

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 01

Applicant: Mr Mick Rogers

Location: WATERSIDE MILL & PEEL BRIDGE MILL, KENYON STREET, RAMSBOTTOM,
BL0 0AB

Proposal: CHANGE OF USE FROM HAULAGE DEPOT TO WASTE TRANSFER STATION
(RETROSPECTIVE)

Application Ref: 50696/Full

Target Date: 16/04/2009

Recommendation: Approve with Conditions

Description

The site is about 0.5ha in area and is situated between Kenyon Street on the easterly side and the River Irwell immediately to the west. It is occupied by two industrial buildings totalling 3500m² attached to each other with Waterside Mill on the westerly side next to the river and Peel Bridge Mill next to Kenyon Street with its wall set to the back of footway. The access to the single narrow yard serving both buildings is on the southerly side next to the currently vacant premises of Irwell Bridge Mill.

The site was previously used as a haulage depot, including ancillary storage and the application is for change of use to use as a waste transfer station for domestic, commercial and industrial waste. The applicant has recently used Peel Bridge Mill for a period for the storage of waste material which was tipped onto the floor of the building. This tipped mixed waste has recently been removed in response to enforcement action by the Environment Agency.

The submitted details show that most of the activity would be within the two buildings. Peel Bridge Mill would house four bays for use as separate material storage areas for cardboard and paper and bays for manual sorting and to provide a tipping area, with the majority of the floorspace to be a main operating area. Waterside Mill would house bays for the separate storage of soil, metal, wood and hardcore. There would also be space in this building for the overnight parking of skip loaders and hook loaders. A separate part of this building set next to the yard would provide 10 staff car parking spaces. The yard would have a relatively narrow section from the entrance point to a partly covered wider area providing a 22m diameter turning circle.

The surroundings are primarily industrial with a sizeable waste recycling centre operated by another company directly opposite, a vehicle repair premises and commercial yard on the north side as well as the vacant Irwell Bridge Mill immediately to the south. Planning permission and conservation area consent were recently granted at Irwell Bridge Mill for a scheme to provide offices involving partial demolition, alteration and conversion of the existing building (refs.49635 and 49636). There are also small pockets of terraced houses in the locality. These are not adjacent to the application site. Thus 1 – 11 Kenyon Street are about 43m to the south but traffic to and from the premises would pass these houses. To the north nos. 1 to 15 Harrison Street are about 23m away. The site is contained within the Ramsbottom Employment Generating Area. The site abuts the Ramsbottom Conservation area to its west and south.

Relevant Planning History

No recent applications made.

Publicity

30 properties were notified on 20th and 27th January 2009. These included the following:
1 – 15, Unit 2, Unit 3 and Unit 4 Field Mill, Harrison Street

1 – 11, Kenyon Street Works, Irwell Street Metals, Irwell Saw Mill, Ross Vale Tyres, and Cadden Haulage, Kenyon Street
1 – 13 Peel Brow

A site notice was posted from 27th January 2009 and a press notice was published in the Bury Times on 29th January 2009

14 objections have been received from 1, 9 and 11 Kenyon Street, 13 and 15 Harrison Street, 1 Peel Brow, Ross Vale Tyres, Kenyon Street, ISM, Kenyon Street Works, High Hope, Nangreaves, 22 Bolton Street, 6 - 8 Market Place, 51 Queen Street, 35 Bridge Street and "Petition objections against application 50696" from Residents & Businesses of Kenyon Street and Local Area. The petition contains 23 signatures of persons with addresses in Harrison Street, Kenyon Street, Peel Brow, Robert Street, Walmersley Road, Brandlesholme, Accrington, Rochdale, Walshaw Road, Nangreaves and Cedar Crescent. The main concerns expressed include:

- Increase in traffic including HGV's and noise with a adverse impact on highway safety and amenity.
- Too close to residential properties.
- The site is close to the river, a picnic site and borders a conservation area and the use would be in conflict with these neighbouring features.
- The use has been commenced by the illegal dumping of waste into the building regardless of advice received from the authorities. This leads to concerns about the future conduct of the activity.
- Fire risk to the surrounding area.
- Possibility of the use attracting vermin.
- The proposals lack drainage details and no buffer is shown between the waste management activity and the river.
- The current fly tipping activity is the subject of legal action by the Environment Agency.
- The development would be hazardous to the health of local residents.
- The current tipping already creates an unpleasant smell.
- There is the possibility of paper and waste deposited into the street from the development not being cleared.
- Concern that some of the deposited waste may be toxic or hazardous waste.
- The development would detract from Ramsbottom as a tourist attraction.

The objectors have been notified about the date of the meeting of the Committee.

Consultations

Highways Team - Recommend conditions to ensure that the vehicle turning and car parking facilities are provided.

Drainage Team - No objections.

Environmental Health (Contaminated Land) - The development has the potential to create contaminated land and to affect site users, other people in the locality and the wider environment. The applicant should, therefore, ensure that all activities are to be covered by an Environmental Permit from the Environment Agency.

Environmental Health (Pollution Control) - The submitted noise report fails to take into account the extra traffic noise that would be generated along Kenyon Street and the associated loss of amenity to residents. Recommend conditions to restrict deliveries of waste to 0800hrs - 1800 hrs Monday to Friday and 0800hrs to 1300hrs on Saturdays, to restrict all waste sorting and treating to be within the building, all reversing alarms for vehicles used on site or entering/leaving to of a type be agreed and no openings to be created in the east side of the building.

Environmental Health (Commercial Section) - No response.

Environmental Health (Public Health) - No response.

Conservation Officer - The development would seriously undermine the council's efforts to realise the town's heritage and visitor potential and will exacerbate the current traffic problems in the town centre. The proposal abuts the boundary of the Ramsbottom

Conservation Area and the proposal would be harmful to the future repair and use of Irwell Bridge Mill which is set to be restored as part of an approved scheme for commercial use. This scheme is an important factor in preserving and enhancing the character of the conservation area and the waste transfer proposal would discourage both the restoration and potential occupiers thus putting the future of Irwell Bridge Mill in doubt

Projects and Wildlife Officer - No response.

Environment Agency- No objections in principle. Recommend a condition requiring prior approval to drainage details.

GMP Architectural Liaison - No comments.

United Utilities - No response.

BADDAC - No comments.

Fire Officer - The access for fire appliances and water supplies for fire fighting are considered satisfactory.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN2/2	Conservation Area Control
EC2/1	Employment Generating Areas
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN7/4	Groundwater Protection
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
MW4	Environmental Considerations for Waste Disposal Sites
MW4/1	Assessing Waste Disposal Proposals
MW4/2	Development Control Conditions (Waste)

Issues and Analysis

Principle – The site is within the Ramsbottom EGA and under Policy EC2/1 the Council will only allow development for Class B1 (Business), B2 (General Industrial) and B8 (Warehousing) uses. Other uses will only be permitted where they constitute limited development or do not substantially detract from the area's value for generating employment.

The application involves the change of use of the buildings to a waste transfer station which is a "sui generis" use. The premises were previously used as a haulage depot with ancillary storage which itself is a "sui generis" use. Although a "sui generis" use is not strictly in line with the deemed acceptable for this EGA, it is considered that a waste transfer station is an industrial-type use that would be appropriate in an EGA.

Residential Amenity – Whilst not remote from residential properties, the site is buffered from the nearest houses by other premises. Furthermore, the previous and therefore lawful use as a haulage depot and ancillary storage would have a similar impact on residents in terms of HGV movements on Kenyon Street and manoeuvring of such vehicles within the site. The environment is generally unpleasant for the two small pockets of housing in this old well established area of employment uses but the presence of the use is not likely to make it any worse than at present.

The applicant has submitted a letter from the previous user of the premises in which it is stated "We ran a haulage company from the site for around twenty years. We operated 7 days per week from approx 7.30am until 6.30pm, in which time 32ton artic lorries making approx 20-30 visits to the premises each working day".

Environmental Health (Pollution Control) have recommended four conditions to limit the impact of the use on the amenities of the area. The conditions suggested that would limit the times of deliveries and stipulate the type of reversing alarms to be used are not considered to be enforceable as it would be impracticable to control vehicle movements

and there would be vehicles accessing the site that are not within the control of the applicant. However, other controls to protect the amenities of the area should be imposed through conditions attached to any permission. These should include the restriction of storage, sorting and treatment of waste to be carried out only within the buildings and storage to be confined to the indicated designated bays, measures to be taken to control the impact of dust and windblown material arising from the use and to prevent new openings from being created in a rear the elevation that faces in the direction of residential properties in Harrison Street.

It is notable that the officer from the Environment Agency who was involved with enforcement action regarding the recent fly tipping activity verbally expressed the view that the premises are more suitable for use as a waste transfer station than some of the waste transfer facilities he deals with for licensing purposes and that the fact that most of the operational area is under cover is considered to be an advantage in terms of the amenity impact of the use.

