THE TLS AND THE GWPF. THE ADDITIONAL HOURS, DURING WHICH THE ACTIVITY WOULD NOT INVOLVE ANY PROCESSING OF WASTE, TO INCLUDE ALSO THE PERIODS BETWEEN 1300HRS AND 1700HRS ON SATURDAYS FOR THE TLS, BETWEEN 1330HRS AND 1700HRS ON SATURDAYS FOR THE GWPF AND BETWEEN 1000HRS AND 1700HRS ON SUNDAYS AND BANK HOLIDAYS FOR BOTH THE TLS AND THE GWPF.

**Application Ref:** 50756/Full

**Target Date:** 03/03/2009

**Recommendation:** Approve with Conditions

### **Description**

The application concerns the existing Greater Manchester Waste Facility that is situated at the end of Every Street in Fernhill, Bury. There are three main operations taking place within the 1.67ha site and these include the following:

- A Household Waste Recycling Centre (HWRC) on the north east side of the site to which householders bring domestic waste into appropriate containers or bays for recyclable or residual waste.
- A Transfer Loading Station (TLS) approximately in the centre of the site utilising a substantial building into which residual waste is brought through the northerly side and deposited inside by waste collection vehicles. This waste is then loaded onto HGV's on the southerly side at a lower level and then transported away for final deposit. The TLS building includes administrative offices.
- A Green Waste Processing Facility (GWPF) on the westerly side of the complex. Green waste is brought in from domestic collections or by householders to the HWRC. It is passed through a shredding and screening plant and deposited at a lower level on the southerly side to be composted. This activity takes place in the open.

In addition to the above main facilities the site includes a weighbridge and associated building within the entrance to the TLS/GWPF areas. The two main external areas where activity such as movements by large vehicles and mobile plant and loading and unloading of green waste occur are the main yard area on the north side of the TLS building and GWPF area and the lower yard on the southerly side of these facilities.

The surroundings to the site include residential properties to the north beyond an open area. The nearest houses are at the end of Victor Avenue and Marquis Avenue and about 35m from the edge of the facility. To the east of the housing area and on the north side of Every Street there is St John with St Mark C of E Primary School the grounds of which are almost up to the site boundary with the buildings about 45m away. On the south side of Every Street and having a long boundary with the site is Fernhill Caravan Site, a facility with residential caravans. Further to the east beyond the caravan site and school there are mainly industrial premises. To the south there is the Council's Fernhill maintenance depot with, to the east at a considerably lower level, the East Lancashire Railway Line and

commercial uses beyond the line.

Planning permission was granted on 21st May 2008 for a scheme involving the enhancement and redevelopment of the three waste facilities (ref.49415). The approved scheme includes the following main elements:

- The provision of a new TLS building close to the northerly site boundary following the demolition of the existing building. This would be used for the recovery of residual waste, kerbside collected paper and card and co-mingled recyclates (mixed recyclable non-green waste).
- The provision of a new GWPF building on the northerly side of the site and partly on an extension of the site onto part of the Council's maintenance depot. This building would have partly enclosed sides.
- A limited extension of the HWRC which would remain in its current location.
- The provision of a new office/welfare facility building close to the boundary with the caravan park.
- The site would be increased in size by approximately 0.29ha to a total of 1.96ha. This would occur by incorporating part of the Council's Fernhill Maintenance Depot area to the south. No other land would be added.
- The level of the lower southerly section of the site would be raised by about 5m to the same level as the northern areas to provide an operational area on one level. This would be carried out by the importation of about 26,000m<sup>2</sup> of fill material that would be compliant with Waste Resources Action Programme (WRAP) to ensure that it is not contaminated or hazardous.

Condition 3 of the planning permission limits the hours of all work and other activity to the following hours:

For the HWRC daily from 0800hrs to 1800hrs during GMT and from 0800hrs to 2000hrs during BST

For the TLS on Mondays to Fridays from 0730hrs to 1800hrs. On Saturdays from 0800hrs to 1300hrs. No operation of this facility on Sundays or Bank Holidays.

For the GWPF on Mondays to Fridays from 0730hrs to 1800hrs. On Saturdays from 0800hrs to 1330hrs. No operation of this facility on Sundays or Bank Holidays.

The application seeks an amendment to condition 3 for the above hours to include additional periods. These additional hours would be for the TLS and GWPF only and on Saturdays, Sundays and Bank Holidays. The additional hours being requested would not involve any processing of waste and they include following periods:

For the HWRC no change has been requested

For the TLS on Saturdays from 1300hrs to 1700hrs and on Sundays and Bank Holidays from 1000hrs to 1700hrs.

For the GWPF on Saturdays from 1330hrs to 1700hrs and on Sundays and Bank Holidays from 1000hrs to 1700hrs.

It should be noted that the additional hours originally requested in this application have been amended due to a further request from the applicants following liaison between them and Fernhill Residents Group MALVA. They have been reduced by one hour through the closure of the TLS and GWPF on Saturdays, Sundays and Bank Holidays being at 1700hrs instead of 1800hrs.

The permitted hours for the existing facility are limited by the relevant planning permissions as follows:

The receipt of waste from 0800hrs to 2000hrs during BST and from 0800hrs to 1800hrs during GMT.

Treatment activity from 0730hrs to 1800hrs on Mondays to Fridays and from 0730hrs to 1700hrs on Saturdays and Sundays.



The application includes a Supporting Statement and a Noise Impact Assessment. The Supporting Statement reviews the environmental improvements to the facilities that would result from the approved scheme. These would include both noise and odour mitigation measures and these would include the following:

- The repositioning of the TLS so the operational doors providing access for refuse vehicles and plant would face into the site and away from the nearest residential properties in Marquis Avenue and Victor Avenue and would be fitted with PVC “curtain” strips providing a level of attenuation of not less than 17.5dB(A)..
- The construction materials of the northerly and easterly facades of the TLS to be designed to produce a level of attenuation of not less than 35.6dB(A) for the receptors at Marquis Avenue and Victor Avenue.
- The establishment of a 3.5m high noise barrier along the north-easterly boundary adjacent to the HWRC comprising the existing 2.3m wall together with an additional 1.2m high acoustic fence on top of the wall.
- Providing a partially enclosed building for the GWPF with steel sheeting between the push walls and the roof that would screen the receptors in Marquis Avenue and the Fernhill Caravan Park and reduce the likelihood of odour emissions.
- The relocation of the GWPF, a potential source of noise and odour further south and away from residential properties.
- The construction of a 2m high bund together with a 2.4m high acoustic fence on the crest along the south-eastern boundary adjacent to the Fernhill Caravan Park.
- The sound power level of each item of operational plant within the TLS and GWPF ie. The front end loading shovel or 360deg excavator would be no greater than 104dB(A).
- The containerised engine of the green waste shredder would be acoustically enclosed.
- Operational vehicles would be fitted with new white noise reversing alarms.
- The installation of a new odour and dust atomiser spray units at the doors of the TLS and GWPF.
- All waste handling and processing activities to take place in the building reducing the incidence both of external noise and the likelihood of odour.
- The residence times of any wastes to be minimised with the First in First Out principle to be implemented in the TLS to prevent waste material from being held too long in the TLS area. This would reduce the incidence of odour.
- The movement of the materials and the loading and unloading to be supervised to ensure correct handling and that no green waste is deposited and left on the surface.

The application for planning permission for the scheme included a Noise Assessment and in support of the application to vary condition 3, this assessment has been re-examined to include an assessment of the amended operational activities proposed for weekends and Bank Holidays. As part of this weekend noise surveys have been carried out to assess the current ambient and background noise levels at representative receptor locations. The work was carried out in some detail. Resulting from this work it is reported in the Supporting Statement that during a Saturday (1300hrs to 1800hrs) and a Sunday (1000hrs to 1800hrs) the noise levels likely to be generated by the development would be of less than marginal significance at the receptors of Fernhill Caravan Park. At the sensitive receptors on Marquis Avenue and Victor Avenue the noise levels likely to be generated by the operation of the development would be less than the lowest background noise level.

The noise assessment also shows that the level of noise likely to be generated by the proposed weekend operational activities of the development is significantly less than the measured current average ambient noise levels at each of the receptors.

The statement also describes the implications of the hours restriction on a variety of vital services imposed by condition 3. These, it is stated, would adversely affect the various

services relying on the facilities as follows:

- The Council collects waste within the Borough on Saturdays and this waste is delivered to Fernhill where it is bulked up and then transferred for treatment or final disposal. Restricting the operating hours of the TLS to closing at 1300hrs on Saturdays would mean that the Council would be unable to collect waste from the town centre on Saturday afternoons and deliver it to Fernhill.
- There is a full collection of household waste on Good Fridays and this waste would need to be diverted to a facility outside the boundary of Bury which contradicts the proximity principle of sustainable waste management.
- If Council refuse collection vehicles are required to travel to destinations outside the Borough then there will be an increase in transport costs for the Council.
- The alternative would be a reduced collection service meaning that the waste would remain uncollected or be left within the collection vehicles until the site reopens on Monday or Tuesday after a Bank Holiday.
- The facility at Fernhill also provides an essential service to other HWRC sites within the Borough and allows a continuity of this service throughout the busy weekend and holiday periods. When containers are full at these satellite sites the loads are emptied and transferred to Fernhill. If the Fernhill TLS and GWPF were to be closed these other sites would also need to be closed as soon as their containers have reached capacity during the weekends and Bank Holidays and the public would be unable to deposit recyclable materials and other wastes at the satellite sites once the containers are full.
- The early closure of the HWRC's would prevent a key service objective and would directly inhibit attempts to increase recycling rates across Greater Manchester. It could also potentially lead to an increase in fly tipping throughout the Borough.
- Because Bank Holidays are generally the busiest day for the HWRC service the closure of the Fernhill site on a Bank Holiday would cause a great interruption to the service and increase the likelihood of early closures of other satellite HWRC's.
- The Fernhill TLS provides a service to members of the public with high sided vehicles who are unable to use HWRC sites due to the provision of fixed height barriers. The restriction of opening hours would curtail this service and cause an inconvenience to the residents of Bury.
- The Council operates a street cleaning service on Saturdays, Sundays and Bank Holidays and the street cleaning vehicles deposit their loads at Fernhill. Restricted hours on Saturdays and no operations on Sundays and Bank Holidays at the TLS would require an alternative site for the receipt of these loads with no obvious alternatives being available at present.
- Each Sunday waste dumped by fly-tippers is collected around the Borough by the mobile Waste Collection Team. The closure of Fernhill on Saturday afternoons and Sundays would disrupt these operations and the collection vehicles would be forced to seek alternative facilities outside the Borough. As indicated earlier the incidence of fly tipping may increase due to the lack of available facilities in Bury at weekends and Bank Holidays.

A traffic survey was carried out in late August 2008 to assess the implications of the additional hours being requested would have on traffic figures visiting the TLS and GWPF. It is reported that the survey revealed that the site usage during the proposed additional hours is less than that between Monday and Friday but its volume suggests that the site, during these hours, still provides an important and essential service to the public and the Council's waste collection service. Based on the results, the traffic levels that will be generated during the proposed additional hours will not have a significant impact upon neighbouring properties.

The report also notes that, with the increase of height barriers to 6' 1" in September 2008 at other HWRC's, this will result in a slight decrease in the number of high sided vehicles accessing the site. Furthermore, following the development of other facilities a large proportion of the Council's kerbside collected green waste collection vehicles, currently using the Fernhill site during the week and on Bank Holiday weekends will be sent to other

sites in Rochdale and Bolton post 2011.

### **Relevant Planning History**

C/14430/83 - Reconstruction of existing waste disposal facility. Approved on 13th July 1983.  
30404/94 - Variation of condition 5 of planning permission 14430/83. Approved on 15th December 1994 for the condition to be amended allowing the permitted activities to take place between 0700hrs and 1800hrs Monday to Friday and 0700 to 1700hrs on Saturdays and Sundays. Applies to the receipt and treatment of refuse and waste except for waste brought to the 'civic amenity' facility which had different hours set by condition 6 (0800hrs to 1800hrs October to March and 0800 hrs to 2000hrs April to September).

30738/95 - Single storey warehouse. approved on 11th April 1995.

35922/99 - Extension to form paper storage facility. Approved on 21st December 1999.

38832/02 - Variation of conditions 5 and 6 of planning permission 14430/83 to extend the site operating hours (involved the treatment plant but not the civic amenity site) to include between 7.30am and 5pm on Saturday/Sunday (resubmission). Refused on 17th December 2002 for the reason that waste management activities on Saturday afternoon and Sundays would be seriously detrimental to the residential amenities of nearby residents.

39970/02 - Variation of conditions on planning permission 14430/83 to extend site opening hours (resubmission). Approved on 17th December 2002 with the conditions varied to allow specified activities within specific hours as follows: Receipt from 0800hrs to 2000hrs during BST and from 0800hrs to 1800hrs during GMT, treatment from 0730hrs and 1800hrs Mondays to Fridays and from 0730hrs to 1700hrs on Saturdays and Sundays. Storage to be a 24 hour operation.

40135/02 - Office extension. Approved on 24th January 2003.

41261/03 - Recycling bunker wall and civic amenity cabin. Approved on 7th November 2003.

49415 - Redevelopment of a household waste recycling centre (HWRC), transfer loading station (TLS) and green waste processing facility (GWPF). Approved on 21st May 2008.

