# BURY METROPOLITAN BOROUGH COUNCIL ENVIRONMENT & DEVELOPMENT SERVICES

PLANNING CONTROL COMMITTEE

17 February 2009

SUPPLEMENTARY INFORMATION

### Item:01 HORNBY BUILDINGS AND ADJACENT NIGHTCLUB, ROCHDALE ROAD/THE ROCK, BURY Application No. 50667

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

#### **Further Representations**

Email from Mr Gray, a Stockport resident. He considers that Hornby Buildings should not be demolished as it would be a loss to the character of the town. The loss of the building would mean that Bury would become just like any other town in the country.

He has been informed of the date of the Planning Control Committee by email on 13/2/09.

### Consultations

Highways Team - The proposed conditions are acceptable and have suggested an informative concerning the need to ensure that there would be no encroachment of foundations or opening outward doors on the highway.

### Item:02 ABBEYFIELD MANCHESTER ROAD, BURY, BL9 9BA Application No. 50724

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

Greater Manchester Archaeological Unit confirm that they have no objections to the proposals and do not wish to impose any conditions.

Highways Team - Have suggested additional planning conditions which are listed below.

- 14 Notwithstanding the submitted Green Travel Plan dated November 2008, the development hereby approved shall not be commenced unless and until a Travel Plan has been submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

  Reason In order to deliver sustainable transport objectives in accordance with PPG13 Transport.
- 15 The development hereby approved shall not be commenced unless and until a one way signing scheme for all vehicular access to the development site has been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. The scheme subsequently approved 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 and to minimise the standing and turning movements of vehicles on the highway in the interests of highway safety pursuant to UDP Policy CF1/1 – Location of New Community Facilities.

16 - The development hereby approved shall not be brought into use unless and until the access improvement works on Richmond Street indicated on the approved plans including the provision of an access protection marking have been implemented to the written satisfaction of the Local Planning Authority.

Reason - To ensure good highway design and to minimise the standing and turning movements of vehicles on the highway in the interests of highway safety pursuant to UDP Policy CF1/1 – Location of New Community Facilities.

17 - The turning and servicing facilities indicated on the approved plans shall be provided before the development is brought into use. The service yard areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason - To ensure good highway design and to minimise the standing and turning movements of vehicles on the highway in the interests of highway safety pursuant to UDP Policy CF1/1 – Location of New Community Facilities.

Item:03 77 BURY ROAD, RADCLIFFE, M26 2UT Application No. 50735
OUTLINE PLANNING APPLICATION FOR TWO/THREE STOREY BLOCK OF 14
NO. APARTMENTS

Nothing further to report.

### Item:04 GREATER MANCHESTER WASTE LTD, EVERY STREET, BURY, BL9 5BE Application No. 50756

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 GWFP. 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.

The objection from 1 Victor Avenue (and signed by 71 residents) has now written on behalf of MALVA Tenants and Residents Association withdrawing their objections to the proposals, there remains therefore 2 individual letters of objection. The letter confirms that the Association has reached agreement with Viridor and advises that the Association now considers that sufficient mitigation and enforcement levels are in place to help support, contain and investigate potential issues on site should a breach of pollution occur. They refer to their understanding of matters, including agreement to undertakings by Viridor Laing as follows:

- During the extended hours the facility will only receive waste and no processing will take place.
- The green waste processing machinery and waste compactors will not be operated during the extended hours.
- No vehicular movement, site plant/machinery will be operational before and after the start and finish of the operational hours.

- On occasions some activities may occur outside the operational hours including occasional servicing and maintenance of plant/machinery required due to environmental and health and safety reasons. Vehicular movements associated with vehicles kept overnight on the facility
- During the extended hours only site plant will be allowed to operate in order to handle and store waste and vehicles containing waste entering the facility will only be allowed to operate to unload.
- The operations will be expected to adhere to condition 20 of planning permission re.49415 requiring the implementation of the noise mitigation measures specified within paragraph 13.32 of the submitted Environmental Statement.
- The north west acoustic wall would finish behind the east side of the new TLS thus closing the gap between the operations and nearby residential properties.
- Site traffic with the exception of waste collection authority vehicles that has, by law, to be fitted with audible warning reverse sirens is to be fitted/operated with a 'white noise bleeper' alternative.
- A 'local central service desk' will be operational in order to communicate on a
  one to one basis with any concerned residents that are affected by the facility
  and its activities.
- The operator has agreed to be committed to sourcing the best environmental plant/machinery for its use and location with replacements also sourced on this basis.
- On completion of the In-Vessel Composting facility at another location Fernhill
  will receive about 35,000 tonnes less waste annually with all green waste
  collection vehicles to be diverted to the new location once that facility is
  completed by 20010/11.
- The re-development is to be commenced by late February/March 2009 with the immediate withdrawal of the GWPF and TLS facilities leading to the associated current noise and odour impacts being abated.
- The hours of construction have been agreed to be from 0800hrs to 1800hrs on Mondays to Fridays and 0800hrs to 1300hrs on Saturdays with the Saturday working kept to a minimum and prior advanced warning to be given to MALVA TRA by the Thursday before work is commenced.
- There will be a continuation of the Liaison Meetings between Viridor Laing and MALVA TRA with representatives of other agencies being encouraged to attend from time to time.
- MALVA TRA are to participate in the tree/shrub planting plantation at the northerly boundary of the facility.