Effective detailed control of the proposed use would be primarily carried out by the Environment Agency through its powers under the Environmental Permitting Regulations 2007. It would not be appropriate for the Local Planning Authority to try to duplicate this control.

Access, Traffic Generation and Parking – Traffic generation is likely to be of a similar scale to the previous haulage depot activity with the means of access not being capable of alteration. The premises lacks external space but internally there would be sufficient car parking spaces (10 in total) and turning and manoeuvring areas are indicated for commercial vehicles. The external areas for vehicle movements are more limited than is usual in the case of a waste transfer station but the turning area shown is considered to be sufficient provided it is unobstructed and any permission should be subject to a condition ensuring its provision and protection from obstruction as well as ensuring the provision of the proposed car parking facility.

Impact on Conservation Area - The adjacent premises Irwell Bridge Mill are in Ramsbottom Conservation Area and are the subject of an approved scheme for conversion onto offices. There is a concern that the use of the application premises in such very close proximity would be of detriment to the Irwell Bridge Scheme, to the extent even that the developers may decide not to go ahead. The view has been expressed by the Conservation Officer that this would undermine the Council's aspirations to promote preserve and enhance the conservation area character.

Looking in detail at the inter-relationship of the premises and Irwell Bridge Mill it is apparent that there would continue to be a back wall of Irwell Bridge Mill against the access into the site. There would be some windows on this wall but these would be to toilet facilities. Furthermore, a resumption of the lawful haulage use would have similar impact. It is, therefore, doubtful if the impact on the conservation area would be of a sufficiently material scale to justify a refusal of the application, remembering that the use would be in an area dominated by commercial industrial uses, including a current waste transfer station on the opposite side of Kenyon Street.

Impact on River Irwell – The premises has a back wall directly next to the River Irwell. The Environment Agency has no record of any direct drainage from the mills into the river. However, a significant concern is that the use should not give rise to effluent that could cause pollution of the watercourse and the Agency has recommended a condition requiring prior approval being obtained to a drainage scheme. Furthermore, the use would be subject to detailed control by the Environment Agency through the requirement for the operator to obtain a permit under the Environmental Permitting Regulations 2007. In addition, any proposal for discharging into the river would also require a discharge consent from the Agency.

Relevance of Current Tipping Activity – The nature of the recent fly tipping operation was

in stark contrast with the layout of operating areas and segregated bays shown on the submitted layout plan. However, it would be inappropriate to judge the proposed development in terms of the nature of the unauthorised activity that has taken place. It is considered that the use is capable of being properly conducted as indicated in the application and that it can be controlled through planning conditions and the powers exercised by the Environment Agency.

The Objections - Some of the concerns expressed by the objectors stem from the nature of the recent unauthorised activity. However, as stated in the previous section, the application has to be considered on the basis of the submitted details rather than the situation that has occurred. Concerns about the impact on residential amenity need to be considered against the situation that the premises can lawfully be used as a haulage depot with associated storage.

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 use is acceptable within an Employment Generating Area. It would not have a materially detrimental impact on amenity nor on the adjacent conservation area. The car parking and servicing provision is 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. There shall be no storage, sorting or treatment of waste material carried out outside the buildings and all waste material storage shall be confined to the designated bays indicated on the proposed site plan.
Reason. In order to protect the amenities of the area pursuant to policies MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control (Waste), EN1/2 - Townscape and Built Design and EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
3. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has 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 prevent the pollution of any watercourse or any ground water pursuant to policies MW4/1 - Assessing Waste Disposal Proposals, MW4/2 - Development Control Conditions (Waste), EN7/3 - Water Pollution, EN7/4 - Ground water Pollution and EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
4. The car parking indicated on the approved plans shall be demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing and the vehicle parking spaces shall not be used for any other purpose unless otherwise agreed in writing with the Local Planning Authority.
Reason. To ensure adequate off street car parking provision in the interests of road safety and amenity pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

5. 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.
6. 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 windblown material including the watering of all haul roads and access road 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 pursuant to policies MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste) of the Bury Unitary Development Plan.
7. There shall be no openings created in the buildings on the easterly side facing towards Harrison Street.
Reason. In order to protect the amenities of nearby residential properties pursuant to policies MW4/1 - Assessing Waste Disposal Proposals, MW4/2 - Development Control Conditions (Waste) and EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
8. The use hereby approved shall not include the handling or storage of any putrescible waste material.
Reason. In the interest of protecting the amenities of the area which includes residential property pursuant to Policies MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste) of the Bury Unitary Development Plan.
9. This decision relates to the drawings received on 15th 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.

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

Ward: North Manor

Item 02

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

The application was deferred from the Planning Control Committee on 17th February 2009 to allow Members to visit the site.

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

50795 - Listed building consent - change of use from industrial to restaurant (use class A3) at Former Railway Goods Yard, Rowlands Road, Summerseat. Received - 14 January 2009.

50968 - Removal of operational crane and re-installation in Castlecroft Warehouse (Grade II listed building), Bury at Railway Goods Yard, Rowlands Road, Summerseat. Received - 19 February 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; Brooksbottam 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.

15 letters have been received from the occupiers of Riverside Cottage, Hillside Gardens; Forrest Cottage, The Pines, Railway Street; 3 Crag Avenue; 38 Hazel Hall Lane; 28 Rowlands Road; Dollytub Cottage, Hillside House, 186, 190 Railway Street; 62 Stanley Road & 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
- The building is listed and should not be changed
- Impact of the proposal on highway safety
- Object to an Indian 'curry smelling' restaurant
- Object to late night disturbance
- 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.
- Object strongly if the restaurant had a takeaway service
- Proposed development is unsuitable for the conservation area in Summerseat
- The building forms part of the heritage of Lancashire and should be preserved in its original condition.
- Object to the change of use of the building to a restaurant
- The proposal would lead to an increase in petty crime
- An Indian restaurant is not required by the community

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

- Welcome the retention of the hand 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

- 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 safety 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.

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 objections

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, parking, highway safety, removal of trees and the impact of the proposal upon noise and smell are dealt with above.
- The objectors have commented 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.
- 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.

- 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.

- The GM Police Architectural Liaison Unit has no objections to the scheme and it is considered that the proposal would not lead to an increase in crime within the area.

- The objectors have commented on the requirement for an Indian restaurant. The application is for the change of use of the building to a restaurant and no type of restaurant has been specified. However, 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. 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.

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. 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.

8. 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.

9. 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.
10. 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.
11. 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
12. 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
13. 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
14. 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.

15. 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.
16. 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.
17. 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.
18. 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.
19. 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 03

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

The application was deferred from the Planning Control Committee on 17th February 2009 to allow Members to visit the site.

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.

50968 - Removal of operational crane and re-installation in Castlecroft Warehouse (Grade II listed building), Bury at Railway Goods Yard, Rowlands Road, Summerseat. Received - 19 February 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.

Two letters have been received from the occupiers of 186 Railway Street & 62 Stanley Street, which have raised the following issues:

- The building forms part of the heritage of Lancashire and should be preserved in its original condition.
- The building is listed and should not be changed

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

The objectors have been notified of the Planning Control Committee

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.

Response to objectors - 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.

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 - Besses

Item 04

Applicant: Contour Housing Group Ltd

Location: LAND AT BOLLIN WALK, WHITEFIELD

Proposal: RESIDENTIAL DEVELOPMENT - 2 DWELLINGS

Application Ref: 50854/Full

Target Date: 09/03/2009

Recommendation: Approve with Conditions

Description

The application is one of three recent applications for residential development on this residential estate. The application site is located off Roch Crescent and consists of Bollin Walk, which runs diagonally across the site and links to a hardstanding to the north. The hardstanding is currently used for parking by local residents. The site is bounded by residential properties to the east, west and south. There are residential properties and a playground for Mersey Drive County Primary School to the north of the site.

The proposal involves the erection of two semi-detached dwellings on the site. Bollin Walk would be widened at the junction with Roch Crescent and off-road parking would be provided in the form of driveways. Additional parking for use by existing residents or visitors would also be provided.

Relevant Planning History

50853 - Residential development - 4 dwellings at land at Glaze Walk, Whitefield. Approved with conditions - 19 February 2009

50855 - Residential development - 6 dwellings at land at Lydgate Close, Whitefield. Refused - 13 March 2009

Publicity

The neighbouring properties were notified by means of a letter on 13 January. An additional letter was sent to all the neighbouring properties on 10 February. This letter was sent as some of the original letters had not been received by the occupiers and allowed for a further 10 day consultation. 4 letters have been received from the occupiers of 1, 3, 7 & 9 Bollin Walk, which have raised the following issues:

- Loss of light to the existing dwellings from the proposed boundary fencing and the gable elevation of the proposed dwelling
- Proposed development would restrict vehicular access and parking
- Proposed parking spaces are too far from the existing properties
- Disruption during construction of the proposed dwellings
- Loss of parking facilities

The objectors have been informed of the Planning Control Committee.