### **Publicity**

257 properties were notified on 5th December 2008. They were re-notified on 12th January 2009 with information about a correction to the description previously provided that the request for the additional hours for the TLS and GWPF includes Bank Holidays as well as Sundays. The properties notified include the following:

Every Street - 2, plots 1 to 17 Caravan Site, Old Towns Yard, Every Street Garage and Town Gate

Tile Street - Tonis Car Dismantlers, Colourcare International, R & M Stansfield Ent Ltd, 2 Woodfield Mill, Trenslow House, MS Scrapyard, A One Van Breakers,

Hornby Street - 104, 106 and 251 to 365 Washington Garage, P & S Textiles Ltd, Fernhill Mills,

Chamberhall Street - Units 15 to 37 Peel Industrial Estate

Victor Avenue - 1 to 27 and 14

Avondale Avenue - 19 to 43 and 24 to 26

Marquis Avenue - 1 to 33 and 2 to 32

Athlone Avenue - 1 to 43, 2 to 42 and St Johns C of E Primary School

Louise Avenue - 1 to 25 and 2 to 26

Birch Street - 2 to 40 and Ambulance Station, Birch Street

Kestrel Drive - 18

Todd Street - BCS Engineering and Bury MBC, Fernhill Depot

Todd Street - Bramlsea Developments, Barbe UK Ltd, Museum & Gallery Lighting, Elmcourt (NW) Ltd, Fernhill Business Centre, Johnson Industries, Questar, Prep Tec Systems Ltd, Fast Fix UK, Davies Carrington, Endusers Ltd and CS Engineering Services Division,

Hardman Street - Guild Electrical Supplies

Park Road - Units 1 to 6, Build Centre Timber, Fernhill Works

Fern Street - St Johns Works

Fernhill Street - 6

Woodfields Terrace - 66 Colthurst Kennels.

Site notices were posted from 11th December 2008 and a press notice was published in the Bury Times also on 11th December 2008.

An objection has been received from Councillor K Rothwell and the Councillor has raised the following main concerns:

- He believes that the Committee's decision represented a good and workable compromise and was arrived at after only following extensive discussion of the competing demands.
- If the applicants are so sure that their theoretical figures are correct then they should be willing to accept condition 3 and only seek to change the opening hours once the facility has been working for some months and the promised improvement has been realised in practice and not just in the computer.
- The applicant's emphasis on the 'disaster' of closures at HWRC's seems a bit over the top. However, if it is accepted, then he would not object to condition 3 being varied to permit delivery to the site only but not processing during the extra times being requested.
- He is not convinced that GMWDA and the applicants have challenged the Collection Authority sufficiently regarding the need and quantity involved and he would be most unwilling to accept the diminution of the quality of life of the local residents at weekends on the basis of somewhat nebulous figures and a possibly spurious need.
- The Collection Authority should be able to manage their operations in such a manner that the local residents can finally be able to enjoy at least a few hours of peace at the weekend.

3 letters of objection have been received from 76 The Drive, Guild Electrical Supplies, Birch Street and 1 Victor Avenue. The letter from 1 Victor Avenue is signed by 71 residents of Victor Avenue, Avondale Avenue, Marquis Avenue, Hillside Crescent and Athlone Avenue. The concerns expressed include the following:

- Residential neighbours should not suffer the serious level of pollution from this site for 7 days a week.
- There have been problems with site security that have caused additional issues for neighbours.
- The noise assessment submitted with the approved application was carried out during March which is an inappropriate month and only for two separate periods each of 15 minutes.
- Residents are still awaiting a full noise survey to be carried out providing more representative samples.
- A variation of the condition should not be based on the noise assessment that has taken place.
- Concern that the acoustic fence should be continuous behind Victor Avenue with the TLS building not being relied on as a noise barrier.
- A request from residents to Viridor Laing for a visit to a similar facility has not been fulfilled.
- An increase in storage containers should be provided to facilitate the increased loads during the partial closure over the weekends and this should also occur at the satellite HWRC's with the scheduling of container emptying before the weekend and at the start of the week.
- Service vehicle movements should be re-scheduled to avoid the closure periods.
- Waste is dropping from vehicles in Birch Street and the top of this road is always littered.
- Concern about noise pollution from reversing alarms when there are less noisy methods still achieving full safety coverage.

The objectors have been notified about the Committee meeting.

## **Consultations**

Highways Team - No objections.

Environmental Health (Contaminated Land) - No response.

Environmental Health (Pollution Control) - The Environment Agency is the regulator for the waste facility and should be consulted.

Environmental Health (Commercial Section) - No response.

Environmental Health (Public Health) - No response.

Waste Management - The existing restriction in hours will cause the following impacts on waste management in Bury:

- Street cleaning services on Saturday, Sunday and Bank Holiday will need to find an alternative site for their loads to be deposited.
- A full household and commercial waste and recycling collection service is carried out in Bury on Good Friday and on weekends over the Christmas/New Year period. An alternative site to deposit these collections will need to be found.
- Town Centre commercial waste collections are made on a Saturday and the waste delivered to Fernhill. An alternative site to deposit these collections will need to be found.
- The Council collects fly tipping waste. There are no alternative sites currently within Bury for the Council to deposit these collections when Fernhill is closed.
- If Council vehicles are required to travel to destinations outside Bury then there will be an increase in transport costs for the Council and a significant impact on the efficiency of operations.
- The alternative is a reduced collection service meaning that the waste remains uncollected or left within the vehicles until the site reopens on Monday (or Tuesday after a Bank Holiday).

It is, therefore, vital that the hours are extended for the reception of waste in order to support the Council's operational needs at weekends and Bank Holidays. Without the variation Waste Management will be diverted to other facilities over these periods which will have an impact on operations and costs.

Environment Agency - No objections in principle. The Agency has granted a license for the facility under the Environmental Protection Act 1990. Under the terms of the license it is required that emissions from the activities shall be free from odour and noise at levels likely to cause annoyance outside the site, as perceived by an authorised officer of the Agency, unless the license holder has used appropriate measures to prevent or where that is not practicable, to minimise the odour or noise.

## **Unitary Development Plan and Policies**

EC6	New Business, Industrial and Commercial Development
EN1/5	Crime Prevention
EN7	Pollution Control
EN7/2	Noise Pollution
MW3/2	Waste Recycling and Bulk Reduction
MW4/1	Assessing Waste Disposal Proposals
MW4/2	Development Control Conditions (Waste)
MW4/3	Household Waste Disposal Sites (Civic Amenity Sites)
PPG24	PPG24 - Planning and Noise
PPS1	PPS1 Delivering Sustainable Development
PPS10	PPS10 Planning for Sustainable Waste Management
PPS23	PPS23 Planning and Pollution Control

## **Issues and Analysis**

Residential Amenity – The hours of operation (those permitted under the planning permission plus the extra hours being requested) should be compared on Saturdays, Sundays and Bank Holidays with the existing permitted hours of the facility. The comparison has been detailed above.

The primary issue is to consider whether the operation of the redeveloped TLS and the GWPF for the reception of waste only during the additional periods being requested would cause such a degree of loss of amenity as to be unacceptable.

The desire by nearby residents for significant periods at weekends with no activity at the site is understandable and this stems from their current experiences of living in the neighbourhood of the facility. However, the scheme would bring in major changes for the TLS and GWPF elements in particular that would significantly reduce their potential amenity impact on sensitive receptors in the locality through noise and odour. To this must be added the various features to be designed into the development that would mitigate the impact of the operations at the redeveloped facility on residential amenity and to better secure the site from trespass. The case for the applicants is supported by their submitted Noise Impact Assessment that demonstrates that the level of noise likely to be generated by the proposed weekend activities would be significantly less than the measured current ambient noise levels at each of the receptors.

It is considered that the request to vary condition 3 is adequately supported and that the impact on residential amenity of the activities during the additional hours would be acceptable.

Implications for Waste Services - The reduced Saturday hours and closure on Sundays and Bank Holidays hours for the TLS and GWPF facilities caused by condition 3 would have significant adverse knock-on effects for the waste management services these facilities support. These effects are described in the Description section of this report and also in the Consultations section where the impact on a variety of the Council's waste collection services is described by Waste Management.

The implications of the reduced hours would, at best, mean for the Council's services the transportation of waste to an alternative site outside Bury, if such a site is available, incurring additional transport costs and an adverse impact on efficiency. The alternative would be a reduced collection service meaning that waste would remain uncollected or left within collection vehicles until the site is reopened after the weekend and Bank Holiday periods.

There would be similar adverse impacts on the HWF facilities at Fernhill and the satellite sites entailing the need to close these early due to an accumulation of waste that cannot be moved to the Fernhill TLS and GWPF facilities. The use of these HWF facilities is normally highest at weekends and Bank Holidays, precisely at the times when the supporting TLS and GWPF facilities would be closed.

The Objections - The following comments are about the concerns raised in the objections:

- The impact of the proposed scheme on nearby residents seems to be being treated as similar to that of the existing facility but this would not be the case,
- The purpose of the noise survey work was not to make measurements of the current site activity but to record the level of background noise in the general area. This produced the basis for assessing the effect on the locality of the predicted noise level of the new facilities against the background level.
- The TLS building would provide a substantial barrier to noise which need not be reinforced by acoustic fencing.
- Viridor Laing were unable to identify a sufficiently similar facility to that being proposed to make a visit by residents worth while.
- The concerns about the impact on the HWRC's and Council cleansing services are based on the experience of the operators of these services.
- White noise reversing beepers would be utilised but this can only be assured for the site operator's vehicles but not for the visiting vehicles of other operators.
- Given the substantial investment involved and the repercussions on public services of the restricted hours, a trial period of operating the completed development on the

basis of the restricted hours would not be feasible.

- Security would be improved but this has no direct bearing on the issue of operating hours.
- The matter of litter on the approaches to the site is a street cleansing issue rather than one directly related to the operating hours.

### **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 as the redevelopment of an existing waste processing facility within a mostly industrial location. The impacts of the development on nearby residential sites and a school would be sufficiently mitigated to render these impacts to be considered as being acceptable.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

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

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

2. 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. All waste handling activities shall be confined to the following hours:

For the **Household Waste Recycling Centre** between 0800hrs and 1800hrs during GMT and 0800 and 2000hrs during BST.

For the **Transfer Loading Station** between:

0730hrs and 1800hrs on Mondays to Fridays inclusive (including processing);  
0800hrs and 1300hrs on Saturdays (including processing);  
1300hrs and 1700hrs on Saturdays (no processing);  
1000hrs and 1700hrs on Sundays and Bank Holidays (no processing).

For the **Green Waste Processing Facility** between:

0730hrs and 1800hrs on Monday to Friday inclusive (including processing);  
0800hrs and 1330hrs on Saturdays (including processing);  
1330hrs and 1700hrs on Saturdays (no processing);  
1000hrs and 1700hrs on Sundays and Bank Holidays (no processing).

Reason: In order to safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, EN7/2 - Noise Pollution, MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste) of the Bury Unitary Development Plan.

4. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) 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 Policy EN8/2 – Woodland and Tree Planting, EC6/1 - Assessing New Business, Industrial and Commercial Development, MW4/2 - Development Control Conditions (Waste) of the Bury Unitary Development Plan.
5. No clearance of vegetation shall take place within the site between 1st March and 31st August inclusive in any year unless previously agreed 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 unless it is proven that nesting birds are not present.
6. The proposed lighting shall be carried out and operated in accordance with the details provided at paragraphs 15.20 and 15.21 of the Environmental Statement supporting the application.  
Reason: To protect the amenities of adjacent occupiers pursuant to policies EC6/1 - Assessing New Business, Industrial and Commercial Development, EN7 - Pollution Control , MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste)
7. No development shall take place unless and until a suitable methodology for the eradication within the site of Japanese Knotweed, an invasive species, has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall thereafter be implemented in full.  
Reason: To secure the satisfactory development of the site in terms of the environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. Prior to the development hereby approved commencing:

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

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
9. Following the provisions of Condition 8 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
10. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing



schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and 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.

11. 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.

12. Following the provisions of Condition 11 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.

13. No development approved by this permission shall be commenced unless and until a scheme for the provision and implementation of a surface water regulation system incorporating sustainable urban drainage (SUDS) techniques has 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: To reduce the risk of flooding in pursuance of Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan.

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

Reason: To prevent pollution of watercourses and the water environment in pursuance of policies EN7/3 - Water Pollution and EN7/4 - Groundwater Protection of the Bury Unitary Development Plan.

15. The development shall be carried out in accordance with the principles of a sustainability approach to development and it shall not be commenced unless and until the details of the methodology have been submitted to and approved in writing by the Local Planning Authority.  
Reason - Pursuant to the provisions of PPS1 - Delivering Sustainable Development and to secure the sustainability principles of the development of the site.
16. No development shall take place unless and until a Travel Plan for the employees and operators based at the site has been submitted to and approved by the Local Planning Authority. The development shall be operated in accordance with the approved Travel Plan.  
Reason: In the interests of securing sustainable development and in order to limit the degree of atmospheric pollution pursuant to PPS1 - Delivering Sustainable Development, Policy 7/1 - Atmospheric Pollution of the Bury Unitary Development Plan and Development Control Policy Guidance Note 12 - Travel Plans in Bury
17. All reasonable measures shall be taken to ensure that the operations on the site do not give rise to nuisance by virtue of dust or wind blown material, including the watering of all roadways and hardstandings as necessary during dry weather conditions and the collection of any wind blown refuse on a weekly basis, to the satisfaction of the Local Planning Authority.  
Reason: In the interests of the amenities of the area and in pursuance of policies EC6/1 - Assessing New Business, Industrial and Commercial Development, MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste) of the Bury Unitary Development Plan.
18. 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.
19. The noise mitigation measures set down within paragraph 13.32 of the Environmental Statement by Viridor Waste Management shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved first being brought into use.  
Reason: In the interests of the amenities of the area and in pursuance of policies EC6/1 - Assessing New Business, Industrial and Commercial Development, EN7/2 - Noise Pollution, MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste) of the Bury Unitary Development Plan.
20. No materials for the land raising operation shall be imported, stored or placed at the site until a suitable plan for the assessment, verification and management of imported materials has been submitted to and approved in writing by the Local Planning Authority. This plan should include:
- full details and specifications of the landraising works;
  - proposals for the preparatory works for the receiving land area (this should include any remediation of existing contamination and management of existing Japanese Knotweed) ;
  - proposals for contamination testing of imported materials including testing schedules, sampling frequencies and allowable contaminant

concentrations (as determined by appropriate risk assessment and should include solid and leachable contamination) and source material information;

- proposals for the screening of invasive species within imported materials, such as Japanese Knotweed which are known to be prevalent along railway lines;
- proposals for the quarantine of suspected contaminated materials;
- actions to be taken where allowable contaminant concentrations have been exceeded or other non-compliance (e.g. rejected at site or treatment on site);
- proposals for dealing with unexpected contamination;
- proposals for the mitigation of pollution/nuisance from site works;
- 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;
- Timescales for which the infilling engineering works will be carried out.