The letter also expresses an appreciation of the support and cooperation from all parties on this matter.

Subsequent to the letter from MALVA TRA Councillor Rothwell has also withdrawn his objections.

In withdrawing his objection Councillor Rothwell states that he feels that there might be some merit in the Planning Control Committee giving some consideration to whether the Essence of the Promises made by Viridor Laing might be incorporated into any Consent that may be granted.

It has been confirmed by the applicant's agent that the letter from MALVA TRA does faithfully reflect their understanding of the undertakings that they have given to the residents.

The undertakings from Viridor Laing referred to by MALVA TRA and confirmed on behalf of Viridor Waste Management Ltd include both matters covered by planning conditions and other matters that are outside the scope of the consent. The former include that no processing of waste would be carried out within the additional periods (condition 3) and adherence to noise mitigation requirements (Condition 20 of planning permission ref. 49415 now becomes condition 19). The matters outside the scope of the consent include the liaison between MALVA TRA and Viridor Laing, the imminent start on the redevelopment involving early closure of the existing facility, the hours of construction, MALVA TRA participation in tree/shrub planting on the northerly boundary, the further extension of the north west acoustic wall and the timing when the transfer of green waste deliveries to a new composting facility outside the Borough would be commenced.

On the basis of the correspondence from MALVA TRA and to clarify the permitted activities it is recommended that condition 3 should be worded as follows:

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 (receipt of waste and no processing); 1000hrs and 1700hrs on Sundays and Bank Holidays (receipt of waste and 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 (receipt of waste and no processing); 1000hrs and 1700hrs on Sundays and Bank Holidays (receipt of waste and no processing).

<u>Reason:</u> 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.

In order to clarify the activities that may or may not occur during outside the periods referred to in condition 3 the following definitions will be included as an informative on the decision notice:

- 1. During the periods when only the receipt of waste can occur but no processing can take place the green waste processing machinery shall not be operational and no compactors will be used
- 2. During the periods when only the receipt of waste can occur but no processing can take place the following activities can take place:

- Occasional servicing and maintenance of plant/machinery that would need to occur during these hours due to environmental and health and safety reasons. This activity is to be kept to a minimum in order to restrict any detriment to local residents.
- Only those vehicles will be allowed to service the TLS and HWRC facilities
  which are being operated to offload waste. Site plant can be operated in
  order to handle and store the waste that has been off loaded from these
  vehicles.
- The transfer of waste from the HWRC at the facility to the TLS and GWPF when the collection capacity at the HWRC becomes full.
- Outside the permitted hours for the receipt of waste and its processing the following activity can occur:
  - The movement of those vehicles kept over night at the facility that require
    access before and after the specified operational hours. Consideration is
    to be made to the local community at all times by way of keeping all
    vehicular activities to a minimum outside these permitted hours.
- Item:05 BURY BOOT AND SHOE FACTORY, PROSPECT TERRACE,
  BRANDLESHOLME ROAD, BURY BL8 11DE Application No. 50779
  AMENDMENT TO APPROVED SCHEME 44581 (40 RESIDENTIAL UNITS AND 8
  WORK SPACES) TO 46 RESIDENTIAL UNITS AND 8 WORK SPACES

the s106 agreement has been agreed and is awaiting signing by the applicant.