Consultations

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

Drainage Team – No objections

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

Landscape Practice - No response

Waste Management - No response

GM Police Architectural Liaison – No response

BADDAC – Development appears to have potential to be lifetime homes standard. Clarify details of approaches to entrances.

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
EN1/1	Visual Amenity
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 within 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 land for parking and is considered to be previously developed land. As a result, it is considered that the proposed development would not conflict with the surrounding 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 a pair of semi-detached properties and would be of a traditional design. The proposed dwellings would be the same height as the existing dwellings and it is considered that they are appropriate in terms of height, form and scale. The proposed dwellings would incorporate a variety of materials, such as brickwork, render and cladding. The proposed materials would add interest to the elevations and it is considered that the proposed dwellings would not be unduly prominent within the locality. Therefore, the proposed development would be in accordance with Policies EN1/2, H1/2 and H2/2 of the adopted Unitary Development Plan.

The site plan indicates that the proposed dwellings would have side or rear gardens, which would be bounded by 1.8 metres fencing along the frontage of No. 9 Bollin Walk and 2.1 metres fencing on all the other boundaries. It is considered that the proposed fencing would keep the gardens secure and would reflect the existing boundary treatments in the locality. Space has been allocated within the rear garden for the storage of refuse bins. The landscaping plan identifies areas of planting and hardstanding and no additional lighting would be required as the existing street lighting would be adequate. It is considered that the proposed driveways and parking areas should be constructed using a permeable surfacing and this would 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 elevation of No. 9 & 7 Bollin Walk and the two storey gable elevation of plot 1 and 26 metres between the rear elevation of 11 Bollin Way and the gable elevation of plot 2. There would be over 24 metres between the front elevation of the proposed dwellings and the properties on Roch Crescent, which would comply with the aspect standards in DCPGN6. Therefore, it is considered that

the proposed development would not have a significant adverse impact upon the amenity of the occupiers of the nearby dwellings in terms of loss of privacy or loss of light.

The proposed fencing for the garden area at plot 1 would be 6.7 metres at its closest point to the front elevation of No. 9 Bollin Walk. The proposed fencing would be smaller in height than a single storey extension. As the proposed fencing would comply with the aspect standard for a single storey extension distance, it is considered that the proposed fencing would not have an adverse impact upon the amenity of the occupiers of the dwellings on Bollin Walk. Therefore, the proposed development would be in accordance with Policy H2/2 of the adopted Unitary Development Plan.

Highways Issues - The proposed development would be accessed from Roch Crescent and would retain the existing turning head on Bollin Walk. It is considered that there would be adequate visibility splays and the highways team has no objections to the proposal, subject to the inclusion of conditions relating to car parking. Therefore, it is considered that the proposed development would not be detrimental to highway safety and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

SPD11 (Parking standards) states that for dwellings of this size, a maximum of 3 spaces per unit should be provided. It would be possible to accommodate two cars on the proposed driveways for the proposed dwellings. It is considered that two spaces would be adequate as the site has good access to public transport.

The application site was previously used by local residents for parking. The proposed site plan indicates that a separate driveway would be provided for use by No. 9 Bollin Walk and there would be 11 spaces for use by existing residents and visitors. These 12 spaces would be provided in addition to the parking provision for the proposed dwellings. It is considered that the overall level of parking provision would be 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.

Response to objectors – The issues of loss of light to the existing dwellings are dealt with above. The proposed development would result in the loss of the existing parking facilities. However, this land is not adopted highway and additional parking (11 spaces and an additional driveway) would be provided for existing residents and visitors. The proposed parking spaces would not be any further away than the existing parking facility. 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 the proposed development is appropriate in terms of design, scale and layout. The proposed development would not look out of place within the locality, 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)02, M2996(PL)05C, M2996(PL)08B, M2996(PL)12A, M2996(PL)15 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.
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. 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.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
 - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
 - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. 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 and New Development of the Bury Unitary Development Plan.

8. 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 and PPS25 - Development and Flood Risk.

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

Ward: North Manor

Item 05

Applicant: Mr Peter Hall

Location: LAND SOUTH OF RAMSBOTTOM ROAD, HAWKSHAW, BURY (ADJ BOLTON/BURY BOUNDARY)

Proposal: 3 STABLES AND FEED/HAY STORE AND CREATION OF NEW ACCESS

Application Ref: 50886/Full

Target Date: 20/03/2009

Recommendation: Approve with Conditions

Description

This application follows two previous applications for stables, refused in October 2008 and in January 2009. The former was for stables and a new access at the southern end of the field, adjacent to Turton Road. This was refused on grounds that the new access would be unsafe without the removal of an extensive section of hedging which in turn would open up the site to the detriment of visual amenity and Green Belt policy. The second application involved the site of the current proposals. The submitted plans were unclear and thus the the scheme was refused on grounds of insufficient information. The plans for current scheme are clearer and can be more accurately assessed.

The proposed stables would be located in a field (approx 4.2ha) on the south side of Ramsbottom Road close to the border with Bolton and Blackburn. The site which has 100m frontage onto Ramsbottom Road is located in the open countryside within West Pennine Moor and the Green Belt and is classed as an area of Special Landscape within the UDP. The field slopes up from the Ramsbottom Road to Turton Road on the northern boundary and there is a public footpath running between Turton Road and Ramsbottom Road adjacent to the eastern boundary. A small stream runs along the southern boundary which has a sporadic hedgerow and a number of semi-mature trees.

The proposal has three main elements, the stables, and the associated hardstanding and the new access.

The timber clad stable block would comprise three horse boxes and a tack and feed store with a concrete apron and a crushed stone turning area to the side. The block would be situated adjacent to the Ramsbottom Road boundary behind the existing hawthorn hedge and trees. A 1.2m timber post and rail fence would run around the stables and hardstanding. The stables would accommodate the applicant's three horses, all of which have horse passports.

The new access would be formed to the east of the existing lay-by. It would bridge over the small stream and run approximately 17m into the field to form a turning area made upm of crushed stone. In order to accommodate the access a section of hedging needs to be removed and it is indicated that new hedging would be planted between the stables and Ramsbottom Road and along that section of the boundary to the rear of the lay-by that does not at present have a hedge along it. It is also indicated that there would be additional tree planting to the west of the stables and new grass seeding where the land would be disturbed by construction work.

Relevant measurements:

Stable block - Length 14.2m

Width 5.2m.

Ridge Height 3.4m.

Concrete apron - 18.5m x 3.6m (approx)

Parking/hardstanding - 14m x 14m
Width of access onto Ramsbottom Road - 6.1m

Relevant Planning History

50731 - Stables and new access - Refused 1/10/2008

50347 - Stables and new access - Refused 1/10/2008

Publicity

Site notice posted 27/1/2009 and press advert placed in Bury Times 29/01/2009. Surrounding neighbours notified by letter dated 23/01/2009 at 10 - 20(evens) Ramsbottom Road, 253 Bolton Road and Old Water Fold Bradshaw Road - Three letters of objection from the occupiers of Old Water Fold, 320 Turton Road, Bradshaw Road, 48 Freckleton Drive and 253 Bolton Road. The concerns are summarised below:

- The development would increase the chance of accidents on what is a dangerous stretch of road where accidents have occurred recently.
- There is not enough level ground to exercise horses.
- The access/turning space would increase run-off onto the road.
- Risk of pollution to nearby water courses.
- The development would have a detrimental impact on the Green Belt.
- The development would have a detrimental impact on the ecology of the area.
- Approving this development would set a dangerous precedent for similar in future.
-

The objectors have been informed of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health - No comment.

Public Rights of Way Officer - No objection.

Environment Agency - No objection.

Greater Manchester Police Architectural Liaison - No comment.

Bolton MBC - No comment.

Wildlife Officer - No objection subject to a habitat enhancement plan for the site.

Blackburn and Darwen Borough Council - No objection.

Baddac - No comment.

Unitary Development Plan and Policies

OL7/2 West Pennine Moors

OL1/2 New Buildings in the Green Belt

EN1/1 Visual Amenity

OL4/7 Development Involving Horses

EN9/1 Special Landscape Areas

SPD10 Planning for Equestrian Development

HT2 Highway Network

HT4 New Development

PPS7 PPS 7 Sustainable Development in Rural Areas

PPG2 PPG2 - Green Belts

SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt

Issues and Analysis

Principle - The principle of stables in the open countryside is acceptable. National guidance within PPG2 Green Belts states that essential facilities for outdoor sport and recreation and which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it are considered to be acceptable.

PPG2 indicates that visual amenities of the Green Belt should not be injured by proposals for development within the Green Belt, which although would not prejudice the purposes of including land within it, might be visually detrimental by reason of siting, materials or design.