The approved plan shall then be implemented in full. Any deviations or alterations to the plan will require written approval from 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.

21. A detailed methodology relating to the control of dust for the duration of the land raising activity shall be submitted to the Local Planning Authority prior to any site preparation works commencing. The methodology shall be implemented during the period of the operation unless otherwise agreed in writing .  
Reason. To ensure that the development does not unduly impact upon the amenity of nearby residential properties and pursuant to UDP Policy MW4/1 - Assessing Waste Disposal Proposals.
22. Adequate turning space and wheel washing facilities shall be provided at a location that shall be agreed in writing with the Local Planning Authority prior to the landraising works commencing. The wheel cleaning facilities shall be implemented and brought onto the site prior to the first commencement of any works and remain on site throughout the operations. All tipping vehicles leaving the site shall pass through the wheel wash facilities immediately prior to egress onto Every Street so as to prevent the deposition of mud or other extraneous materials on the highway.  
Reason. In the interests of highway safety, the amenities of the area and pursuant to UDP Policy MW4/1 - Assessing Waste Disposal Proposals.
23. No vehicles involved in the ground raising operation shall be operated to or from the site outside the periods from 0700hrs to 1800hrs on Monday to Friday, from 0700hrs to 1300hrs on Saturdays and there shall be no operation of such vehicles at the site on Sundays.  
Reason - To minimise the impact of the proposed operation and vehicle movements to the site and pursuant to UDP Policies MW4/1 - Assessing Waste Disposal Proposals.
24. 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.

25. This decision relates to drawings numbered LE03808/EIA 3.1, LE03808/EIA 3.2, LE03808/EIA 3.3, LE03808/EIA 3.4, LE03808/EIA 3.5, LE03808/EIA 4.1i, LE03808/EIA 4.1ii, LE03808/EIA 10, LE03808/EIA 6.3, LE03808/EIA 4.3j, LE03808/EIA 4.3ii, LE03808/EIA 3iii, LE03808/EIA 4.4, LE03808/EIA 4.5, LE03808/EIA 4.7, LE03808/EIA 4.8, LE03808/EIA 4.6, LE03808/EIA 4.9, LE03808/EIA 4.10, LE03808/EIA 13.1, LE03808/EIA 13.2, LE03808/EIA 6.1, LE03808/EIA 6.2, LE03808/EIA 7.1, LE03808/EIA 8.1, LE03808/EIA 9.1, LE03808/EIA 10.1, LE03808/EIA 10.2, LE03808/EIA 10.3, LE03808/EIA 11.1, LE03808/EIA 14.1, C200/1546 and the submitted Environmental Statement. 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 West - Elton

Item 05

**Applicant:** Oakbray Development Ltd

**Location:** BURY BOOT AND SHOE FACTORY, PROSPECT TERRACE, BRANDLESHOLME ROAD, BURY BL8 11DE

**Proposal:** AMENDMENT TO APPROVED SCHEME 44581 (40 RESIDENTIAL UNITS AND 8 WORK SPACES) TO 46 RESIDENTIAL UNITS AND 8 WORK SPACES

**Application Ref:** 50779/Full

**Target Date:** 20/03/2009

**Recommendation:** Minded to Approve

**The application is Minded to Approve subject to the completion and signing of a s106 Planning Obligation concerning the provision of Affordable Housing, Per Cent for Public Art and off site recreation provision. In the event of the agreement not being signed within a reasonable time, it is requested that the Assitant Director utilise delegated authority to determine the application.**

#### **Description**

The application site comprises a former mill that is currently undergoing conversion into 40 apartments and 8 work spaces. The site is bounded to the north by an access road, which is a shared access for Prospect Terrace and access into the development. Beyond the access road to the north is a petrol filling station. To the south of the site is a canal feeder and beyond that Woodhill works.

The development has a side elevation facing onto Brandlesholme Road and the building is three storeys in height.

The application is seeking to vary the existing permission by increasing the amount of residential accommodation approved within the building from 40 to 46. It is intended to retain the areas of workspace as approved, albeit they would be slightly reduced in size from 500sqm of space to 413sqm of space. Parking provision would remain the same at 75 spaces for the development and externally there would be no alterations to the approved scheme.

The application has arisen in response to market forces and economic changes of current times.

#### **Relevant Planning History**

42293 - Outline development for mixed use scheme of residential and B1 light industrial units - Approved - 28/07/2004

44581 - Conversion of building into 40 residential units and 500sqm of workspace units - Approved - 22/08/2005

#### **Publicity**

A site Notice was erected on 7/01/2009. A press notice was published in the Bury Times on 01/01/2009. Letters were sent directly to properties at:

129 - 133, 126 - 144 Brandlesholme Road; 1- 31, 41 - 45 Lichfield Drive; Reeds Barn; 1 - 6 Prospect Terrace; Prospect Service Station; Woodhill Works and businesses within, 2 - 50 Woodhill Street on 22/12/2008.

As a result of this publicity, one letter of objection has been received from 24 Woodhill Street. Issues raised include -

- The proposal would increase the level of residential development within the site by 15%.

As the local infrastructure is already overloaded any increase would have a detrimental effect to already overloaded services.

- The access road is insufficient to take the extra traffic from the increased residential development.
- During the implementation of the permission lorries turned the access into a quagmire, with lots of dust and dirt generated. The outside of my house had to be repainted and the cost of this has not yet been met by the developer.

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

### **Consultations**

British Waterways - No objections.

Highways Team - No objections.

Environmental Health Contaminated Land - No objections subject to the inclusion of conditions to ensure appropriate remediation is carried out.

Head of Waste Management - No objections.

BADDAC - The previous approval gave a commitment to providing Lifetime Homes. This appears to be lost from the current application. However, following the submission of confirmation, provision for Lifetime Homes will be maintained and will be provided as part of the scheme although details will need to be confirmed through conditional controls.

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

H2/2	The Layout of New Residential Development
H2/4	Conversions
HT2/4	Car Parking and New Development
EC4/1	Small Businesses
HT5/1	Access For Those with Special Needs
EN1/2	Townscape and Built Design
OL5/3	Riverside and Canalside Development in Urban Areas
PPS23	PPS23 Planning and Pollution Control
EN8/2	Woodland and Tree Planting
SPD11	Parking Standards in Bury
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing

### **Issues and Analysis**

Principle - The site already benefits from planning permission for the conversion into residential accommodation and in terms of the former employment use on the site and in view of UDP Policy EC2/2, the conversion being implemented has retained a level of B1 use. The proposed development is retaining the employment provision at ground floor level and the marginal decrease in the employment floor area from the approved status is not considered to be significant. As such the principle of the development is considered to be acceptable.

Layout, form and Appearance - There would be no external changes proposed as a result of the development and therefore the perceptions of the uplift in residential accommodation would not be noticeable.

Internally, the additional units have been shown through a reconfiguration of the internal layout and the rationalisation of internal space. All units are reasonably sized. However the additional units to be provided would be one bedroomed, which has introduced a mix into the scheme that it did not have before. Whilst it is acknowledged that a number of smaller units would be coming forward as a result of the scheme, the development would still accord with PPS 3 - Housing which seeks residential developments to cater for differing demands and to provide for mixed development types.

Affordable Housing - The uplift in residential development has also included an additional

provision for more affordable units. In total the scheme would provide for 14 affordable units, of different sizes spread throughout the whole of the development. The scale of the development of 46 units to meet the Council's Development Control Policy Guidance Note 5 - Affordable Housing Provision in New Residential Developments, would normally require 12. However, the scheme is seeking to provide in excess of the minimum requirement, normally 25% and would in fact provide 30% provision. This is seen as an important gain to the affordable housing provision in the Borough and therefore there is no objections to this. In view of the above the scheme is considered to be acceptable in terms of the policy document.

Car Parking - In terms of Development Control Policy Guidance Note 11 - Parking Standards in Bury, the scheme would require to provide 69 parking spaces. The proposals will retain 75 parking spaces as approved. It is considered that although the proposal would exceed policy requirements by 6 spaces, this excess would not be significant to consider that revisions are required or the scheme be refused on this basis.

Bin Storage - The proposed bin storage provision has not changed since the original approved plans nor indeed during the implementation of the development. The response from Waste Management Services was that there would be insufficient space to accommodate the required number of Eurobins for the development. Clarification is being sought as to whether further provision is required given the approved situation and the levels of uplift proposed within the scheme. Any further responses shall be reported.

Lifetime Homes Provision - The developer has been requested to provide a response to the concerns raised by BADDAC. Their initial response is that the approved scheme did make provisions for Lifetime Homes and this is still the case. BADDAC have been asked to clarify their concerns on this issue and an update will be provided on this matter.

s106 Agreement - The scheme would need to make provision for

- Affordable Housing
- Per Cent for Public Art
- Off site recreation provision

Affordable housing is described above.

In terms of Per Cent for Public Art, Development Control Policy Guidance Note 4 would seek up to 1% of the development cost to be provided either on site or off site through the inclusion of a commuted sum. It is the latter that has been agreed with the developer in this instance, at a provision of £35,000.

Off Site Recreation - Development Control Policy Guidance Note 1 - Recreation Provision in New Residential Developments would require the scheme to make provision either on site or as is the case here, through the provision of a commuted sum. The requirement of the policy is £18940.96 .

The three policy requirements have been incorporated into a s106 Planning Agreement and the developer is in the process of agreeing the provisions leading towards completing the agreement.

Response to Objections - The issues raise centre upon the ability of the surrounding services to accommodate the uplift in new residential development and the physical impact of the implemented scheme upon the objectors property.

The scale of additional traffic generation compared to the approved scheme is not likely to be significant nor discernable. The access ramp way to the lower level of the mill from Prospect Terrace has been constructed and is in use. Additionally the access onto Brandlesholme Road is existing and is in use already. The Traffic Team have been consulted on the proposals and have raised no objections. As such it is not considered to be a significant concern to the scheme nor the surrounding infrastructure.

The issues of property damage are not matters for the Local Planning Authority to consider and are private concerns between the affected party and the developer to resolve.

### **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 application is considered acceptable in principle, in form and layout and with regard to historic interest and contaminated land considerations. The scheme would also make adequate contributions to Recreation Open Space, Public Art and Affordable Housing and is therefore recommended for approval. The development would comply with UDP Policies and there are no other material considerations that outweigh this finding.

**Recommendation:** Minded to Approve

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered BBS/OD/1 rev A, 2 rev A, 3, 4, 5 rev A and Cork Toft Landscaping Plan 01 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The landscaping scheme hereby approved as indicated on Cork Toft Landscaping plan 01 shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) 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 Policy 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 is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the



development being brought into use.

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

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

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

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

7. 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. The development hereby approved shall not be brought into use or first occupied unless and until the highway improvements at the junction of Prospect Terrace with Brandlesholme Road and the provision of a 1.8 metre footway on the southerly side of Prospect Terrace between Brandlesholme Road and the car park access indicated on the approved plan reference 3951/P/101 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 UDP Policy H2/2 - The Layout of New Residential Development.

9. The development hereby approved shall not be brought into use or first occupied unless and until the visibility splay indicated on the approved plan reference 3951/P/101 has been provided at the junction of Prospect Terrace with Brandlesholme Road 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 pursuant to UDP Policy H2/2 - The Layout of New Residential Development.

10. The development hereby approved shall not be brought into use or first occupied unless and until a visibility splay measuring 2.4 metres by 33 metres has been provided at the junction of the proposed car park access with Prospect Terrace 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 pursuant to UDP Policy H2/2 - The Layout

of New Residential Development.

11. The turning facilities indicated on the approved plan reference 3951/P/101 shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to UDP Policy H2/2 - The Layout of New Residential Development.
12. There shall be no direct means of vehicular access between the site and Woodhill Street.  
Reason. To ensure good highway design in the interests of road safety pursuant to UDP Policy H2/2 - The Layout of New Residential Development.
13. The car parking indicated on the approved plans 3951/P/101, BBS/OD/0, BBS/OD/5 and Cork Toft Landscaping plan 01 shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
14. No development shall take place until a scheme for the boundary treatment adjacent to the watercourse and surrounding the remaining borders of the site during and after construction, has been approved by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved plans and thereafter maintained.  
Reason - To protect the Manchester Bury and Bolton Canal Feeder and in the interests of visual amenity pursuant to UDP Policies EN1/2 - Townscape and Built Design and OL5/3 - Riverside and Canalside Development in the Urban Area.
15. Within 28 days of the date of this approval, the applicant shall submit a scheme to the Local Planning Authority for their approval, detailing appropriate measures to make the development hereby approved fully accessible to the disabled.  
Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.
16. The work units hereby approved shall be used for no other purpose than as B1 light industrial units. The units shall be made available, as soon as practicable, for sale or to let only to occupants of the dwellings hereby approved unless agreed otherwise in writing by the Local Planning Authority. The work units shall be provided as shown on the approved plan and shall be maintained as B1 Units (as defined within the Town and Country Planning (Use Classes) Order 1987 or as amended unless an application is submitted and approved for an alternative use.  
Reason - To ensure the provision and appropriate occupation of the work units pursuant to UDP Policy EC4/1 - Small Businesses.
17. The bin and cycle storage areas shall be provided as shown on the approved plan BBS/OD/5, made available for use and thereafter maintained for such use for as long as the development remains in existence.  
Reason - To ensure adequate bin storage and cycle parking pursuant to Development Control Policy Guidance Note 11 - Parking Standards in Bury and H2/4 - Conversions.