## Item:06 FORMER RAILWAY GOODS YARD, ROWLANDS ROAD, SUMMERSEAT, BL9 5QY Application No. 50794

CHANGE OF USE FROM INDUSTRIAL TO RESTAURANT (USE CLASS A3)

#### Consultation

GM Police Architectural Liaison - No objections

#### **Publicity**

Four further objection letters have been received from the occupiers of The Pines, Railway Street; 3 Crag Avenue; 28 Rowlands Road & Hillside House, Railway Street. The letters have raised the following issues:

- The building is listed and should not be changed
- · Impact of the proposal on highway safety
- · Object to an Indian 'curry smelling' restaurant
- Concern about the illumination of any advertisements
- Object to the loss of trees on the site
- Impact of the proposal upon pedestrians
- Impact of the proposal in terms of noise and smell
- Not enough people were consulted on the proposal.
- Concern the building will remain empty like the other restaurants in the locality
- Object strongly if the restaurant had a takeaway service

The objectors have been notified of the Planning Control Committee.

Councillor Gunther has raised the following issues:

· Concerned that there are no proposed conditions restricting the hours of use, and

- has been advised that this will be a matter for the Licensing Committee (see below)
- There remains a concern about highway safetey and would welcome a site visit
  by the Committee for the benefit of those Members who were not on committee at
  the time of the last visit.

#### Response to objectors

- The issues of highway safety, removal of trees and the impact of the proposal upon noise and smell are dealt with in the main report.
- The proposed development would retain the external appearance of the listed building with the addition of two flues on the roof of the eastern elevation. It is considered that the proposed development would not harm the special and historic character of the listed building and conservation area.
- The installation of any illuminated advertisements would be the subject of a separate application.
- Currently there are no footpaths along Rowlands Road. It is considered that the proposed development would not add significantly to the vehicles using Rowlands Road and therefore would not have an adverse impact upon pedestrian safety.
- All of the neighbouring properties and the properties which commented on the previous application were notified by means of a letter. A press notice was published in the Bury Times and site notices were posted.
- The objector has commented on the vacant restaurants within the locality. However, the issue of competition is not a material planning consideration and cannot be taken into consideration.
- A limited takeaway service would be ancillary to the main use of the building as a restaurant.
- It is considered that a condition restricting the hours of use would not be necessary due to the remote location of the building and the nearest residential property would be some 115 metres away. However, any activity related to food and drink after 11:00pm would be subject to obtaining approval from the Licensing Committee, who would be able to consider amenity issues.
- <u>Trees</u> The plan showing the location of the trees on the site, as referred to in the main report, has been attached to this report. Condition 11 has been amended to avoid any doubt and reads as follows:
- 11. The development hereby approved shall not commence unless and until the tree protection measures contained in Method Statement, dated 10 January 2009 have been implemented, to the written satisfaction of the Local Planning Authority and all tree protection 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.

### Item:06 FORMER RAILWAY GOODS YARD, ROWLANDS ROAD, SUMMERSEAT, BL9 5QY Application No. 50795

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

#### **Publicity**

A letter has been received from the occupiers of Hillside House, Railway Street. The letter has not raised any listed building issues.

### Item:07 WHITEFIELD CENTRE, HIGHER LANE, WHITEFIELD M45 7FX Application No. 50796

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.

Nothing further to report

### Item:08 LAND AT ROACH BANK ROAD, BURY Application No. 50804 OFFICE DEVELOPMENT (RESUBMISSION)

Revised details have been submitted for the improved graded entrances to three of the blocks thus rendering access for disabled persons acceptable.

A letter has been received from the applicants. The main points in the letter include the following:

- An apology for a representative not being able to be present at the meeting due to a long standing holiday commitment.
- The development would occur on an allocated employment site.
- The application proposes a reduction of 1393m2 of floorspace and 53 car parking spaces in comparison with the previous application.
- Despite the previous application receiving an officer recommendation for approval, the Committee refused the application due to their concerns regarding traffic impact.
- Highway improvements are proposed both at the M66 slip roads and at the Hollins Lane and Croft Lane junction. These have been the subject of discussions with Highways who have previously accepted the proposal subject to a condition on any planning approval.
- No other issues were raised during the consideration of the previous and current applications or during pre-application discussions that could not be addressed by planning conditions, for example detailed landscaping.
- Overall the development will provide opportunities for new high quality employment in accordance with the approved development plan
- The previous refusal of permission is the subject of a current planning appeal which is due to be heard at Public Inquiry in early April.
- They trust that Members of the Planning Committee have been fully appraised of the current situation and appreciate the significance of the current application which they hope they can support subject to conditions to be set out and agreed.