PPS7 Sustainable Development in Rural Areas recognises that equestrian activities can fit well into rural areas and benefit the local economy subject to various siting and design criteria which is reflected in the Council's own Development Control Guidance Note 10 Planning for Equestrian Development.

UDP Policy OL4/7 - Development Involving Horses states that the keeping of horses for recreational purposes will be considered acceptable where it would not have an adverse impact on the appearance of the rural area. The policy is supported by Supplementary Guidance Note No.10 - Planning for Equestrian Development. The guidance indicates that stables should be sited close to boundary planting to afford appropriate screening. They should be at least 30m away from houses to protect residential amenity and have a good access to roads and riding routes. They should be well designed and of an appropriate size and constructed in traditional materials such as timber. There should be enough land to support the number of horses to be housed within the stables - the British Horse Society recommends 1 acre per horse.

Policies EN9/1 and OL7/2 relate to Special Landscape Areas and to the West Pennine Moors respectively and state that development should be managed to reduce any detrimental impact on the character of the area.

As the site falls within an area of grassland that may have ecological value, Policy EN6/3 is also relevant. This policy states that land use changes on existing features of ecological value should be taken into account when assessing development proposals.

Impact on the Openness of Green Belt - In terms of siting, the proposed stable block is generally in line with advice in the adopted Supplementary Guidance Note No.10 - Planning for Equestrian Development, in that the building would be positioned behind existing boundary tree and hedge planting and set down from the syline in the lower section of the field. The site is sloping and in line with advice in SPG 8 - New Buildings and Associated Development in the Green Belt, the stable building would be parallel with the contours of the field and the cut and fill required on the southern side of the site would, with additional proposed tree and hedge planting reduce the overall visual impact of the development on the openness of the Green Belt and character of the surrounding countryside. The field is undulating as it slopes down from Turton Road and as such the stable block would be viewed intermitently by the public walking in a northerly direction along the public footpath that runs along the side of the site between Turton Road at the upper end of the field and Ramsbottom Road. However, the impact would be mitigated by the fact that views would be from higher ground, across the top of the stables and set against the backdrop of surrounding trees and hedges. The field in which the stables would be located is currently grazed by horses and it would not be considered unusual or incongruous to see stables of this size within the locality.

The stables would be of a conventional design, being constructed in timber and stained dark brown with a mono-pitched shallow sloping roof. The horse boxes and tack room are of average size and not overlarge. The proposed access and turning area would be surfaced with a crushed local stone or a mesh to allow grass to grow through to be agreed with the Local Planning Authority. Given the scale, design and location of the stables within the field, it is considered that the development would not have a significantly detrimental impact on the openness of the Green Belt or character of the West Pennine Moor.

Residential Amenity - It is noted that there are no residential properties in the immediate vicinity with views directly onto the site and the closest property is approximately 100m away to east. This separation distance is considered to be adequate.

In terms of the ecology of the area, the site is within a mosaic of various grassland which may have ecological value. However as the development is small scale it is not considered that the development would have a seriously detrimental impact on ecology. It is considered sufficient to attach a condition requiring an ecological survey prior to commencement of

development and mitigation measures implemented if required.

Drainage - For a development of this scale, the bunded manure container is considered to be sufficient to store waste without causing concern in terms of pollution. Water run off from the site and stables in particular is unlikely to be significant and should not adversely affect nearby watercourses. Separate permission from the Environment Agency will be needed for the proposed culvert under the access point.

Highways - Ramsbottom Road has a 40mph speed limit. A development of this nature on this section on road would be required to obtain 2.4x90m visibility splays. The required visibility splays can be achieved with the removal and replanting a section of hedgerow along the frontage. The presence of the existing lay-by, adjacent to the proposed access, should not unduly interfere with the proposed access arrangements.

Objections - The concerns relating to the visual amenity and Green Belt have been addressed above and it is considered that a modest stable block could be located within the field without detrimentally affecting the openness of the Green Belt or visual amenity of the locality. With regard to drainage, the access and turning area would be constructed of permeable materials which would reduce runoff to the road. Any run off from the stables and concrete hardstanding would not be significant enough to cause concern either to the highway or nearby watercourses. The bunded manure store would be considered adequate and would be subject to Environmental Health regulations and inspection by an appropriate officer.

Concerns about highway safety are valid particularly in view of recent traffic accidents. However the proposed visibility splays are considered to be adequate in this location and as such there are no sustainable reasons for refusal on highway grounds. The fact that there have been car accidents on this stretch of road in the recent past does not change this view.

With regard to ecology, although the site is within a mosaic of grassland, it is modest in scale and would have a negligible impact. Any approval however would be subject to a condition requiring an Habitat Enhancement Plan which requires the applicant to implement a landscape plan that would encourage wildlife and mitigate any loss of wildlife habitat that comes about from the development.

The application and plans are considered to comply with the UDP policies listed.

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 stables are considered to be acceptable in terms of the siting, design and impact on the neighbouring properties and the surrounding countryside and complies with UDP policies listed and DC Guidance Note 10 - Planning for Equestrian Development. 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 19th January 2007 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 stables hereby permitted shall be used for the domestic purposes only. They shall not be used in part or whole for any commercial livery, equestrian or other use.
Reason: In the interests of amenity having regard to the location of the site pursuant to Policies OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan.
4. Samples of the materials to be used in the external elevations and surfacing 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.
5. Full details of the planting scheme which will form a Habitat Enhancement Plan for the proposed grassland, hedges and trees on the approved layout plan 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 stables are completed; and any plants removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced to the written satisfaction of the Local Planning Authority.
Reason: To secure the satisfactory development of the site and in the interests of ecology and visual amenity pursuant to UDP Policies EN1/1 - Visual Amenity, EN6/3 - Features of Ecological Value and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
6. No development approved by this permission shall be commenced until, a scheme for the containment and storage of manure, has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed, in accordance with approved plans.
Reason: To prevent the pollution of the environment pursuant to Policies OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan.
7. No vegetation clearance shall be carried out on the site between 1st March and 31st August inclusive in any year unless otherwise approved in writing by the Local Planning Authority.
Reason: To protect reduce the impact on the flora and fauna of the site.
8. Any soil or soil forming materials brought to site for use in landscaping and filling 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.
9. 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.

10. The visibility splays indicated on the approved plan shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.

11. 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.

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

Ward: Whitefield + Unsworth - Unsworth

Item 06

Applicant: Mr N Ahmed

Location: 1 POLE LANE, UNSWORTH, BURY, BL9 8QD

Proposal: CHANGE OF USE FROM CLASS A3 CAFE / TAKEAWAY TO CLASS A5 TAKEAWAY (REVISED SCHEME)

Application Ref: 50901/Full

Target Date: 20/03/2009

Recommendation: Approve with Conditions

Description

The site is a detached flat roofed single storey building within Local Centre 09 – Unsworth Pole/Parr Lane. The centre consists of 20 units in total with three in detached units (including the Bay Horse PH) and the rest in three blocks.

Directly to the north are two retail shops with residential accommodation above and to the south east, approx 11m away is the corner of Pole Lane Court flats building.

The proposal is to change the use of the site from a Class A3 (Café/Take-away) with opening hours of 0900hrs to 1800hrs daily to Class A5 (Hot Food Take-Away) with hours of opening of 1200hrs to 2300hrs Monday to Saturday and 1800hrs to 2300hrs on Sundays and Bank Holidays.

Relevant Planning History

36501	Change of use from Class A1 (Retail) to Class A3 (Tea Room/Sandwich Bar)	Approved Conditionally 05/07/2000
50701	Change of use from Class A3 (Café/Takeaway) to Class A5 (Hot Food Take-away)	Withdrawn

Application 50701 was withdrawn to enable the applicant to revise the size and position of the extraction flue.

Publicity

Immediate neighbours were written to on the 26th January 2009. Five letters of objection has been received from 99, 101, 129, 133 & 175 Pole Lane Court which have raised the following issue:

- There is a bakery and a chip shop and other takeaways just down Sunnybank Road there is no need or any more.
- Intimidation with large groups of youths gathering and people who have had a lot to drink will frequent at night.
- Concerned that vermin will be attracted to the area which will affect the value of my property.
- Impossible to parking, double yellow lines on road
- Late night noise
- Rubbish being dropped
- Smells being created so cannot open windows in the summer

The objectors have been informed of the Planning Control Committee

Consultations

Highways Team – No objection

Drainage Team – No objection
Environmental Health – No comments
GM Police – No objection
BADDAC – No objection

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
S1/5 Neighbourhood Centres and Local Shops
S2/6 Food and Drink
HT2/4 Car Parking and New Development
HT5/1 Access For Those with Special Needs
SPD11 Parking Standards in Bury

Issues and Analysis

Principal – The site sits within a Local Shopping Centre and as such needs to be assessed against Bury Unitary Development Plan Policy S1/4 – Local Shopping Centres. Under this policy the Council seeks to maintain and enhance local shopping centres and the provision of shopping facilities to cater for the day to day needs of local residents and businesses. The main emphasis is on the consolidation and enhancement of the existing retail (Class A1) provision. Whilst it is recognised that it may not always be possible to safeguard existing retail provision in this instance the retail element has already been lost as the existing use is no longer Class A1 (Retail). The proposal is not contrary to Bury Unitary Development Plan Policy Number S1/4 - Local Shopping Centres. The principal of the use is considered acceptable subject to compliance with Bury Unitary Development Plan Policy S2/6 - Food and Drink.