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

**Ward:** North Manor

Item 06

**Applicant:** Mala Cuisine Ltd

**Location:** FORMER RAILWAY GOODS YARD, ROWLANDS ROAD, SUMMERSEAT, BL9 5QY

**Proposal:** CHANGE OF USE FROM INDUSTRIAL TO RESTAURANT (USE CLASS A3)

**Application Ref:** 50794/Full

**Target Date:** 11/03/2009

**Recommendation:** Approve with Conditions

### **Description**

The property is a stone building originally used as a warehouse for the transfer of goods to and from the railway with access from the main track via a siding. The rails were removed many years ago and the building was previously used as an engineering workshop. There are large openings at either end of the building and windows in the west elevation. The rear of the building is built into a wooded banking to the rear. The land to the other 3 sides of the building is generally level with vehicular access from Rowlands Road which slopes downwards to pass under the railway bridge with a stone retaining wall to the site boundary. The building is a Grade II listed building and part of the application site is located within the Brooksbottoms/Rowlands Conservation Area.

The application involves the change of use of the building to a restaurant (A3) and associated works. The restaurant area would be located on and around the existing platform within the building and the kitchen, toilets, staff changing facilities and stores would be located on three floors within the northerly quarter of the building. The external openings would remain unchanged and two flues would be located in the roof of the eastern elevation. The agent has indicated that the proposed restaurant would be connected to the mains sewer and water supply.

The proposal would be accessed from the existing access on Rowlands Road and a car park would be located to the south and west of the building. The proposal involves the lowering of the retaining wall along Rowlands Road to improve visibility.

### **Relevant Planning History**

45949 - Conversion of building onto two dwellinghouses (option 1) at former Railway Goods Shed, Rowlands Road, Summerseat. Refused - 31st March 2006.

The application was refused as there would have been a loss of employment premises in conflict with UDP Policy EC2/2 and loss of the historic character of the building contrary to Policy EN2.

45950 - Conversion of building to dwellinghouse (option 2) at former Railway Goods Shed, Rowlands Road, Summerseat. Refused - 31st March 2006.

The application was refused for the same reasons as above.

45951 - Conversion of building to four dwellinghouses (option 3) at former Railway Goods Shed, Rowlands Road, Summerseat. Refused - 31st March 2006.

The application was refused for the same reasons as above.

48322 - Refurbishment, modification and conversion of existing former railway goods shed to provide live work units comprising 2no. workshops at ground floor level and 2no. 3 bed apartments at 1st and 2nd floor levels; associated site works at Former Railway Goods Shed, Rowlands Road, Summerseat. Withdrawn – 15 November 2007

48332 - Refurbishment, modification and conversion of an existing former railway goods shed to provide live/work and residential units comprising 1 No. workshop at ground floor level with 1 No. 3 bedroom apartment over at first floor/second floor level and 2 No. 3 bedroom dwellings; associated site works at former Railway Goods Shed, Rowlands Road, Summerseat. Withdrawn – 15 November 2007

### **Publicity**

A press notice was published in the Bury Times on 22 January. Site notices were posted on 19 January 2008. The neighbouring properties and the properties which commented on the previous application (3 Crossfield Avenue; 19 Ashborne Drive; Hillside House, The Pines, Railway Street; Brooksbottom Cricket Club, Rowlands Road, Summerseat; 20 Burrswood Avenue, Forrest Cottage, 2 Forrest Cottage, Wood Road Lane, Bury; East Lancashire Railway, Bolton Street, Bury; 5 Chevoit Close, Ramsbottom; Ramsbottom Heritage Society; Woodcock & Sons Solicitors, Princess Street, Rossendale; Clogwyn Brith Cottage, North Wales) (15 in total) were notified by means of a letter on 14 January.

Four letters have been received from the occupiers of 2 Forrest Cottage & 19 Ashborne Drive, which have raised the following issues:

- Concern the building will remain empty like the other restaurants in the locality
- Impact of the proposal upon bats
- Query the proposals for surface water and foul sewage disposal
- The access to the proposed development is dangerous

A e-mail has been received in support of the application and has raised the following issues:

- Welcome the retention of the hane cranked jib crane, the platform and the flagged floor
- Welcome the lack of alterations to the external appearance of the building

An e-mail has been received from Councillor Gunther, which has raised the following comments:

- The access to the proposed site is dangerous

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

### **Consultations**

Highways Team – No objections, subject to the inclusion of conditions relating to visibility improvements and the provision of servicing, turning facilities and car parking.

Drainage Team – No objections, subject to the inclusion of a condition relating to the submission of foul and surface water drainage details.

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

Environmental Health – Pollution Control – No objections

Conservation Officer – No objections, subject to the inclusion of conditions relating to the cleaning/pointing of the exterior of the building; details of the proposed double glazed units and a specification for the cleaning of the stone and timber internally.

Waste Management – No objections

Wildlife Officer – No objections, subject to mitigation measures outlined in the bat survey being implemented.

Landscape Practice – No objections to the removal of trees (W1, G1, G2 & G3). Trees G1 – 3 should be removed and replaced with a hedgerow of native species along the front edge of the site and would negate the need for a permanent fence. A temporary post and wire fence would be required until the hedgerow is established.

No objections to the partial removal of trees within W2

GM Police Architectural Liaison – No response

East Lancashire Railway - No response

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

EC2/2	Employment Land and Premises
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
OL1/4	Conversion and Re-use of Buildings in the Green Belt
OL5/2	Development in River Valleys
RT4/1	Tourism Development
RT4/6	East Lancashire Railway
S2/6	Food and Drink
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD 9	Conversion and Re-use of Buildings in the Green Belt
SPD11	Parking Standards in Bury

### **Issues and Analysis**

**Principle** – The application site is located within the Green Belt and the proposal must be assessed against Policy OL1/4, which refers to the conversion and re-use of buildings in the Green Belt.

The proposed development would not involve any additions or external alterations to the building and the bulk, form and design of the building is acceptable. The building is structurally sound and is capable of conversion with some minor reconstruction works. The likely traffic generation can be accommodated and will be discussed further in the report. It is considered that the proposed development would have no greater impact upon the openness of the Green Belt and would be in accordance with Policy OL1/4 of the adopted Unitary Development Plan.

Policy EC2/2 states that the Council will seek to retain existing employment land and premises except where it can be clearly demonstrated that the site or premises is no longer suitable in land use terms. In such circumstances consideration will be given to alternative uses, providing it does not conflict with the surrounding area and other policies.

The building is currently vacant and was previously used as a workshop, which employed one person. An Employment Land Review has been undertaken, which used a detailed set of criteria to determine the suitability of the existing employment sites and to establish the future requirements for employment land. The detailed criteria assessed the site in land use terms including access arrangements, surrounding land uses and access to shops and services.

This site was not included within the employment land review, but has been assessed using the same criteria. The result of this assessment shows that the application site is no longer suitable from a land use perspective for continued employment use and if it had been included within the review, this site would have been identified as one that could be released for other uses. Therefore, the proposed development would not conflict with the aims of Policy EC2/2 of the adopted Unitary Development Plan.

Policy S2/6 states that the Council will assess any proposal involving restaurants with regard to the following:

- the amenity of nearby residents by reason of noise, smell and opening hours;
- whether the proposal would lead to a over concentration of uses, which could change the character of the area as a whole;
- parking and servicing provision;
- the environmental impact of any flues or ducting

The proposed development would be the only restaurant use within the immediate locality. It is acknowledged that there are two other establishments within the Summerseat area.

However, these are over 500 metres away point to point and the proposed development would not lead to an over concentration of such uses. The proposal would not have an adverse impact upon the amenity of neighbouring residents; would provide adequate refuse disposal, parking and servicing arrangements and the proposed ducting and flues would be located on the western elevation, which is least visible. Therefore, the proposed development would be in accordance with Policy S2/6 of the adopted Unitary Development Plan.

Policy RT4/1 states that the Council will encourage the proposals for the development of appropriate visitor related attractions and facilities throughout the borough and Policy RT4/6 states that the Council will encourage and support proposals for the further development and enhancement of the facilities associated with East Lancashire Railway.

The agent has submitted information in the Design & Access Statement that it is proposed to have links between the proposed restaurant and the East Lancashire Railway. It is hoped that the proposed restaurant would contain railway memorabilia, including the crane and it is considered that the proposed development would provide an visitor related facility, which would enhance the facilities associated with the East Lancashire Railway. Therefore it is considered that the proposed development would be in accordance with Policies RT4/1 and RT4/6 of the adopted Unitary Development Plan.

Design – The proposed development would utilise the original platform as the seated area of the restaurant and the crane would be retained. The original platform and crane are considered to be important to the historic character of the building and their retention is welcomed. The existing windows would be retained and repaired and would be set back within the building, which is considered to be acceptable.

The proposed kitchen, toilets and storage areas would be located on three floors in northern quarter of the building. The proposed addition to the building has been carefully designed so that the purlins and trusses would still be visible to customers and no additional openings are required. It is considered that the relocation of the original engine shed doors onto the painted plaster finish would be acceptable and would retain the historic character of the building. The only additional alteration to the building would be the addition of the proposed flues. The two proposed flues would be located in the roof of the western elevation of the building. It is considered that the location of the proposed flues is acceptable as this would be the least visible location.

The engine shed door would be replaced with two doors fixed within a timber frame. The proposed doors within the timber frame would be partially screened by the trees and the topography of the land and would not be unduly prominent. The remaining two doors would incorporate glazed doors, a glazed section at the top with signage in between. It is considered that the materials and approach would not harm the special character and historic character of the listed building or the conservation area.

The proposed bin store would be located to the north of the building and would be constructed using the stone from the existing wall. The bin storage is considered to be adequate and waste management has no objections to the proposal. Therefore, the proposed development would be in accordance with Policies EN1/1, EN1/2, EN2/1, EN2/2 and EN2/3 of the adopted Unitary Development Plan.

Noise & impact upon residential amenity – The proposed flues for the kitchen and toilets are located on the roof of the eastern elevation. The land to the east of the application site banks up quite steeply and is approximately 3.5 metres higher than the building. Any fumes from the proposed restaurant would disperse into the bank of trees to the east, which is considered acceptable. The nearest residential property is 115 metres away. It is considered that the proposed development would not have an adverse impact upon the amenity of the neighbouring residents subject to the inclusion of a condition restricting the opening hours. The Pollution Control team has no objections to the proposal. Therefore, the proposed development is in accordance with Policy EN7/2 of the adopted Unitary

## Development Plan.

Boundary treatments – The existing chain link fence, which runs along the boundary with the railway line is to be retained. There is a stone retaining wall, which forms the boundary of the site with Rowlands Road varies from 1.2 metres to 4.2 metres in height. It is proposed to reduce the height of the wall to 0.1 metres above ground level of the warehouse, to create a better visibility splay along Rowlands Road. The existing castellated coping stones would be retained and reused on the lowered wall. Therefore, it is considered that the proposed lowering of the wall would not have an adverse impact upon the character of the conservation area and the listed building. The proposed development would comply with Policy EN1/1 and EN1/2 of the adopted Unitary Development Plan.

Landscaping – A tree survey has been submitted as part of the application and details the existing trees on site. The survey recommends removal of the trees within groups labelled G1, G2 and G3, which are groups of self-seeded saplings and offer little merit. It is proposed to replace these trees with a hedgerow of native species above the retaining wall on Rowlands Road. The proposed hedgerow would provide screening and would negate the need for an additional fence above the retaining wall.

The survey also recommends the removal of all the trees in group W2, which are mostly self-seeded saplings with some mature trees. It is considered that the mature trees would not impact upon the provision of the bin store and parking and should be retained. The trees to be retained will be controlled via a condition, along with the provision of the tree protection measures outlined in the survey.

The survey also recommends the removal of some trees within the group W1. It is considered that the removal of these trees is not required to facilitate the development and should be the subject of a separate application. The Landscape Practice has no objections to the proposal, subject to the inclusion of conditions relating to the provision of tree protection measures and the submission of a landscaping scheme. It is proposed to surface the proposed car park in gravel. However, there are areas of setts within the site. It is proposed to ascertain the true extent of the setts and submit a landscaping scheme showing their retention. Therefore, it is considered that the proposed development would not have a detrimental impact upon the character of the locality and would be in accordance with Policies EN1/3 and EN8 of the Unitary Development Plan.

Protected species – A bat survey has been submitted as part of the application and concludes that it is likely that there is a bat roost within the building. The survey states that any conversion work should take place outside of the breeding season (May to August) and alternative roosts would be created on the north and southern gables. The Wildlife Officer has no objections to the proposal, subject to the mitigation measures being implemented. This will 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 accord with Policy EN6/3 of the adopted Unitary Development Plan.

Parking and access – The current access to the site is off Rowlands Road, which is to the north of the railway bridge. The existing retaining wall would be reduced in height from 1.2 metres to 0.1 metres above the ground level of the goods shed, which will greatly increase visibility at the junction with Rowlands Road. The highways team has no objections to the proposal. Therefore, it is considered that the proposed development would increase visibility at the junction of the access with Rowlands Road and would not have a detrimental impact upon highway safety. The proposal would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

DCPGN11 states that the maximum parking standards for a restaurant consist of 1 space per 7 square metres of public floor area, 3 disabled bays (6%) and cycle parking. Therefore this proposal should provide 29 parking spaces, 3 disabled spaces and cycle parking. The proposed development would provide the maximum number of parking spaces (29 spaces), 3 disabled bays and cycle parking. It is considered that there would be adequate parking

facilities and the proposed development would not be detrimental to highway safety. Therefore, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and DCPGN11.