### Item:09 AINSWORTH ARMS, BURY AND BOLTON ROAD, RADCLIFFE, M26 4LJ Application No. 50806

FULL COVERED ROOF TO EXISTING EXTERNAL PERGOLA (RETROSPECTIVE)

Nothing further to report.

### Item: 10 CHESHAM PRIMARY SCHOOL, TALBOT GROVE, BURY, BL9 6PH Application No. 50842

INSTALLATION OF DECKED PLAY AREA AND RAINSHELTER

Nothing further to report.

### Item:11 LAND AT GLAZE WALK, WHITEFIELD Application No. 50853

RESIDENTIAL DEVELOPMENT - 4 DWELLINGS

### **Publicity**

Three letters have been received from the occupiers of Nos. 3, 5, & & Glaze Walk, which has raised the following issues:

- Maintain an objection to the proposal
- Object to the loss of parking spaces
- Loss of light to the occupiers of the existing residential dwellings
- Loss of access to fields, through a stile in the fencing surrounding Glaze Walk
- Loss of open space which is currently used by children as a play area.

The objectors have been notified of the Planning Control Committee.

#### Consultations

<u>Highways Team</u> - No objections to the proposal, subject to the inclusion of condtions relating to the provision of highway improvements and car parking.

Revised plans - The applicant held a meeting with the local residents and has agreed to amend the plans. The amendments include relocation of the proposed entrance door on plot 1 to the gable elevation. The inclusion of a non-habitable windows at ground and first floor level and the roof has been hipped. The revised plans have been submitted and are attached to this report. It is considered that the inclusion of a hipped roof to plot 1 would imcrease the amount of light received by the occupiers of Nos 5 & 7 Glaze Walk. Therefore, it is considered that the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the adopted Unitary Development Plan.

#### Response to objectors

- The issue of loss of light and loss of parking provision has been addressed in the main report.
- The fencing surrounding the site has been modified to allow access but this is not a public right of way. However, if evidence was supplied which confirmed that this was a public right of way, a formal diversion process would need to be requested.
- It is considered that Glaze Walk is not a formal play area and there would be alternative facilities near Douglas Walk and Lostock Walk, where children could play. Therefore, it is considered that the proposed development would not have an adverse impact upon play facilities within the locality.

Therefore, condition 2 should be amended following receipt of the revised plans and conditions relating to the provision of highwa\y improvements and car parking should be added:

2. This decision relates to drawings numbered M2996(PL)01, M2996(PL)04, M2996(PL)07 C (Plots 3 & 4), M2996(PL)07D (Plots 1 & 2), M2996(PL)11 B, M2996(PL)17 and the development shall not be carried out except in accordance with the drawings hereby approved.

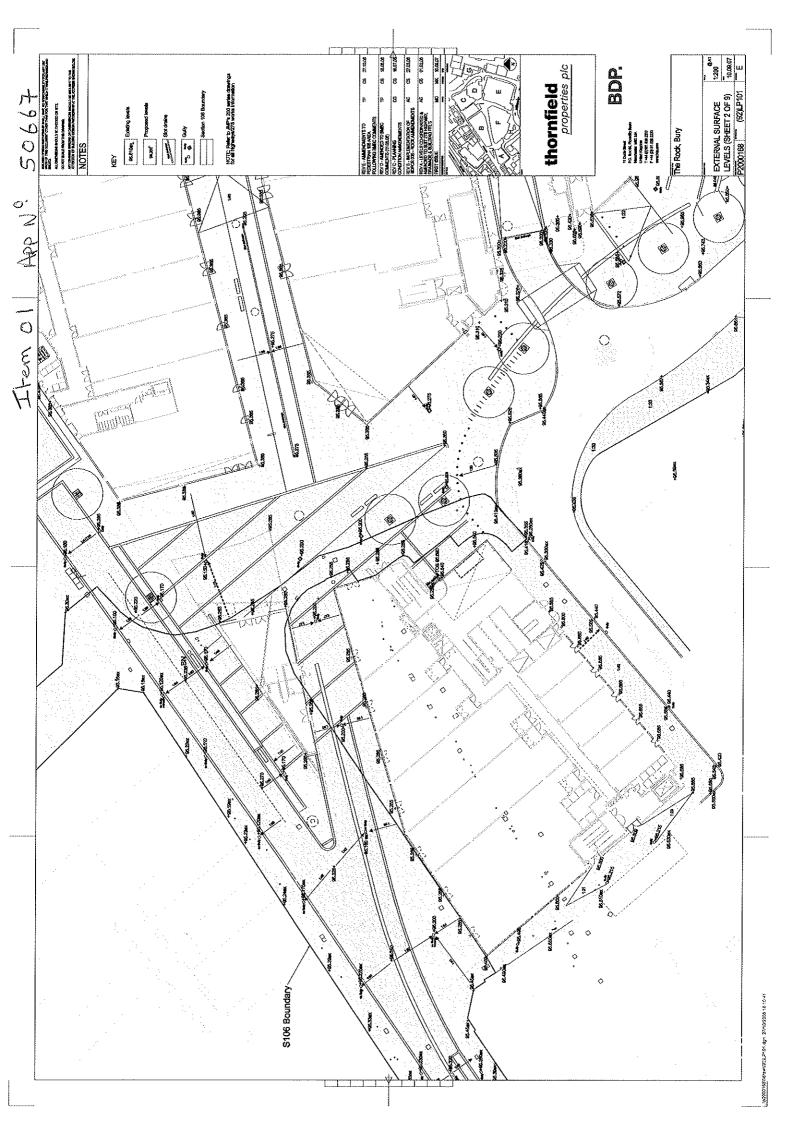
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design