Bury UDP Policy S2/6 - Food and Drink states that a proposal for a hot food take-away will be assessed against the following criteria;

- The amenity of residents by reason of noise, smell, litter and opening hours.
- The concentration of A5 uses within the centre.
- Parking and servicing.
- Storage and disposal of refuse.
- Impact of flues.

Residential Amenity – There is residential accommodation above the retail shops directly to the north. The adjacent property has a bedroom window on the side elevation overlooking the flat roof of the site. However any residential accommodation above a shop within a shopping area will experience noise and disturbance due to the nature and hours of businesses of a shopping area and as such the change of use will not add unduly to the level of noise and disturbance that exists at present.

Pole Lane Court flats are south east of the site with their front elevation set further back from Pole Lane than the rear elevation of the site. There is a minimum of 17m from the site to the nearest ground floor window on the north elevation of Pole Lane Court facing the site and over 16m to the one on the west elevation facing towards Pole Lane. Between the site and the flats is the access road to the shop behind the site, an access path to the flats which has a low fence on each side and a grassed area around the flats. This means that the new use will not add to the level of noise and disturbance that exists at present.

Concentration of A5 Uses – A break-down of the existing uses of the 20 units in the centre is;

<u>Use Class</u>	<u>Number</u>
Class A1 (Retail)	11
Class A2 (Financial and Professional)	3
Class A3 (Café) - Application Site	1
Class A4 (Pub)	1
Class A5 (Hot-Food Take-Away)	1

Class D1 (Non-Residential Institution)	2
Sui Generis (Car Sales)	1
Total	<u>20</u>

There is one other A5 take away that is on a separate row four units to the north. Therefore an additional unit within Class A5 use in this position is not considered to be an over concentration of the use.

Parking and Servicing – The Development Control Policy Guidance Note 11 – Parking Standards in Bury (DCPGN 11) states the maximum number of car parking spaces for a Class A5 use of this size should be 6. The application does include provision for one on-site parking space. However the centre as a whole has a parking area that includes disabled parking bays between the war memorial and the shops on Parr Lane. There is also a larger car park to the rear of the shops on Parr Lane that has vehicular access from Pole Lane and has pedestrian access between the small supermarket and the Bay Horse PH. There is also some on-street parking around the war memorial and on Pole Lane. Servicing the site would be via the existing access road at the side as existing. The site is therefore considered to be well served for parking and servicing facilities.

Storage and Disposal of Refuse – The plans submitted with the application indicate a dedicated area at the rear for refuse bins. There is a possibility of increased litter but this should be not be an issue as there is a litter bin directly outside the shop.

Impact of Flues – The submitted plans show a 700mm high flue that is centrally positioned along the side elevation adjacent the access road at the side, which projects through the flat roof. This means the flue is off set from and is the maximum distance away possible of approximately 9.5m from the bedroom window on the side elevation of 75 Parr Lane. The minimal height of the flue means it is not a dominant feature when viewed in the streetscene. The nature of modern extraction systems means that fumes and odours are rendered inoffensive and a condition requiring a scheme to be submitted and approved in writing prior to the proposed use commencing is recommended.

Given the above the proposal is considered to be acceptable when assessed against the criteria of Bury UDP Policy S2/6 - Food and Drink.

Access for All – The site has level access into the building and is considered to give equal access for all pursuant to Bury UDP policy HT5/1 - Access For Those with Special Needs.

Comments on Representations

As stated in Issues and Analysis above there is only one other Class A5 use in the centre so there is not an over concentration of Class A5 uses in the area. The takeaways stated in the letter as 'just down Sunnybank Road' are in Local Centre 08 – Sunnybank Road that is 0.6m from the application site.

There are a number of physical barriers between the shop and windows of the Pole Lane Flats so if any member of the public was to get within reach of the windows then it is trespass and the police should be called. The gathering of 'youths' is a common problem within modern society as a whole and not specific to the proposed Class A5 use or local shopping centres in general. The application site has the existing use as Class A3 so can re-open at anytime as a café or restaurant which would have the same potential level of attraction to youths. GM Police have been consulted and do not object to the proposal so it would be unreasonable to refuse the application on these grounds.

Any incidents regarding rats or mice should be brought to the attention of the Environmental Health Section to be dealt with under their legislation.

The issues of parking, noise, rubbish and smells have been dealt with in Issues and Analysis above.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
Having studied the submitted documents, assessed the proposed development on site and taken into account any representations and consultation responses, in particular Bury Unitary Development Plan Policies S1/4 – Local Shopping Centres and S2/6 - Food and Drink, it is considered that the proposed development would not effect the character of the area, cause harm to the occupiers of the adjacent shops, nor adversely impact on highway safety issues. It would not cause demonstrable harm to other interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 0105-001; 0105-002; 0105-003B; 0105-004B; 0105-005A; 0105-006 & 0105-007 received on 23rd 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 Bury UDP Policy EN1/2 - Townscape and Built Design.
3. The use hereby permitted shall not be open to customers outside the following times: 1200hrs to 2300hrs on Mondays to Saturdays and 1800hrs to 2300hrs on Sundays.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating, diluting and dispersing fumes and odours has been submitted to and approved by the Local Planning Authority. The development shall be implemented prior to first use of development, in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority
Reason. In order to prevent loss of amenity to local residents by virtue of fumes, odour and noise, pursuant to UDP Policy S2/6 - Food and Drink.

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

Ward: Whitefield + Unsworth - Pilkington Park

Item 07

Applicant: Mrs Anna Morrision

Location: 258 BURY NEW ROAD, WHITEFIELD, M45 8QN

Proposal: CHANGE OF USE GROUND FLOOR RETAIL (CLASS A1) TO WINE BAR/BISTRO/COFFEE SHOP (CLASS A4) TOGETHER WITH NEW SHOP FRONT AND AWNINGS; OUTDOOR SEATING AREA WITH ASSOCIATED FENCING AND PLANTING

Application Ref: 50925/Full

Target Date: 08/04/2009

Recommendation: Approve with Conditions

Description

The application relates to the currently vacant ground floor retail premises of 256-258 Bury New Road, Whitefield. The site falls within the All Saints Conservation Area and is also part of the Whitefield District Shopping centre. The property is the end of a 3 storey quasi semi-detached building and has a mock Tudor panelling to the first and second floor south west elevation fronting the highway. The ground floor leads directly out to a paved forecourt area which extends to the back of the public footpath. To the rear is a communal car park facility which is for the use of customers and employees of the building, and is accessed via a side road which runs down the side of the site. Beyond the rear boundary is the metrolink line. Opposite is a row of Victorian terraced properties which includes office accommodation and a residential home for the elderly.

The property currently has A1 retail use at ground floor with offices above. This application seeks the change of use of the ground floor only to wine bar/bistro/coffee shop (Class A4) with alterations to the frontage which include 2 no. retractable awnings and fascia signage, which would be subject to a separate advertisement application. The existing perforated metal roller shutters would remain and would be concealed by the signage when in the fully open position. The forecourt within the application site would be brought into use as an open seating area with low level planters and screens to edge the boundary line adjacent to the public pavement. There is a flue proposed at the rear of the building which would project from the rear elevation of the outrigger and rise vertically to terminate at 1m above the 1st floor eaves of the annexe area. A screened bin storage area would be incorporated at the rear of the building.

Relevant Planning History

35586/99 - Change of use from shop (Class A1) to restaurant (Class A3) approved by the Planning Control Committee on the 18/01/2000

Publicity

Properties were notified at 211-229 (odds) Bury New Road, 242 - 260, 256A and 258A (evens) Bury New Road and Serco Metro.

Site notice posted on 16/2/2009.

Press Advert in the Bury Times and Whitefield Guide on 19/2/2009.