Disabled access – The proposed development would incorporate level access to all doors and the provision of three disabled parking spaces is welcomed. It is not possible to accommodate a lift within the building and the provision of a fully accessible toilet at ground floor is considered to be an acceptable solution. It is considered that the proposed development would be accessible and would be in accordance with Policy HT5/1 of the Unitary Development Plan.

Response to objectors – The issue of bats, vehicular access and parking are dealt with above. The objector comments on two existing buildings (Liberal Club and the Waterside) which are currently vacant. The issue of competition is not a material planning consideration and cannot be taken into 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 have an adverse impact upon the amenity of the neighbouring residents. The proposed development would not harm the special character or historic importance of the listed building or conservation area and would not be unduly prominent within the locality, subject to conditional control. 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 mia2-01A, mia2-02B, mia2-03, mia2-04, mia2-05A, mia2-06A, mia2-07B, mia2-08 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each



stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

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

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

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

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

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

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

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

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

submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

9. 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.

10. No development shall commence unless or until a plan detailing the specific trees to be felled, lopped or topped within group W2 has been submitted to and approved in writing by the Local Planning Authority. Only the approved plan shall be implemented unless otherwise agreed in writing with the Local Planning Authority.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

11. The development hereby approved shall not commence unless and until the measures contained in Method Statement, dated 10 January 2009 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.

12. The premises to which this approval relates shall be used for use class A3 only and for no other purposes, including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or as subsequently amended.

Reason. Development of this type would not normally be granted consent due to its location pursuant to policies of the Unitary Development Plan listed below:  
Policy EC2/2 - Employment land and premises outside of the employment generating areas

13. No development shall commence unless or until the specification for cleaning stonework and timber inside the building has been approved by the Local Planning Authority. A sample area of one square metre shall be cleaned for approval in writing by the Local Planning Authority before comprehensive cleaning takes place. The method chosen must not damage the surface of the material or any of the architectural features. Thereafter the development shall be constructed using the approved specification and manner of construction.

Reason. In order to preserve the special architectural or historic interest of the building pursuant to the following policy(ies) of the Unitary Development Plan:

Policy EN2/1 - Character of conservation areas

Policy EN2/2 - Conservation area control

Policy EN2/3 - Listed buildings

14. Notwithstanding the submitted plans, detailed drawings of the proposed double glazed units at no less than 1:20 scale shall be submitted to and approved in

writing by the Local Planning Authority before any development is commenced. Only the approved details shall be implemented as part of the development hereby approved.

Reason. To ensure a satisfactory form of development pursuant to the following policy(ies) of the Unitary Development Plan:

Policy EN2/1 - Character of conservation areas

Policy EN2/2 - Conservation area control

Policy EN2/3 - Listed buildings

15. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.  
Reason: To ensure the satisfactory arrangements for the disposal of foul sewage and surface water pursuant to Policy EN7/5 (Waste water management) of the Unitary Development Plan.
16. All mitigation measures contained within the bat survey dated 29 August 2007, 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.
17. The use hereby approved shall not be commenced unless and until the visibility improvements indicated on approved plan reference mia2-02 Revision A have been implemented to the written satisfaction of the Local Planning Authority and subsequently maintained free of obstruction above the height of 0.1m above upper ground level and maintained in perpetuity  
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
18. The servicing facilities indicated on approved plan reference mia2-02 Revision A shall be provided before the use hereby approved is commenced and subsequently maintained free of obstruction at all times.  
Reason. To ensure adequate turning movements of vehicles within the site on the highway in the interests of highway safety.
19. The car parking indicated on approved plan reference mia2-02 Revision A shall be surfaced, including provision for disabled parking spaces and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
20. No cleaning or pointing of the stonework shall be carried out, unless full details have been submitted to and approved in writing by the Local Planning Authority.  
Reason. In order to preserve the special architectural or historic interest of the building pursuant to Policy EN2/3 – Listed Buildings of the Unitary Development Plan.

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

**Ward:** North Manor

Item 06

**Applicant:** Mala Cuisine Ltd

**Location:** FORMER RAILWAY GOODS YARD, ROWLANDS ROAD, SUMMERSEAT, BL9 5QY

**Proposal:** LISTED BUILDING CONSENT - CHANGE OF USE FROM INDUSTRIAL TO RESTAURANT (USE CLASS A3)

**Application Ref:** 50795/Listed Building Consent

**Target Date:** 11/03/2009

**Recommendation:** Approve with Conditions

### **Description**

The property is a stone building originally used as a warehouse for the transfer of goods to and from the railway with access from the main track via a siding. The rails were removed many years ago and the building was previously used as an engineering workshop. There are large openings at either end of the building and windows in the west elevation. The rear of the building is built into a wooded banking to the rear. The land to the other 3 sides of the building is generally level with vehicular access from Rowlands Road which slopes downwards to pass under the railway bridge with a stone retaining wall to the site boundary. The building is a Grade II listed building and part of the application site is located within the Brooksbottoms/Rowlands Conservation Area.

The application involves the change of use of the building to a restaurant (A3) and associated works. The restaurant area would be located on and around the existing platform within the building and the kitchen, toilets, staff changing facilities and stores would be located on three floors within the northerly quarter of the building. The external openings would remain unchanged and two flues would be located in the roof of the eastern elevation.

The proposal would involve the retention and repair of the existing windows and the replacement of the engine doors with glazed doors and windows. The existing engine shed doors would be relocated to an internal wall. The proposed car park would be located to the south and west of the building and would be constructed from gravel. The proposal involves the lowering of the retaining wall along Rowlands Road to improve visibility.

### **Relevant Planning History**

45949 - Conversion of building onto two dwellinghouses (option 1) at former Railway Goods Shed, Rowlands Road, Summerseat. Refused - 31st March 2006.

The application was refused as there would have been a loss of employment premises in conflict with UDP Policy EC2/2 and loss of the historic character of the building contrary to Policy EN2.

45950 - Conversion of building to dwellinghouse (option 2) at former Railway Goods Shed, Rowlands Road, Summerseat. Refused - 31st March 2006.

The application was refused for the same reasons as above.

45951 - Conversion of building to four dwellinghouses (option 3) at former Railway Goods Shed, Rowlands Road, Summerseat. Refused - 31st March 2006.

The application was refused for the same reasons as above.

48322 - Refurbishment, modification and conversion of existing former railway goods shed to provide live work units comprising 2no, workshops at ground floor level and 2no. 3 bed

apartments at 1st and 2nd floor levels; associated site works at Former Railway Goods Shed, Rowlands Road, Summerseat. Withdrawn – 15 November 2007

48332 - Refurbishment, modification and conversion of an existing former railway goods shed to provide live/work and residential units comprising 1 No. workshop at ground floor level with 1 No. 3 bedroom apartment over at first floor/second floor level and 2 No. 3 bedroom dwellings; associated site works at former Railway Goods Shed, Rowlands Road, Summerseat. Withdrawn – 15 November 2007

50794 – Change of use of industrial to restaurant (A3) and associated works at Former Railway Goods Shed, Rowlands Road, Summerseat. Received – 14 January 2009.

### **Publicity**

A press notice was published in the Bury Times on 22 January. Site notices were posted on 19 January 2008. The neighbouring properties and the properties which commented on the previous application (3 Crossfield Avenue; 19 Ashborne Drive; Hillside House, The Pines, Railway Street; Brooksbottom Cricket Club, Rowlands Road, Summerseat;

20 Burrswood Avenue, Forrest Cottage, 2 Forrest Cottage, Wood Road Lane, Bury; East Lancashire Railway, Bolton Street, Bury;

5 Chevoit Close, Ramsbottom; Ramsbottom Heritage Society;

Woodcock & Sons Solicitors, Princess Street, Rossendale;

Clogwyn Brith Cottage, North Wales) were notified by means of a letter on 14 January.

No listed building issues have been raised by neighbours

### **Consultations**

Conservation Officer – No objections, subject to the inclusion of conditions relating to the cleaning/pointing of the exterior of the building; details of the proposed double glazed units and a specification for the cleaning of the stone and timber internally.

East Lancashire Railway - No response

Ancient Monuments Society - No response

The Council for British Archaeology - No response

The Georgian Group - No response

Society for the Protection of Ancient Buildings - No response

The 20th Century Society - No response

The Victorian Society (London) - No response

English Heritage - No response

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

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

EN2/3 Listed Buildings

### **Issues and Analysis**

Design and impact upon the surrounding area – The proposed development would utilise the original platform as the seated area of the restaurant and the crane would be retained. The original platform and crane are considered to be important to the historic character of the building and their retention is welcomed. The existing windows would be retained and repaired to form double glazed units. The detail of the proposed double glazed units will be controlled by a condition. The proposed windows would be set back within the building, which is considered to be acceptable. Therefore, the proposed development would not be detrimental to the character and historic interest of the listed building and conservation area and would accord with Policies EN1/1, EN1/2, EN2/1, EN2/2 and EN2/3 of the adopted Unitary Development Plan.

The proposed kitchen, toilets and storage areas would be located on three floors in northern quarter of the building. The proposed addition to the building has been carefully designed so

that the purlins and trusses would still be visible to customers and no additional openings are required. The only additional alteration to the building would be the addition of the proposed flues. The two proposed flues would be located in the roof of the western elevation of the building. It is considered that this location is the most suitable as it is screened by the trees and the topography of the land. Therefore, the proposed flues would not be unduly prominent and would not harm the special character of the building and surrounding conservation area and would accord with Policies EN1/1, EN1/2, EN2/1, EN2/2 and EN2/3 of the adopted Unitary Development Plan.

The engine shed door would be replaced with two doors fixed within a timber frame. The proposed doors within the timber frame would be partially screened by the trees and the topography of the land and would not be unduly prominent. The remaining two doors would incorporate glazed doors, a glazed section at the top with signage in between. It is considered that the materials and approach would not harm the special character and historic character of the listed building or the conservation area. The agent has confirmed that the exterior stone work would not be cleaned and no additional pointing would be undertaken. The internal stone and timber would have to be cleaned for hygiene purposes. It is proposed to gently sand blast the internal stone and timbers. The detailed method would be controlled by a condition. Therefore, the proposed development is considered to be in accordance with Policies EN1/1, EN1/2, EN2/1, EN2/2 and EN2/3 of the adopted Unitary Development Plan.

It is proposed to surface the proposed car park in gravel. However, there are areas of setts within the site and it is preferred to retain these. It is unclear how much of the site contains setts as a great deal of the site is overgrown. Therefore, it is considered that it would be appropriate to condition the submission of details of the materials of the hardstanding on the car park, following the clearance of the site. The Conservation Officer has no objections to the proposal, subject to the inclusion of conditions relating to the retention of the setts; details of the double glazed units; and specifications for the cleaning/pointing of the exterior stonework and the interior stone and timber. Therefore, it is considered that the proposed development would not have a detrimental impact upon the character of the locality and would be in accordance with Policies EN1/1 and EN1/2 of the adopted Unitary Development Plan.

There is a stone retaining wall, which forms the boundary of the site with Rowlands Road varies from 1.2 metres to 4.2 metres in height. It is proposed to reduce the height of the wall to create a better visibility splay along Rowlands Road. The existing castellated coping stones would be retained and reused on the lowered wall. Therefore, it is considered that the proposed lowering of the wall would not have an adverse impact upon the character of the conservation area and the listed building. The proposed development would comply with Policy EN1/1 and EN1/2 of the adopted Unitary Development Plan.

The proposed bin store would be located to the north of the building and would be constructed using the stone from the existing wall to the north of the building. Overall, it is considered that the proposed development would retain the building in use and would not be harmful to the special character and historic importance of the listed building and conservation area. Therefore, the proposed development would be in accordance with Policies EN1/1, EN1/2, EN2/1, EN2/2 and EN2/3 of the adopted Unitary Development Plan.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-  
Having studied the submitted documents, assessed the proposed development on site and taken into account all representations and consultation responses; it is considered that the proposed development is acceptable because it would not cause demonstrable harm to interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than 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. This decision relates to drawings numbered mia2-01, mia2-02, mia2-03, mia2-04, mia2-05A, mia2-06, mia2-07 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. 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.
4. No development shall commence unless or until the specification for cleaning stonework and timber inside the building has been approved by the Local Planning Authority. A sample area of one square metre shall be cleaned for approval in writing by the Local Planning Authority before comprehensive cleaning takes place. The method chosen must not damage the surface of the material or any of the architectural features.  
Reason. In order to preserve the special architectural or historic interest of the building pursuant to the following policy(ies) of the Unitary Development Plan:  
Policy EN2/1 - Character of conservation areas  
Policy EN2/2 - Conservation area control  
Policy EN2/3 - Listed buildings
5. Notwithstanding the submitted plans, detailed drawings of the proposed double glazed units at no less than 1:20 scale shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. Only the approved details shall be implemented as part of the development hereby approved.  
Reason. To ensure a satisfactory form of development pursuant to the following policy(ies) of the Unitary Development Plan:  
Policy EN2/1 - Character of conservation areas  
Policy EN2/2 - Conservation area control  
Policy EN2/3 - Listed buildings
6. No development shall commence unless and until a plan indicating the full extent of the setts and the materials for the hardstanding areas has been submitted to and approved in writing by the Local Planning Authority. All existing setts shall be retained in their original position, unless otherwise agreed in writing with the Local Planning Authority.  
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.
7. No cleaning or pointing of the stonework shall be carried out, unless full details have been submitted to and approved in writing by the Local Planning Authority.  
Reason. In order to preserve the special architectural or historic interest of the

building pursuant to Policy EN2/3 – Listed Buildings of the Unitary Development Plan.