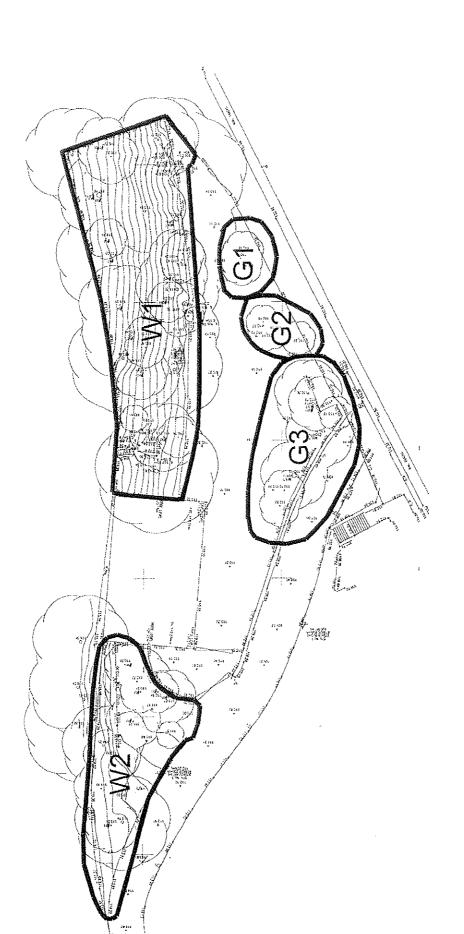
pursuant to policies of the Bury Unitary Development Plan listed below.

- 6. Notwithstanding the details indicated on the approved plans, the development hereby approved shall not be commenced unless and until full details of the proposed highway improvements including the formation of a turning head have been submitted to and approved in writing by the Local Planning Authority. The highway works subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied.

  Reason. To ensure good highway design and to minimise the standing and turning movements of vehicles on the highway in the interests of road safety, pursuant to Policy HT2/4 (Car parking & new development) of the Bury Unitary Development Plan.
- 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 dwellings hereby approved being occupied.