Five letters of objection have been received from: Read Roper and Read Solicitors on behalf of No 250 Bury New Road, Nos 244, 246, 248 Bury New Road and 24 Hamilton Road. The following points raised were:

- there would be an increase in the amount of anti-social behaviour due to outdoor seating and drinking area
- increase in noise would cause substantial disturbance to the residents in the area
- insufficient parking for the development; some of the spaces being for the exclusive use of the tanning salon; Whitefield already has an impossible parking problem
- smells from cooking and smoking fumes from the premises

- the existing access and egress to the car park would cause a traffic hazard
- there is a surfeit of restaurants and food outlets in the area
- increase in litter and rat population
- the premises are inappropriate for what is proposed
- is a quiet residential area
- increase in traffic noise from late night taxis
- access to the property is difficult
- development is directly opposite a residential home for the elderly - a late night license would not be socially acceptable
- incongruous the L.A. has erected alcohol free signs in the vicinity
- not appear to be in keeping with the Conservation Area

The objectors have been informed of the Planning Control Committee.

Consultations

Highways Team - no objections subject to condition.

Environmental Health Pollution Control - no objections subject to conditions regarding flue details and speakers within the proposed use area

Environmental Health Contaminated Land - no comments to make

Conservation Officer - no objections to proposed use. Scheme of details of frontage to be submitted

Waste Management - no comments received to date

Baddac - no objections in principle

Greater Manchester Police Architectural Liaison Unit - no objections

Unitary Development Plan and Policies

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

S1/3 Shopping in District Centres

S2/6 Food and Drink

EN1/2 Townscape and Built Design

HT5/1 Access For Those with Special Needs

HT2/4 Car Parking and New Development

Issues and Analysis

Principle - The site lies within Whitefield District Centre. In terms of shopping within the District Centre Policies S1/3 (Shopping in District Centres), Policy S2 (Control of New Retail and Non-Retail Development) and S2/6 - Food and Drink are considered to be relevant. These indicate that the Council will support proposals for new shopping development and associated facilities within the Borough's District Centres provided it is of a size, scale function and character appropriate to serve the needs of the local area. Traffic, parking, access and the impact on surrounding residential amenity are also material factors in assessing the development. The proposed use is considered consistent with these policies.

A previous application for a change of use from a shop to a restaurant was approved on 18/1/2000 by the Planning Control Committee.

EN2/1 (Character of Conservation Areas) encourages schemes that preserve or enhance the character or appearance of the Borough's conservation areas. EN2/2 (Conservation Area Control) indicates that development within a conservation area will only be acceptable if it preserves or enhances the special character or appearance of the area. The nature of the proposed use is not considered to have any particular adverse impact on the character or appearance of this Conservation Area.

Impact on Street Scene - The submitted scheme involves some changes to the main fenestration of the building in terms of a reduction in the height of the fascia, the addition of awnings and sliding folding doors. The existing black roller shutters are to remain in place, although these would be painted along with the fascia and signage to match the overall corporate identity of the premises. The proposed treatment to the front elevation would be

consistent with the scale and massing of the existing premises and relationship with the other properties on this row. The scheme is considered to be acceptable and would not incur changes which would have a detrimental impact on the street scene. The extraction system is at the rear of the building and not visible to the main street scene. It would comply with EN1/2 - Townscape and Built Design.

Impact on Conservation Area - The Conservation Officer does not have objections to the principle of the proposed change of use. The submitted scheme demonstrates that the matching colours and graphics used for the awnings, fascia and roller shutters to encompass an overall feature of the building would be an improvement to the existing situation and be appropriate to the Conservation Area. It would comply with EN2/1 and EN2/2.

Residential Amenity - The nearest residential property on Bury New Road is 20m to the south of the site and is separated by two other commercial properties and an access road. The site is within a District Shopping Centre and as such the area is already characterised with a mix of commercial businesses and properties. The addition of an A4 use in this area would not significantly intensify noise and disturbance to this area given it is positioned on a busy main road, the surrounding buildings are in commercial use and the distance away of the nearest residential properties. As such the use is considered not to be detrimental to the residential amenity of local people. It would comply with S2/6.

Position of Flue - The flue would be positioned on the rear elevation of the building approximately 1m above the eaves of the annex area. There are opening windows on the office accommodation on the 2nd floor of the building which would be 3m away from the proposed flue. The Design and Access Statement contends that it would not be practical and would cause difficulties to route the exhaust stack to terminate over these windows. The Pollution Control Section acknowledge that there may potentially be an issue with the position of the flue with regards to the proximity of the office accommodation. However, they would be satisfied that a condition requiring a detailed scheme would alleviate some concerns they have about the position of the flue and the onus would be on the applicant to demonstrate that the flue is in an acceptable position with the fumes dispersed without affecting the amenity of nearby occupiers. An informative has also been added which directs the applicant's attention to further advice on this.

Whilst the flue would be visible from the windows of the offices of the building, it would be just below cill level and would not 'block out' the view from the windows over the car park area. There are no residential properties which would be affected by the position of the flue. It would comply with S2/6.

Access - Vehicular access to the car park would be as existing. A visibility splay from the egress onto Bury New Road has been agreed in accordance with the highway's team recommendations and a condition attached as such. The proposal would comply with S2/6.

The main public entrance leading into the premises would remain as existing, with a slight modification to provide a level access into the building for wheelchair users and handrail provision. As such it would comply with HT5/1 - Access for Those with Special Needs.

Parking - Development Control Policy Guidance Note 11 - Parking Standards in Bury, requires a maximum of 14 parking spaces be provided for the type of use and size of the existing premises. The restaurant does not have its own off street car park. However, there is a private car park at the rear with approximately 14 parking spaces shared by the businesses on this row, although 6 of these are specifically designated for the Tanning Shop at No 250 Bury New Road. However, these standards are maximum requirements and it should be recognised that lower parking thresholds than those stipulated may be acceptable. In this instance, there is additional parking at the Park and Ride Metro Station and the site within the Whitefield District Centre is well served by good transport links. As such, it is considered that it is not necessary or appropriate to require additional parking provision.

Bin storage and Servicing - Facilities have been provided at the rear of the premises and the bins would be screened by vertical wooden boarding. Deliveries would be unloaded at the rear of the property which would not impact on highway safety or cause congestion on Bury New Road. As such the proposal accords with S2/6 - Food and Drink.

Objections - The objections raised with regards to appropriateness of the use, traffic, parking, fumes and increase in disturbance to the area have been covered in the above report. There is no reason to suggest the premises would encourage a more anti-social behaviour in the area, or that there would be an increase in litter or attract vermin, given there is provision of an adequate bin store. Licensing is a separate issue and not within planning remit.

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 change of use and external alterations will not harm the appearance of the All Saint's Conservation Area nor the character of the surrounding area. It will not affect the amenities of surrounding residents nor adversely impact on highway safety issues. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered AM/P/01 Rev A; AM/P/02; AM/P/03; AM/P/04; AM/P/05; AM/P/06 Rev B; AM/P/07 Rev A; AM/P/08 Rev B; AM/P/12; CR 1532 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 pedestrian visibility splay indicated on approved plan reference AM/P/08 Revision B shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m.
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
5. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating/dispersing fumes and odours so as to render them inoffensive to local residents has been submitted to and approved by the Local Planning Authority. A written statement from a competent person shall be included with the submitted scheme, that the proposed scheme will achieve the requirements of adequate treatment/dispersion under all normal operating circumstances. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.
Reason. To safeguard the amenities of the occupiers of nearby residential and office accommodation pursuant to Policy S2/6 – Food and Drink of the Bury

Unitary Development Plan.

6. External loud speakers shall not be used or provided to the proposed area.
Reason: In the interests of residential amenities pursuant to Unitary Development Plan Policy S2/6 - Food and Drink.

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

Ward: Bury West - Church

Item 08

Applicant: Secretary of Diggle Lane Allotment Association

Location: LAND SOUTH OF PORTINSCALE CLOSE AND WEST OF ELTON BROOK CLOSE
BURY

Proposal: ERECTION OF COMPOSTING TOILET UNIT

Application Ref: 50931/Full

Target Date: 30/03/2009

Recommendation: Approve with Conditions

Description

The application proposes to construct a composting toilet adjacent to plot 4 in the north west corner of the allotment gardens, close to the car park and adjacent to a small storage shed. There are 59 separate allotments covering approximately 1.3ha of level land. It is the intention of the Dingle Lane Allotment Association (DLAA) who manage the site, to improve facilities for disabled gardeners, particularly those who would be using plot 4 which would be allocated specifically for disabled use. To the north and east is Portinscale Close and Elton Brook Close respectively. To the south and west are the allotment gardens. The allotment gardens forms a wildlife link within the Borough.

A composting toilet is a closed unit, not connected to a sewage system or septic tank, used to receive, contain, and compost human waste via aerobic biodegradation. In replacing a standard flush toilet the purpose of these units is the conservation of water resources otherwise used for flushing, while avoiding release of potentially pathogenic materials into the environment, and conserving useful nutrients for fertilizing home gardens.

The proposed composting toilet would have a footprint measuring 2.46m by 1.9m and a maximum roof height of 2.24m. A ventilation pipe would extend above the roof by 1.25m. The unit would be constructed of corrugated plastic coated aluminium sheets. There would be a small ramp up to the toilet which would be fully accessible to disabled users.