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



**Ward:** Whitefield + Unsworth - Pilkington Park

Item 07

**Applicant:** Bury MBC Children's Services Dept

**Location:** WHITEFIELD CENTRE, HIGHER LANE, WHITEFIELD M45 7FX

**Proposal:** CHANGE OF USE FROM ADULT EDUCATIONAL ESTABLISHMENT TO OFFICES (USE CLASS B1) WITH REFURBISHMENT OF EXISTING BUILDING INCLUDING REBUILDING OF EXISTING TOILET BLOCK; PITCHED ROOFS TO EXISTING DORMER WINDOWS; ALTERATIONS TO EXISTING BOUNDARY RAILING INCLUDING NEW GATE FROM HIGHER LANE.

**Application Ref:** 50796/Full

**Target Date:** 24/02/2009

**Recommendation:** Approve with Conditions

### **Description**

The site is currently vacant, although it was previously used as an adult education centre, attached to Higher Lane Primary School to the south. To the north are residential apartments known as Wentworth Court. To the west is the school playing field and the east, across Higher Lane are houses. The building is a Victorian school building which has been extended over time. It is mostly single storey with some storage accommodation on a small upper floor and basement. The former education centre is comprised of eight classrooms, a creche, toilets, reception and offices. The car park is a large expanse of tarmac between the building and the boundary with Wentworth Court. The main vehicular and pedestrian entrance to the adult centre is from Higher Lane. The primary school has a separate public entrance from Egerton Road.

It is proposed to convert the education centre, which is in D1 use, into offices to be used by the Council's Children's Services. Internally there would be little structural change with most of the rooms being converted into office space with a reception area where the creche used to be. Externally, of the two flat roof single storey extensions either side of the main building, one would have a pitched roof added and another would be completely rebuilt, again, with a pitched roof added. The other external alterations would be the refurbishment of the existing front boundary railings, the creation of a footpath along the boundary with Wentworth Court and the marking out of the car park into designated spaces.

### **Relevant Planning History**

None relevant.

### **Publicity**

Immediate neighbours at 1 to 48 Wentworth Court, 40, 42 & 91 to 115 (odd), Eagle and Child PH Higher Lane, 29 to 55 (odd) Egerton Road have notified by letter dated 31st December 2008. In addition the Head Master of Higher Lane Primary School was notified 14th January 2009. Representations have been received from two residents at 105 Higher Lane and 23 Wentworth Court and these can be summarised as follows:

- expresses concern that the proposed gate onto Higher Lane will add to traffic disruption and increase accidents.
- parking for the office workers and the possibility of conflict with parents picking up and dropping off from the Primary School.

The correspondents have been informed of the Planning Control Committee.

### **Consultations**

Highways Team - No objection.

Drainage Team - No objection.

Environmental Health Team - No objection.  
Greater Manchester Police - No objection in principal.  
Baddac - No objection.

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

EN1/2      Townscape and Built Design  
CF2        Education Land and Buildings  
EC5        Offices  
EC5/3     Other Office Locations  
H3/1      Assessing Non-Conforming Uses

### **Issues and Analysis**

Use - Policy EC5/3 - Other Office Locations relates to offices outside town and district centres and states that development for further office use will not be permitted unless it would be a small scale development providing a direct service to a local area, a refurbishment proposal which would result in the retention of a building of some historic or architectural interest or would be a proposal for office type home working.

Although the site is located outside of Whitefield District Centre it is within walking distance of the centre. That part of the building to be converted measures approximately 780sqm. Whilst this use cannot be described as 'small scale' the previous use as an adult education and community facility included a significant amount of office space. Given that the offices would be used by Children's Services, it is education related and not unrelated to the use of the adjacent site or its original use. As such whilst the use will not comply with this policy it is acceptable in this location.

Visual amenity - Although the building is not of any special historical or architectural merit, it is prominent within the streetscape and has been vacant for approximately two years. The continued use and refurbishment of the site is therefore considered to be advantageous in preventing the building falling into further disrepair. With the general refurbishment of the site, the additional roof extensions over the existing flat roof areas would improve the overall appearance of the property. As such the proposal conform with UDP Policy EN1/2 - Townscape and Built Design.

Residential amenity - Whilst the area is residential in character, the new offices within the existing property, would not have a detrimental impact on the character of the locality. The use of the car park would change from its use associated with the former adult education centre. Previously vehicular activity and parking would be concentrated during the evening and the proposed office use would move activity towards the daytime hours. Whilst traffic movement would increase around 'rush hour' times, it would be quieter later in the evening when students would be coming and going from adult classes. In terms of its impact on residential amenity it is considered that there would be no significant impact on the residential amenity of local residents. and as such complies with Policies H3/1 - Assessing Non-Conforming Uses, and EC5/3 - Other Office Locations of the adopted Unitary Development Plan.

Vehicular Access - The vehicular access will remain and the Highways Team are satisfied that this is adequate to serve the office use. However, the site is outside Whitefield district centre and it is considered that a travel plan would be appropriate in order to minimise traffic movements. As such a condition is recommended requiring a Travel Plan to be submitted and approved prior to the offices being brought into use.

Objections - The concerns regarding the gate have been addressed by the fact that the applicant (Children's Services) has now omitted the barrier across the entrance as indicated on the revised plans and leaves the entrance open as it is at present. With regard to any conflict with dropping off and picking up by parents, this will not be affected by the new use as the main school entrance is on Egerton Road, well away from the access to these offices which is directly off Higher Lane.

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

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

The proposed change of use and alterations to the building would not be seriously detrimental to the visual amenity of the locality or residential amenity of the surrounding 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. This decision relates to drawings numbered E07640 P01, 02, 0304, 06/B, 07 and 08 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. 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.
4. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
5. Prior to the first occupation of the offices hereby approved, a Travel Plan and programme for its implementation shall be submitted to and approved in writing by the Local planning Authority.  
Reason. To promote the use of sustainable modes of transport as means of travel to and from the site.

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

**Ward:** Whitefield + Unsworth - Unsworth

Item 08

**Applicant:** CDP Ltd

**Location:** LAND AT ROACH BANK ROAD, BURY

**Proposal:** OFFICE DEVELOPMENT (RESUBMISSION)

**Application Ref:** 50804/Full

**Target Date:** 17/03/2009

**Recommendation:** Approve with Conditions

### **Description**

The application involves 2.74ha of land situated on the westerly edge of Pilsworth Industrial Estate. The site is a large section of an 11ha area allocated in the UDP as Employment Land and most of which has recently become developed for industrial and warehousing purposes. It is also within an the Employment Generating Area covering the industrial estate.

The site, which was originally farmland, has been the subject of a landfill operation completed to achieve a level surface in preparation for industrial development. Beyond the westerly site boundary the land falls steeply away and this is the overgrown tip edge sloping down to the River Roch. Just beyond the river and on land well below the level of the site there are two recent housing estates.

To the east on the north side of Roach Bank Road are well established industrial units while opposite the site on the south side of this road is the L'Oreal warehouse building and a newer large industrial building. Roach Bank Road has been extended by a new loop road leading south to skirt round the edge of the Employment Land to connect to Pilsworth Road.

The application follows the refusal in May 2008 of planning permission for an office development on the site comprising a total of 10194m<sup>2</sup> of office floorspace served by 327 car parking spaces (ref.49295). The application was refused for the reason that the scheme would, by reason of its size, scale and type give rise to additional volumes of traffic resulting in increased congestion which would be detrimental to the free flow of traffic and residential amenity in the area. There would therefore be conflict with UDP Policy EC6/1 – Assessing New Business, Industrial and commercial Development. An appeal has been lodged against this decision and is due to be considered at a public inquiry to take place on 31st March and 1st April 2009.

The current application has been submitted in response to the refusal of application ref.49295. It is for full planning permission to build on the same area of land an office development with a reduced amount floorspace than was the case with the refused scheme. This revised scheme would provide a total of 8864sq m of office floorspace which is 1330m<sup>2</sup> less than the refused one. The 13 separate buildings, all of which would be two storeys, would incorporate 18 units of accommodation. The development would be accessed from an estate road skirting the westerly edge of the site and continuing the line of the new loop road to the south. Four access spurs would be constructed into the site off the estate road to serve groups of office units. The development would be served by 277 car parking spaces with a set of car parks distributed throughout the layout. It should be noted that this revised proposal involves a reduction by about 13% in floorspace area and about 15% in the number of parking spaces compared with the refused scheme.

Externally, the buildings would be of a similar design and materials. They would be characterised by shallow pitched roofs with a strong eaves overhang. The elevations would incorporate a combination of facing brickwork, polished block work piers, rendered

blockwork panels, strong horizontal lines of window panels and full height curtain glazing at the entrances. As a feature, there would be tubular slimline metal columns beneath the roof to each elevation.

Landscaping elements would include a belt of screen planting on the westerly side of the proposed estate road and grassed/planted areas within the layout. A detailed Landscape Proposals plan has been submitted.

The application is accompanied by a Design and Access Statement, a Planning Statement, a Transport Assessment, an Interim Travel Plan, a Contaminated Land Survey/Assessment, an Ecological Assessment, an Arboricultural Assessment, a Flood Risk Assessment and an Air Quality Assessment.

### **Relevant Planning History**

16089/84 - Outline for warehousing and light industrial. Approved on 23rd August 1984.

20335/87 - Class B1 (storage and distribution) and B1 (business) development. Approved on 10th December 1987.

22675/89 - Tipping of waste material and roads and sewers prior to industrial development. Approved on 14th September 1989.

25001/90 - Tipping of waste material and roads and sewers prior to industrial development without complying with condition 9 of C/22675/90 (required entire length of proposed road within the site to be made up to adoptable standards prior to commencement of future building operations). Approved on 4th October 1990.

27550/92 - Landfilling in preparation for industrial development. Approved on 4th March 1993.

34913/98 - Industrial and warehousing development (Classes B1, B2 and B8). Approved on 1st September 2000.

35849/99 - Variation of condition 4 of planning permission 27550/92 to allow landfill operations to continue for a further five years. approved on 15th February 2000.

48413 - Office development. Withdrawn on 30th October 2007.

49295 - Office development. Refused on 21st May 2008 for the reason that the development would, by reason of its size, scale and type, give rise to additional traffic resulting in increased congestion which would be detrimental to the free flow of traffic and residential amenity in the area. There is currently an appeal against the decision.

### **Publicity**

170 properties were notified on 18<sup>th</sup> December 2008. Those notified include the following:

183 - 189 Gigg Lane,

1 - 15 and 6 - 22 Silverdale Close,

1 - 11 and 8 - 42 Redmere Drive,

1 - 55 and 2 - 40 Grasmere Drive,

1 - 19 Arncliffe Close,

1 - 9 and 2 - 8 Newby Close,

1 - 19 and 2 - 12 Harrington Close,

1 - 17 and 2 - 22 Astbury Close,

On Roach Bank Road - Rain Seal Trade Windows, McDonalds Restaurant, The Paper Mill, Smiths of Bury, Multiwood Products and L'Oreal.

Spout Bank Farm, Heap Brow

103 (Hollins Residents Group) and 123 Pilsworth Road

Ask Property Developments c/o Drivers Jonas.

A site notice was displayed from 9th January 2009 and a press notice was published in the Bury Times on 1st January 2009.

No written response has been received to date.

### **Consultations**

Highways Team - Recommend conditions concerning highway improvements at the

M66/Pilsworth Road and the Croft Lane/Hollins Brow/Hollins Lane junctions, the implementation of visibility splays, turning facilities and car and cycle parking provision and the measures set down in the Interim Travel Plan, including the submission and approval of a full Travel Plan within 12 months of the first occupation of the development.

Drainage Team - No objections.

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

Environmental Health (Pollution Control) - No response.

Public Rights of Way Officer - No response.

Landscape Practice - Concerns about the approach in the proposals to the ornamental softworks and the surface treatment of the car parking areas. Concern that there is no overuse of asphalt surfaces. Concerned also about the degree of screening effect from the softworks from the valley side.

Waste Management - No response.

Wildlife Officer - Recommends a condition concerning the protection of nesting birds during construction. Concerned that the landscape proposals include some non native species and a condition should require prior approval to revised landscape details that do not include such species.

Environment Agency - Recommends conditions requiring prior approval to a scheme to regulate surface water run-off, a detailed scheme for the conservation of the new wildlife enhancement measures proposed as part of the scheme, the provision of temporary protective fencing to the valley perimeter during development.

GMP Architectural Liaison - No objections in principle. Recommend a 2.4m high secure perimeter fence and the incorporation of the other crime prevention measures in the Crime Impact Statement.

National Grid Transco - No response.

United Utilities - No response.

Chief Fire Officer - No objections.

GMPTE - The Travel Plan Framework needs to be more specific regarding the applicant's intentions about bus access to the site.

Rochdale MBC - No response.

The Highways Agency - Directs that any permission should include conditions requiring improvements to the junction of Pilsworth Road with the M66 Motorway.

British Waterways - No comments.

BADDAC - The disabled parking spaces need to be repositioned. A true level approach into the buildings is preferred but will accept contiguous rather than separate 1:40 graded approaches.

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

EC1	Employment Land Provision
EC1/1	Land for Business (B1) (B2) (B8)
EC2/2	Employment Land and Premises
EC5	Offices
EC5/2	Other Centres and Preferred Office Locations
EC6	New Business, Industrial and Commercial Development
EC6/1	New Business, Industrial and Commercial
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/6	Public Art
EN5	Flood Protection and Defence
EN5/1	New Development and Flood Risk
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
OL5	River Valleys
HT2/4	Car Parking and New Development
HT5	Accessibility For Those With Special Needs
HT5/1	Access For Those with Special Needs
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors

SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD11	Parking Standards in Bury
SPD12	Travel Plans in Bury
SPD14	Employment Land and Premises
PPS1	PPS1 Delivering Sustainable Development
PPG13	PPG13 - Transport

### **Issues and Analysis**

**Principle** - The site forms the northern part of the wider allocation under UDP Proposal EC1/1/12. This allocation identifies the site as being suitable for Business (B1), General Industrial (B2) or Warehousing (B8). Similarly, the site lies within the wider Pilsworth Employment Generating Area which again identifies the area as being suitable for B1, B2 and B8 development. As such, the principle of the proposal is in accordance with the economic policies of the UDP.