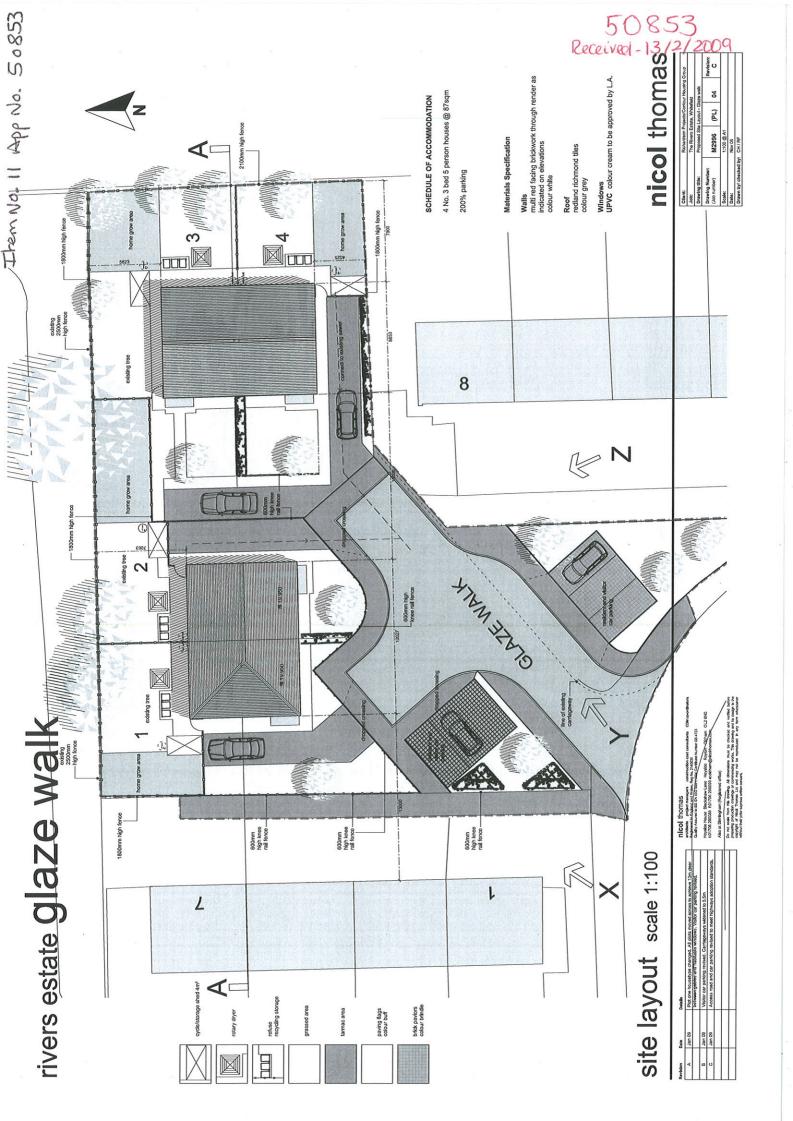
  Reason. To ensure adequate off-street car parking provision for existing and future residents in Glaze Walk in the interest of road safety, pursuant to Policy HT2/4 (Car parking & new development) of the Bury Unitary Development Plan.

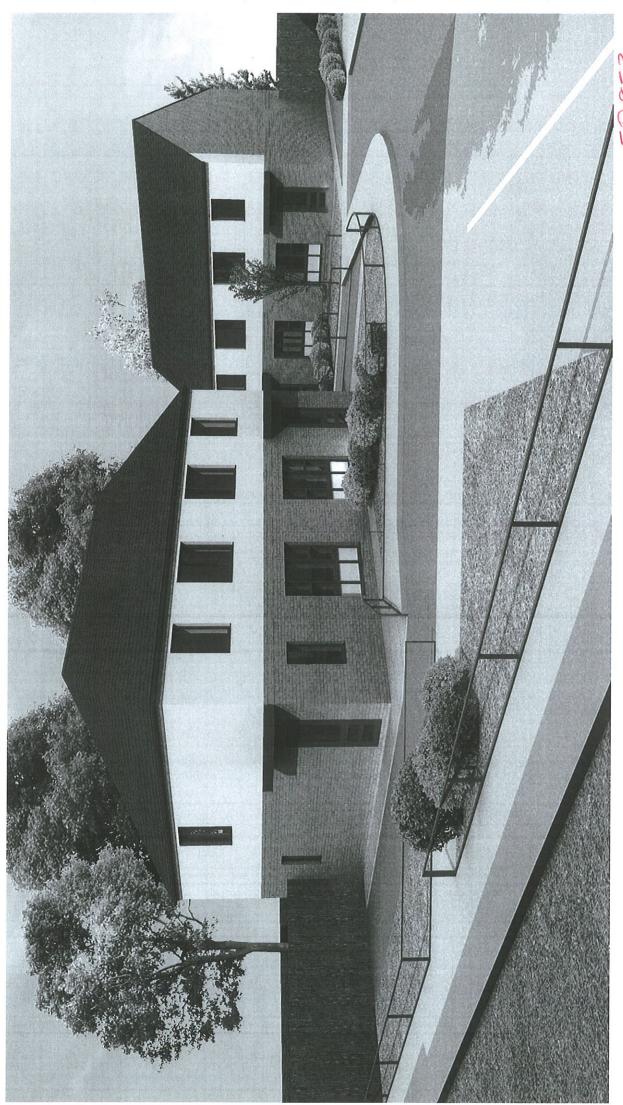




THE OLD ENGINE SHE SUMMERSEAT.

TREE LOCATIONS
SCALE: 1/200 @ A1
nuiberry DATE: JANUARY 2008
M39/TOES/TREE LOCATIONS





50853 Received 13/2/2009