Relevant Planning History

None relevant.

Publicity

Neighbours at 11, 15-21 and 18-22 Elton Brook Close and 14-18 and 21 Portinscale Close were notified by letter dated 3/02/2009. One letter of objection has been received from the occupier of 21 Elton Brook Close who states that there is already nuisance from smoke from fires on the allotment and a toilet would add the problems by creating smells and encouraging vermin.

The objector has been informed of the Planning Control Committee.

Consultations

Environmental Health - No objection.

Baddac - No comment.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN6/4 Wildlife Links and Corridors

RT1/2 Improvement of Recreation Facilities

Issues and Analysis

Policy - UDP Policies RT1 and CF1/1 relates to recreation and community facilities and state that proposals for improved facilities which promote greater use will generally be looked on favourably.

Policy HT5 relates to accessibility for the disabled and states that the council will seek to improve accessibility for the mobility impaired and those with special needs where appropriate.

EN4 - Energy Conservation states that development that contributes to energy efficiency will be encouraged where there is no serious harm to amenity.

EN6/4 - Wildlife Links and Corridors states that development which adversely affects these areas will not be permitted.

EN7 relates to pollution and seeks to control environmental nuisance and minimise pollution levels.

Use - The location of a single toilet unit within a large area of allotment gardens would in principle be encouraged in that it represents an improvement to that community facility if it would not adversely affect the visual or residential amenity of surrounding residents.

Design and appearance - The toilet building would be small in scale and located immediately adjacent to a existing larger storage shed. The storage shed, being to the east of the toilet unit would partially screen the building from the those houses on Elton Brook Close. Mature boundary hedging and tree planting along Diggle lane would in turn screen the building from those residential properties to the north on Portinscale Close. Given the scale of the structure and the existing screening that would be around it, it is not considered that the proposal would be seriously detrimental to the visual amenity of the locality.

Residential Amenity - If constructed and managed properly, composting toilets should not cause undue odours or attract vermin. Given location and size of the structure and the distance to the nearest houses (approximately 25m), the residential amenity of nearby properties will not be materially affected given the lack of odour and boundary screening.

Disabled Access - The toilet will allow mobility impaired gardeners to utilise the allotment to a greater extent and as such the proposal complies with UDP Policies which encourage greater use of community and recreation provision and improvement in disabled access.

Objection - As already stated, if properly constructed and managed, a composting toilet should not be a cause for concern for neighbouring properties.

The provision of the proposed toilet facility complies with UDP policies and should be supported for the reasons detailed above.

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 toilet would enable the allotment facility to be utilised by disabled persons without serious detriment to visual or residential amenity. Complies with policies listed.

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 2nd February 2008 and the

development shall not be carried out except in accordance with the drawings hereby approved.

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

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

Ward: Radcliffe - East

Item 09

Applicant: Mr A Abi

Location: BEALEY INDUSTRIAL ESTATE, DUMERS LANE, RADCLIFFE, M26 2BD

Proposal: CHANGE OF USE OF LAND AND BUILDING TO HAND CAR WASH; ERECTION OF CANOPY, BOUNDARY FENCE AND INSTALLATION OF METAL CONTAINER STORE (RETROSPECTIVE)

Application Ref: 50937/Full

Target Date: 30/03/2009

Recommendation: Approve with Conditions

Description

The site is a tarmac area fronting onto Dumers Lane. To the south are residential properties on Wild Street and the corner of Dumers Lane which are approximately 15m away, and to the west is a cafe and industrial units which form part of Bealey Industrial Estate. To the north are OAP residential bungalows. A small brick wall edges the site adjacent to the footpath on Dumers Lane.

Temporary planning permission expiring on 31st December 2008, was granted at Planning Control Committee for the use of the site as a hand car wash in order to assess and consider whether there have been any harmful effects in terms of impact on residential amenity in the area. It has continued to operate as a car wash.

This application is retrospective and seeks permanent consent to regularise the change of use of the land to a hand car wash. Retrospective consent is also sought for the erection of a canopy, boundary fence and installation of a metal storage container. The application does not include any signage associated with the site. No external lighting would be provided as the car wash would be closed at dusk. The proposed opening hours would be 9am to 5pm Monday to Saturday and 10am to 4pm Sundays and Bank Holidays.

Relevant Planning History

50727 - change of use of land and building to hand car wash; retrospective consent for erection of canopy, boundary fence, metal container - refused 09/01/2009

48544 - change of use of land and building to hand car wash - temporary consent granted for one year until 31/12/2008 approve with conditions 26/10/2007

09/0011 - Enforcement case - erection of canopy & boundary fence & installation of metal container store

08/0111 - Enforcement case following complaint the development was not in accordance with approval of 48544 - This relates to the unauthorised erection of a perimeter fence, canopy, storage container and lack of drainage system. These issues are considered within the application with regards to drainage, storage container and the canopy. The railings are to be removed.

Publicity

Properties notified at Units 1B, 1C, 4, 6-7, Norbeck International, Apocolypse and Twisted Films, Bealey Industrial Estate; 53 - 63, 173-179 (odds) Dumers Lane; 40-46 (evens) Dumers Lane; 9, 9A, 11; 11A, 15, 17 Riverside Road; 1, 1A, 3, Wild Street notified on 4/2/2009.

One letter of objection received from No 179 Dumers Lane with the following comments:

- car wash is an eyesore
- tenants of the adjacent bungalows would be blacked out
- the safety of the occupiers of the bungalows would be compromised
- noise of the skips would create disturbance

The objectors have been informed of the Planning Control Committee.

Consultations

Highways Section - no objections subject to condition

Drainage Section - no objections

Environmental Health Contaminated Land - no objections

Environmental Health Pollution Control - no objections subject to condition of provision of acoustic barrier

Environment Agency - no comments to make

Greater Manchester Police Architectural Liaison Unit - no objections

United Utilities - no comments received to date

Baddac - no comments to make

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EC6/1 New Business, Industrial and Commercial

H3/1 Assessing Non-Conforming Uses

EN7/2 Noise Pollution

EN7 Pollution Control

HT2/4 Car Parking and New Development

PPS23 PPS23 Planning and Pollution Control

Issues and Analysis

Principle - The principle of the change of use of land to hand car wash was established in the previous planning consent for a temporary period until 31st December 2008. The site is located to the east of an industrial estate, adjacent to an Employment Generating Area where there are regular comings and goings of commercial vehicles. The use as a car wash in this area is considered not to adversely change the character of the area and would remain acceptable in principle. Complies with Unitary Development Plan Policy EC6/1 - Assessing New Business, Industrial and Commercial Development.

Siting and Access - In accordance with the temporary consent, the access to the car wash from Wild street has been demarcated with an entrance and exit area. Railings which have been erected on top of the dwarf wall adjacent to the Dumers Lane boundary are to be removed as they conflict with highway safety, as the Engineer considers that they affect visibility at the junction and as such a condition requiring their removal or amended scheme to be submitted within 60 days of any permission granted is attached as a condition. As such, visibility at the junction of Wild Street with Dumers Lane would be an acceptable standard and highways have no objections to the proposal. It would comply with EC6/1.

Residential Amenity - UDP Policy H3/1 - Assessing Non Conforming Uses seeks to assess proposals for uses within residential areas and takes into account factors such as noise, vibration, visual intrusion, traffic generation, parking arrangements and hours of operation. There have been no complaints with regards to noise and disturbance associated with the use of the car wash to the Enforcement Section or Environmental Health Pollution Control Section.

The applicant states that there are approximately 30 cars a day using the service which generates a certain amount of traffic and activity to and from the site. However, the site is located adjacent to a busy road and there is already a certain amount of traffic to and from the Industrial Estate. The proposed hours of operation are Monday to Saturday 9am to 5pm and 10am to 4pm on Sundays and Bank Holidays which would be acceptable given there are residential properties nearby. There would be no external lighting and the proposed hours of operation means that the equipment used to clean the cars will not cause undue noise and disturbance.

Given the car wash is already in operation and that there have been no complaints received in terms of noise and disturbance of the service, it is considered the use does not detrimentally impact on the residential amenity of the local residents, due to the size and scale of the operation. It would comply with UDP Policy H3/1.

Visual Amenity - Part of the application is retrospective for a boundary fence, canopy and

metal container. The boundary treatment is limited to a 1.8m high metal fence along the western boundary of the site and part of the northern boundary and would not affect the outlook of nearby residential properties given they are 15m away from the site.

The container, used to store equipment associated with the use, is situated adjacent to the existing lock up store. It is set within the site and not visible to the street scene. It complies with UDP Policy EN1/2 - Townscape and Built Design.