**River Valley** - The site is adjacent the River Roch valley. Following discussions during the course of a previous planning application, the buildings were pulled back from the boundary in order to reduce the impact on skyline development at the edge of the river valley (Policies EN1/1). The scheme now includes a landscaped buffer zone on the valley side of the development. The buffer strip would be mostly narrow and down to 2m or less for most of its length. The applicants were approached during the consideration of the previous application about improving this depth but they have declined to do so.

**Wildlife Link & Corridor** - The river valley at this point is also designated as a Wildlife Corridor. Accordingly, as mentioned above, the buildings have now been set back from the boundary with the Wildlife Corridor and, in response to Policy EN6/4, the landscaped buffer to be provided includes a hedgerow with native species and a woodland mix in terms of tree planting. However, as indicated above, the narrowness of the buffer zone has previously been raised with the applicants but this part of the proposals has remained unchanged. Furthermore, The species indicated on the landscaping plan are not all locally native and any consent should include a condition requiring approval to the planting species within the buffer zone.

**Design and Appearance** - The buildings would be of a modern design characterised by very shallow pitched roofs with a pronounced eaves overhang. Their appearance is considered to be acceptable. Seven of the 13 blocks would be set nearest the prominent westerly edge of the site but from which they would be separated by the proposed access road and landscaped area. The elevations of these nearest blocks within this view from the valley would be a full width elevation in two cases and a side elevation in the other five cases thus giving the development a varied and, therefore, interesting appearance.

The information about the layout and the treatment of the external areas is considered to be sufficiently detailed. The design approach of providing the buildings and the associated small car parks set within landscaping is considered to be acceptable in terms of creating a satisfactory visual environment both within the layout and along its edges.

**Flood Risk** - The application includes an Flood Risk Assessment which is acceptable to the Environment Agency subject to conditions being attached to any consent concerning drainage and ecology.

**Public Art** - Due to the scale of the proposal the developer is obliged to provide an element of artwork. The applicants have expressed their willingness to comply with the requirement which would need to be the subject of an appropriate condition should permission be granted.

**Disabled Access** - BADDAC has expressed concerns about the provision of level access into the buildings and the location of some of the disabled spaces in relation to main

entrances. Revisions are currently being prepared to resolve these issues and the outcome of this matter will be reported.

Secure Design - GMP Architectural Liaison who have prepared a Crime Impact Statement have recommended that the site should be secured with 2.4m high perimeter boundary fencing completely around the development with the entrances to the site to be gated. This approach, however, has not been adopted on the design details with the applicant placing reliance on each building having its own car park and amenity area to maintain security to the individual premises. It is considered that such high security fencing would markedly detract from the open landscaped appearance of the development and this has not been installed on the established nearby Little 66 office park off Roach Bank Road and apparently without significant security issues arising.

Car Parking - The proposed car parking provision (excluding disabled spaces) would exceed the maximum level of car parking for a business park set down in SPG11 by 22 spaces. However, it should be taken into account that the location is currently poorly served by public transport and is distant from main bus routes. Furthermore, the Framework Travel Plan accompanying the application sets down a number of measures to encourage sustainable travel choices. Therefore, it is considered that the level of car parking provision, although somewhat in excess of the maximum level set down in SPG11, is acceptable. For comparison, the previous scheme was on the same basis 40 spaces above the maximum level of provision.

Highways Issues - A significant amount of traffic associated with Pilsworth Industrial Estate but also the M66 and commercial developments in Heywood passes along Croft Lane giving rise to concern by residents living along this road and in its vicinity about the high level of traffic flow. This concern was reflected in two of the objections to the previous application. The site, however, is allocated for employment use and that application was supported by a Transport Assessment, including consideration of the situation at Croft Lane. Despite the officer recommendation to approve that application, Members gave greater weight to the issue of traffic generation and the impact on conditions in Croft Lane. Consequently, the application was refused for the reason that the development would, by reason of its size, scale and type, give rise to additional traffic, resulting in increased congestion which would be detrimental to the free flow of traffic and residential amenity in the area. This has resulted in the current appeal.

The current proposal includes a lesser amount of office development with reductions of 13% in floorspace and 15% in the number of parking spaces. As well this reduction in scale the scheme, as previously, also includes provision for highway mitigation measures at the M66 junction 3 with Pilsworth Road and at the Croft Lane/Hollins Brow/ Hollins Lane junctions. Highways Team has recommended that any planning permission should include conditions including requirements concerning the provision of the junction improvements/modifications at these junctions. Notwithstanding the proposed mitigation measures, it is predicted that the traffic generation from the proposed development is likely to lead to additional queues at the Croft lane/Hollins Lane/Hollins Brow and Manchester Road/Hollins Brow junctions. However, on balance, it is not considered to raise sufficient highway safety concerns that would warrant refusal of the application. It is also considered that this additional traffic generation would not result in such a degree of loss of amenity to residents in the Croft Lane area that would warrant the refusal of planning permission.

It should be noted that The Highways Agency has issued a direction that any planning permission must include a condition regarding improvements to be made at junction 3 of the M66 motorway junction with Pilsworth Road.

#### **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 and in terms of the amount of development, its layout and external appearance. The level of car parking provision is also acceptable and,



subject to appropriate conditions, the development does not raise material concerns regarding its impact on the capacity of the affected highway network. 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. Notwithstanding the details shown on drawing number LL01 Revision F and in section 5.4 of Ecological Walk-Over and Desk Study by Smeeden Foreman, the planting details for the woodland mix planting and the native hedge schedule shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. These planting details shall only include the provision of locally native species. The approved landscaping scheme for the whole site and the habitat creation and enhancement measures referred to in the Smeeden Foremen study document shall be implemented not later than 12 months from the date on which the first building to be constructed 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. The habitat creation works shall be maintained in accordance with the measures set down in section 5.4 of the Ecological Walk-Over and Desk Study Report.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity and wildlife corridor mitigation pursuant to policies EN1/2 - Townscape and Built Design, EN8/2 – Woodland and Tree Planting and EN6/4 - Wildlife Links and Corridors of the Bury Unitary Development Plan.
4. The development hereby approved shall incorporate an element of public artwork in accordance with Policy EN1/6 - Public Art of the Bury Unitary Development Plan and the associated Development Control Policy Guidance Note 4 - Per Cent for Public Art.  
Reason: To secure the satisfactory development of the site and in the interests of visual amenity.
5. No development shall take place unless and until full details of external lighting, including a specification of both luminaire and mounting arrangements (including elevation angles) and a lighting diagram 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 order to safeguard the amenities of residential properties.
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. 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.

9. 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.

10. The development hereby approved shall not be commenced unless and until a scheme to regulate the surface water run-off has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the Flood Risk Assessment by BWB Consulting (ref:CDP/538/FRA/A). It shall be fully implemented and subsequently maintained in accordance with the timing/phrasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason. In order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site pursuant to Policy EN5/1 - New

Development and Flood Risk of the Bury Unitary Development Plan.

11. Before the development is commenced and during the course of construction period, temporary protective fencing shall be erected along the northern and western perimeters of the development. The details of the type of protective fencing to be used shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the river corridor and prevent debris and construction material from encroaching into these sensitive amenity and wildlife areas pursuant to policies EN6/3 - Features of Ecological Value and EN6/4 - Wildlife Links and Corridors of the Bury Unitary Development Plan.

12. No development pursuant to this permission shall be commenced unless and until the developer has submitted the following full design and construction details of the required improvements to M66 Junction 3, such details to be agreed by the Local Planning Authority, in consultation with the highway authorities and shown in outline in Drawing 1016/02, revision B, dated June 2006, prepared by the Transportation Consultants, Ashley Helme Associates:

- How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations
- Full signage and lighting details,
- Confirmation of full compliance with current Departmental; Standards (DMRB) and Policies (or approved relaxations/departures from standards)
- An independent Stage One and Stage Two Road Safety Audit (Stage Two to take account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes.

No part of the development shall be first occupied unless and until the highway improvements, in accordance with the above, have been implemented to the satisfaction of the Local Planning Authority in consultation with the Highway Authorities.

Reason: To ensure that the M66 motorway might continue to fulfil its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, and for the safety of traffic on the highway network.

13. No development shall take place unless and until the details of the facilities for the storage and collection of waste 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: To secure the satisfactory development of the site and in the interests of amenity.

14. The development shall be carried out in accordance with BREEAM (Building Research Establishment, Environmental Assessment Methodology) sustainability standards and/or the North West Sustainability Checklist for Developments. This shall achieve a rating of very good/good practice and deploy low and zero carbon technologies (LZC's) to achieve a 10% improvement over the Target Emission Rate (TER) for Carbon Dioxide as defined by 2006 Building Regulation Standards, unless otherwise agreed in writing by the Local Planning Authority. No development shall be carried out unless and until an appropriate assessment has been submitted to the Local Planning Authority and has been approved and the development shall not be carried out other than in accordance with the approved assessment.

Reason - To meet the requirements of PPS1 (Climate Change Supplement, 2007) and RSS for the North West - Policies DP9, EM18 and SPD 16 - Design and Layout of New Development.

15. The car and 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 buildings hereby approved being occupied and shall thereafter be maintained at all times.  
Reason: To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT/2/4 of the Bury Unitary Development Plan.
16. Notwithstanding the highway improvement works indicated on Ashley Helme Associates submitted plan reference 1016/09 Revision B, the development hereby approved shall not be commenced unless and until full details of a scheme for the improvement or modification of the Croft Lane/Hollins Brow/Hollins Lane junction has been submitted to and approved in writing by the Local Planning Authority. The highway works subsequently approved (after appropriate public consultation has been carried at by the Council, at the expense of the developer) shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use, unless otherwise agreed in writing with the Local Planning Authority.  
Reason: To ensure good highway design in the interests of road safety pursuant to Policy EC6/1 - Assessing New Business, Industrial and Commercial Development of the Bury Unitary Development Plan.
17. 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 site and the adjacent highways in the interests of road safety pursuant to Policy EC6/1 - Assessing New Business, Industrial and Commercial Development.
18. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.  
Reason: To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policy EC6/1 - Assessing New Business, Industrial and Commercial Development of the Bury Unitary Development Plan.
19. The car and 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 buildings hereby approved being occupied and it shall, thereafter, be maintained at all times.  
Reason: To ensure adequate off street car parking provision in the interests of road safety pursuant to policies EC6/1 - Assessing New Business, Industrial and Commercial Development and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
20. The development hereby approved shall not be first occupied unless and until the physical measures detailed in the submitted 'Interim Travel Plan' (e.g. secure covered cycle parking and provision of shower, changing and locker facilities) have been implemented to the written satisfaction of the Local Planning Authority. The measures to be implemented post occupation (e.g. appointment of a Travel Plan Co-ordinator with duties and responsibilities detailed in paragraphs 3.2 & 3.3, etc) shall be done so in accordance with the 'Interim Travel Plan' unless otherwise agreed in writing with the Local Planning Authority. The occupier will provide the Local Planning Authority with contact details of the member of staff designated as the Travel Plan Co-ordinator, carry out a travel survey of staff within 6 months of first occupation and submit a full Travel Plan to the Local Planning Authority for approval within 12 months of first occupation, with targets, objectives and an action plan as stated in the 'Interim Travel Plan'. The full Travel Plan will then be

reviewed every 12 months as stated in the 'Interim Travel Plan'.

Reason: In order to deliver sustainable transport objectives in accordance with PPG13 - Transport.

21. This decision relates to drawings numbered M2537-00, M2537-SK01 RevB, M2537 - 02, M2537 - 04, M2537 - 05, M2537 - (1,2,11,12) - 01, M2537 - (1,2,11,12) - 02, M2537 - (3 & 5) - 01, M2537 - (3& 5) - 01, M2537 - (467) - 01, M2537 - (467) - 02, M2537 - (8 & 16) - 01, M2537 - (8 & 16) - 02, M2537 - (9 & 10) - 01, M2537 - (9 & 10) - 02, M2537 - (13) - 01, M2537 - (13) - 02, M2537 - (14,15,17,18) - 01, M2537 - (14,15,17,18) - 02 and the documents Planning Statement, Design and Access Statement, Ecological Walk-Over and Desk Study Report, Crime Impact Assessment, Post-Completion Geotechnical Investigation, Travel Plan Framework, Transport Assessment, Air Quality Assessment, Flood Risk Assessment, Phase 1 & 2 Geo-Environmental Assessment Report. The development shall not be carried out except in accordance with the drawings and particulars 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 09

**Applicant:** Orchid Pub Company

**Location:** AINSWORTH ARMS, BURY AND BOLTON ROAD, RADCLIFFE, M26 4LJ

**Proposal:** FULL COVERED ROOF TO EXISTING EXTERNAL PERGOLA (RETROSPECTIVE)

**Application Ref:** 50806/Full

**Target Date:** 12/03/2009

**Recommendation:** Approve with Conditions

### **Description**

The site is located at the Ainsworth Arms is a large public house on the corner of Bury and Bolton Road and Starling Road. There is a large car park to the side and rear of the building with vehicular access from Starling Road. The area between the existing car park to the side and the west side of the public house is comprised of a timber framed wooden pergola, whose roof is covered with a polycarbonate sheet. The footprint of the pergola is 9m by 4.5m.

To the west across the car park is a detached dwellinghouse whose gable is adjacent to the boundary. There are no habitable room windows on the gable. The shared side boundary is planted up with a 3m high hedge and tree and shrub planting. Across the car park at the rear is a large detached dwellinghouse at No.13 Starling Road. To the south, across Bury and Bolton Road is an area of open land planted with trees and shrubs round the periphery. The public house, including the existing beer garden, has a licence to sell alcohol up to 11pm Monday to Saturday and to 10.30pm on Sundays.

This application follows a previous application for the timber pergola, with 50% of its roof area covered, which was approved following a site visit by the Planning Control Committee and granted subject to conditions in July 2007. This application seeks to retain a full roof covering that has already been constructed.

### **Relevant Planning History**

48006 - Covered Timber Pergola to Existing Beer garden - Approved 25/07/2007

### **Publicity**

Immediate neighbours notified by letter dated 19/1/2009 at 2, 29, 455 and 457 Bury and Bolton Rd, 2, 4 and 13 Starling Road and 82 Higher Ainsworth Road. One letter of objection has been received from the occupiers of 457 Bury and Bolton Road. The objection can be summarised as follows:

- the shelter being a source of noise and disturbance during opening hours both from customers under the pergola and additionally from cars within the car park.

The objector has been notified of the Planning Control Committee.

### **Consultations**

Environmental Health Team - No comment received.

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

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
S2/6	Food and Drink
HT5/1	Access For Those with Special Needs

### **Issues and Analysis**

The issues pertaining to this application are similar to those of the previous application. The key point being whether the additional roof covering makes a material difference to visual or residential amenity.

Appearance and Siting - The additional covering over the roof does not have an adverse impact on the visual amenity of the area and is therefore considered to comply with UDP Policy EN1/2 Townscape and Built Design.

Residential Amenity - UDP Policies S2/6 - Food and Drink and H3/1 - Assessing Non-Conforming Uses are concerned with issues of residential amenity such as noise, smell, visual intrusion and hours of operation. The concerns of the objector regarding noise and disturbance are considered to be relevant and material. It is noted that the covered pergola is part of the existing beer garden/ patio area along the side of the public house. The layout submitted shows seating for 26 customers within the pergola.

The applicant seeks to retain a full roof cover over the about half of the area of the existing beer garden with the proposed pergola. Whilst it is likely that there would be additional noise coming from the patio area during winter and periods of poor weather when the covered area would allow smokers and other customers to gather outside, the critical question is whether the level of noise and disturbance serious enough to refuse permission given the size of the area concerned, the existing boundary screening, the distance to the adjacent dwellinghouse and the restrictions that can be imposed with regard to lighting and noise from loud speakers and the hours of use of the proposed shelter.

It is considered reasonable to retain the restrictions on the hours of use of the pergola. Boundary screening would be more effective in Spring and Summer when the trees are in leaf and when residents would be more likely to be in their gardens. Although screening would be less significant in the Autumn and winter the boundary trees would still create an important 'veil' along the boundary. It should also be noted that the plans include a trellis that would partially screen the area, aid noise reduction - particularly if it encourages further planting on the structure - and discourage potentially noisy interaction between customers in the beer garden and those on the car park as one objector has stated sometimes occurs.

Access - The existing ramp to the beer garden and main entrance would remain in situ and present an acceptable access point for disabled customers.

Objections - The closest residential property at 457 Bury and Bolton Road is approximately 18m away from the proposed shelter. It is not considered that the noise and disturbance generated by customers in the covered area would be serious enough to warrant refusing the application given the mitigating factors referred to above.

In the light of the above comments it is considered that the proposal complies with all the relevant UDP policies listed above and that the additional area of roof cover would not have a materially harmful impact the amenity of nearby residents.

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

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

The proposed shelter is modest in scale and should not cause serious harm to visual or residential amenity given the restrictions imposed through conditions. The proposal complies with Unitary Development Plan Policy. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

## Conditions/ Reasons

1. This decision relates to revised drawings numbered AL01, AL02, AS01 and AS02 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
2. There shall be no loud speakers, amplified music or screens provided to the proposed shelter or in association with the shelter, at any time.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 - Food and Drink of the Unitary Development Plan.

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



**Ward:** Bury East - Moorside

Item 10

**Applicant:** Chesham Primary School

**Location:** CHESHAM PRIMARY SCHOOL, TALBOT GROVE, BURY, BL9 6PH

**Proposal:** INSTALLATION OF DECKED PLAY AREA AND RAINHELTER

**Application Ref:** 50842/Full

**Target Date:** 09/03/2009

**Recommendation:** Approve with Conditions

### **Description**

Chesham Primary School is a well established single storey school located on the edge of a residential area on the north side of Bury. To the south are tennis courts and east is Clarence Park. To the north are playing fields and to the east, houses fronting Talbot Grove and a School of Nursing. Pedestrian and vehicular access is from Talbot Grove. The site has a concrete post and wire mesh boundary fence with shrub planting.

The proposal involves building a decked area with a balustrade surround in front of the existing detached store to the south of the main school building. A timber framed rain shelter would also be constructed against the south elevation of the main school building, close to the proposed decked area. The shelter, which would have a clear perspex cover over the roof, would measure 5.7m by 2.5m in area and have a maximum height of 2.75m.

### **Relevant Planning History**

43840 - Three Classroom Extension - Approved 09/02/2005

### **Publicity**

Letters of notification, dated 13/01/2009 sent to 11-23 Talbot Grove, 15 Mosley Avenue, the Jubilee Centre and Bury PCT campus. The occupiers of Nos.11, 13 and 17 Talbot Grove have raised concerns:

- due to lack of security at the school, the decking and shelter could be used by youths for anti-social activities after school opening and that this could impact on amenity of the area and security.

The objectors have been informed of the Planning Control Committee.

### **Consultations**

Environmental Health Team - No objection.

Baddac - No objection.

Greater Manchester Police - No objection subject to security measures being implemented.

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

CF2 Education Land and Buildings

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

### **Issues and Analysis**

Use - The decked area and rain shelter would improve outdoor play facilities at the school and enable better use of the school grounds. The proposal as such complies with UDP policy CF2 which states that proposals for the provision and improvement of education facilities will be considered favourably.

Design and appearance - The decked area and rain shelter would be located well into the

site, 50m from the public frontage on Talbot Grove. Given the distance from the public highway, the fact that the structure would not be readily visible or particularly incongruous from the public highway or surrounding properties due to the fencing and shrub planting, in terms of visual amenity the proposal complies with Policy EN1/2 - Townscape and Built Design.

Residential amenity - Given the location and scale of the decked area with the nearest properties to the west, across Talbot Grove and the school car park are approximately 60m away there will be no material impact on the residential amenity of surrounding properties.

Security - The Police Architectural Unit suggest that the material be fireproof and that the structures should be secured and designed to prevent persons climbing onto adjacent structures. On a site like this, it would be difficult to completely secure the outdoor structures but as the shelter is a simple design which should not encourage climbing onto the school building. The existing school boundary treatment and security measures should be sufficient to deter any unwarranted activity out of school hours. As such the proposal complies with UDP Policy EN1/5 - Crime Prevention.

Objection - The concerns of the occupier of No.11 Talbot Grove relate to general site security rather than the proposed structures specifically. The concerns would not constitute a reason for refusal in this particular case, given the scale and location of development as a whole.

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

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

The proposed decking and rain shelter will improve outdoor facilities at the school without detriment to the visual or residential amenity of the locality.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 8/01/2009 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 **Tom Beirne** on **0161 253 5361**

**Ward:** Whitefield + Unsworth - Besses

Item 11

**Applicant:** Contour Housing Group Ltd

**Location:** LAND AT GLAZE WALK, WHITEFIELD

**Proposal:** RESIDENTIAL DEVELOPMENT - 4 DWELLINGS

**Application Ref:** 50853/Full

**Target Date:** 09/03/2009

**Recommendation:** Approve with Conditions

### **Description**

The application is one of three applications for residential development on this residential estate. The application site is located off Roch Crescent and consists of Glaze Walk, which runs diagonally across the site and links to a concrete hardstanding to the north of the site. The concrete hardstanding is partially used for parking by local residents. The application site is bounded by residential properties to the east, west and south. There are playing fields in association with Mersey Drive County Primary School to the north of the site. There are two footpaths, which connect Roch Crescent to the two terraces of properties on Glaze Walk.

The proposal involves the erection of four dwellings on the site and associated works. The four dwellings would be arranged in two blocks of semi-detached properties. Off-road parking in the form of driveways would be provided and additional parking for use by visitors or local residents would also be provided.

### **Relevant Planning History**

50854 - Residential development - 2 dwellings at land off Bollin Walk, Whitefield. Received - 12 January 2009

50855 - Residential development - 6 dwellings at land off Lydgate Close, Whitefield. Received - 12 January 2009.

The Council is awaiting information relating to the noise potential from adjacent premises prior to validating this application.

### **Publicity**

The neighbouring properties (1 - 8 Glaze Walk; 35, 39, 41, 43 & 45 Roch Crescent; 1 Alt Walk; Mersey Drive County Primary School) were notified by means of a letter on 13 January. Three letters have been received from the occupiers of 1, 5, 7 Glaze Walk, which have raised the following issues:

- Loss of light to occupiers of nearby properties as a result of the location of plot 1
- Impact upon the value of existing properties
- Loss of parking facilities for existing residents
- Noise disturbance during construction of the proposed dwellings
- Object to the provision of a boundary fence

An e-mail has been received from Councillor Boden, which has raise the following issues:

- Loss of light to occupiers of nearby properties as a result of the location of plot 1
- Impact upon the value of existing properties
- Loss of parking facilities for existing residents
- Noise disturbance during construction of the proposed dwellings
- Object to the provision of a boundary fence

The neighbouring properties were re-notified on 28 January following the receipt of a revised plan. To date there has been no response.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

Highways Team – No response to date

Drainage Team – No objections, subject to the inclusion of a condition relating to the provision of foul and surface water drainage.

Environmental Health – Contaminated Land – No response to date

Waste Management - No objections

GM Police Architectural Liaison – 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
EN1/3	Landscaping Provision
EN7	Pollution Control
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD11	Parking Standards in Bury

### **Issues and Analysis**

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

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

Policy L4 of the Regional Spatial Strategy states that the average rate of housing provision is 500 dwellings per year. The application site is currently used as residential curtilage and the land is considered to be previously developed land. As a result, it is considered that the proposed development would not conflict with the other land uses. Therefore, it is considered that the proposal is acceptable in principle and would be in accordance with Policy H1/2 of the adopted Unitary Development Plan and Policy L4 of the Regional Spatial Strategy.

Siting, design and layout - The proposed development would consist of two blocks of semi-detached properties and would be of a traditional design. The proposed dwellings would be the same height as the existing dwellings are considered to be appropriate in terms of height, form and scale. The proposed development would incorporate a variety of materials, including brickwork and render, to add interest to the proposed buildings. The existing dwellings contain a mixture of materials including render, cladding and brickwork and it is considered that the proposed dwellings would not be unduly prominent within the locality, subject to conditional control. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the adopted Unitary Development Plan.

The site plan indicates that all the proposed dwellings would have side or rear gardens, which would be bounded by 2.1 metre high fencing. The proposed fencing would keep the gardens secure and would reflect the existing boundary treatments in the locality. Space has been allocated within the garden areas for the storage of refuse bins. The existing street lighting would be adequate and no additional lighting would be required. The applicant has submitted a landscaping plan, which identifies areas of planting and hardstandings. It is considered that the proposed driveways and proposed parking areas for existing residents/visitors should be constructed using a permeable surface and this will be

secured via a condition. Therefore, it is considered that the proposed development would be in accordance with Policy EN1/3 of the adopted Unitary Development Plan.

Residential amenity - There would be 13 metres between the front elevations of Nos. 5 & 7 Glaze Walk and the two storey gable elevation of plot 1. There would be 13 metres between the proposed front elevation of plots 3 & 4 and the two storey gable wall of plot 2. The proposed development would comply with the aspect standards as contained in DCPGN 6 and would not have an adverse impact upon the amenity of the neighbouring residents through loss of light or privacy. Therefore, the proposed development would be in accordance with Policy H2/2 of the adopted Unitary Development Plan.

Highways Issues - The proposed site would be accessed from Roch Crescent and would retain the turning head on Glaze Walk. It is considered that there would be adequate visibility splays and that the proposed development would not be detrimental to highway safety.

SPD11 states that for dwellings of this size, a maximum of 3 spaces per unit should be provided and it is possible to accommodate two cars on the driveways for the proposed dwellings. It is considered that two spaces would be adequate as the site has good connections to public transport. The application site is currently vacant and was used by local residents for parking. The site plan indicates that an additional 6 spaces would be provided off Glaze Walk for use by either local residents or visitors. It is considered that the overall parking provision for the proposed site is acceptable and the proposed development would not be detrimental to highway safety. Therefore, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Access Issues – The proposed development would incorporate a level threshold and the properties have been designed to incorporate the Lifetime Homes standard. Therefore, it is considered that the proposed development would be fully accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Response to objectors - The agent has submitted revised plans, which indicate that there would be 13metres between the habitable room windows of No. 5 &7 Glaze Walk and the proposed dwellings. Therefore, there would be no significant loss of light. The existing parking facilities would be affected. However, this land is not adopted highway and additional parking (6 spaces) would be provided for existing residents and visitors. The impact upon property values and the noise and inconvenience during the development are not material planning considerations and cannot be taken into account.

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

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

The proposed development is acceptable in principle and would not have a significant adverse impact upon the amenity of the neighbouring residents. The proposed development would not be unduly prominent, subject to conditional control and would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered M2996(PL)01, M2996(PL)04 A,

M2996(PL)07 A, M2996(PL)11, M2996(PL)14 and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

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

4. Notwithstanding the submitted landscaping plan, no development shall commence unless and until details of the porous or permeable surface to be used for the driveways and parking areas has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented as part of the development hereby approved.

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 of the Bury Unitary Development Plan.

5. No development shall not commence unless and until a scheme for the provision of foul and surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To ensure the satisfactory arrangements for the disposal of foul sewage and surface water pursuant to Policy EN7/5 (Waste water management) of the Unitary Development Plan.

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