The canopy covers the northern part of the site and when completed would project 4.9m. It has been reduced in length and would be set back 5.2m from the back of the pavement on Dumers Lane. It is held up by metal posts and made of corrugated iron. It is required as part of the car wash operation to provide a sheltered area where car valeting is carried out. Whilst it would be visible to the street scene and the houses on Wild Street, it is positioned against the backdrop of industrial type buildings and the set back from the main road would further mitigate its impact on the street scene. It is approximately 30m from Nos 63, 173 and 175 Dumers Lane and No 1 Wild Street, and as such is considered to be an acceptable distance away not to impact on the outlook of these properties. It would comply with EN1/2.

Drainage - A drainage scheme has been submitted showing the water would be drained towards a foul water gully located at the centre of the site. Environmental Health Contaminated Land Section and the Environment Agency have no objections to the proposal. Informatives from the Drainage Section have been attached to the granting of an approval.

Security - The police have no objections to the proposal.

Objections - Apart from seeking a permanent consent for the use of the site as a car wash, the other elements of the application are retrospective and there would be no further additions to what is already in place on the site. The canopy is more than 30m from the objectors property which would be sufficient distance away not to affect the daylight or outlook to these residential houses. There are no skips which form part of the application. The police are satisfied with regards to the security of the site in relation to the surrounding area.

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 of an acceptable standard which would not adversely affect the character of the area nor the amenities of neighbouring residents. The scheme will not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 763/1A; 763/2; 763/3B dated 2/2/09 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. There shall be no operations in association with the car wash outside the following times: 09.00 to 17.00 Monday to Saturday and 10.00 to 16.00 hours on Sunday

and Bank Holidays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies H3/1 - Assessing Non-Conforming Uses of the Bury Unitary Development Plan.

4. An acoustic screen shall be erected in accordance with a scheme to be agreed, submitted to and approved in writing prior to development commencing and the fence shall be erected in full accordance with the approved details and remain in situ in perpetuity.

Reason - To protect the amenity of neighbouring residents pursuant to Unitary Development plan Policy H3/1 - Assessing Non-Conforming Uses.

5. The car parking indicated on the approved plans [763/1A] 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.

6. The fence erected on the Dumers Lane boundary shall be permanently removed within 60 days of the granting of this planning permission unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety and the visual amenities of the area pursuant to Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and EN1/2 - Townscape and Built Design.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 10

Applicant: School Governing Body

Location: WOODHEY HIGH SCHOOL, BOLTON ROAD WEST, RAMSBOTTOM, BL0 9QZ

Proposal: EXTENSION TO GRAPHICS/PRODUCT DESIGN CLASSROOM (PHASE 7)

Application Ref: 50942/Full

Target Date: 01/04/2009

Recommendation: Approve with Conditions

Description

Woodhey High School is accessed from Bolton Road West and the school site is bounded by residential properties to the north, west and south. There is open land and two residential properties to the east of the school site. The application site consists of part of the main school building, which is located to the south east of No. 26 Helmsdale Close.

The proposed extension would take place on the north east elevation of the building and would be adjacent to the car park. The proposed extension would be single storey and would measure 2 metres by 6 metres. The proposed alterations consist of the replacement of a door with a window in the northwest elevation (facing No. 26 Helmsdale Close and the replacement of a window with door on the north elevation.

Relevant Planning History

35822 – New assembly hall and associated facilities at Woodhey High School, Bolton Road West, Ramsbottom. Approved with conditions – 13 October 1999

47388 – 3, 2 and single storey extensions to school; additional car parking provision and landscaping at Woodhey High School, Bolton Road West, Ramsbottom. Approved with conditions – 29 February 2007

48570 – 12 No. temporary mobile classrooms in 6 No. double units for teaching during refurbishment and extension of existing school at Woodhey High School, Bolton Road West, Ramsbottom. Approved with conditions – 30 October 2007

Publicity

The neighbouring properties were notified by means of a letter on 5 February. A letter has been received from the occupiers of Rylston, Woodhey Road, which has raised the following issues:

- The Local Government Ombudsman is currently investigating a complaint relating to surface water run off from Woodhey High School onto Woodhey Road in 1988 & the Ombudsman has referred to PPS25
- There are existing drainage problems on the site
- Has a specific flood risk assessment been undertaken

The objector has been notified of the Planning Control Committee.

Consultations

Drainage Team – No objections

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

Landscape Practice – No response

Area Board - No response

GM Police Architectural Liaison – No objections

BADDAC – Seek properly constructed ramped access to new external doors.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN7	Pollution Control
EN8/1	Tree Preservation Orders
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings

Issues and Analysis

Principle - Policy CF2 states that the Council will consider favourably proposals for the provision, improvement and dual use of educational facilities. The proposed development would involve a small extension to an existing educational facility. Therefore, it is considered that the proposed development would be acceptable in principle and would be in accordance with Policy CF2 of the adopted Unitary Development Plan.

Siting, design and layout - The proposed development would involve a small extension to the graphics/product design room. The proposed extension would measure 2.1 metres by 5.8 metres. The design of the proposed extension reflects the design of the existing school building. The proposed materials of brick, cedar cladding and aluminium window frames are in keeping with the existing building. Part of the proposed extension would be screened from view by the existing building and it is considered that the proposed development would not be unduly prominent within the locality. There would be over 130 metres between the proposed extension and the nearest residential properties and there would be no adverse impact upon the amenity of the neighbouring residents. The proposed external alterations would be located within existing openings and it is considered that there would be no greater impact upon the amenity of the occupiers of No. 26 Helmsdale Close. Therefore, it is considered that the proposed development would be in accordance with Policy EN1/2 of the adopted Unitary Development Plan.

Flood risk/Drainage - The objector has referred to an existing drainage problem, which results in surface water run off flowing from the playing fields across Woodhey Road. The objector states that the problem occurred in 1988 and the Ombudsman has referred to PPS25. There was no PPS for flood risk in place in 1988 and a site specific flood risk assessment is not required for a development of this size. The site for the proposed extension currently forms part of the car park and is surfaced in tarmac. It is considered that the proposed development would have no greater potential for surface water run off than the existing connection into the existing drainage system. The agents for this scheme are aware of the issues regarding drainage and surface water run off and are in the process of preparing a scheme to resolve this issue. Therefore, it is considered that the proposed development would not conflict with the Policy EN5/1 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;-

The proposed development would be acceptable in principle and would not have an adverse impact upon the amenity of the neighbouring residents. The proposed development would not be unduly prominent in 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 drawings numbered 7081 02-01, 7081 02-02, 7081 02-03 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. 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.
4. 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.
5. 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.
6. Following the provisions of Condition 5 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.

Ward: Prestwich - Sedgley

Item 11

Applicant: Manchester Mesivta

Location: MANCHESTER MESIVTA SCHOOL, BEECHWOOD, CHARLTON AVENUE, PRESTWICH, M25 0PH

Proposal: CONSTRUCTION OF ADDITIONAL TEACHING ACCOMMODATION ABOVE EXISTING 3 STOREY CLASSROOM BLOCK

Application Ref: 50954/Full

Target Date: 03/04/2009

Recommendation: Approve with Conditions

Description

The application concerns the Manchester Mesivta School (Jewish boy's grammar school) that has recently been rebuilt on the site. The school is on the easterly side of Bury New Road and on the northerly side of Charlton Avenue. The surroundings are mainly residential with detached and semi-detached houses facing the school on the opposite side of Charlton Avenue, terraced two storey properties to the east at Charlton Court, recently built three storey flats at Thorndyke Gardens to the north and more semi-detached houses on the opposite side of Bury New Road. Also to the north is Park View County Primary School. The northerly boundary of the school is marked by a public footpath Thorndyke Walk with Thorndyke Gardens and Park View School on the opposite side of the path.

The school site is limited and the school consists of one main block set close to the Thorndyke Walk boundary. This block has a two storey element nearest to Bury New Road and a larger three storey element close to the centre of this half of the site. The other element is a two storey drama/music block situated nearest to Charlton Avenue.

The proposal involves an extension on top of the three storey element to provide additional classroom accommodation consisting of an additional storey measuring 14.5m x 17m. It would occupy a central position on this part of the roof with its frontages and sides set in from the roof edges, especially so at the sides (about 11.5m). The set in from the front and rear elevations would be about 1.5m. The extension would have a shallow pitched roof reflecting the shape of the existing roof. The additional height above the existing ridge would be about 2m. The extra accommodation would include a design and technology (cookery) room, an IT teaching base room and a students 'break out' room.

Relevant Planning History

41218 - Rebuilding of school; external play areas; security fencing and boundary wall.

Approved on 12th November 2003.

43959 - Formation of emergency vehicle access to school grounds from Charlton Avenue.

Approved on 7th March 2005.

44476 - Floodlighting to all weather pitch. Refused on 27th June 2005 for the reasons that the proposal would be detrimental to the residential amenities of the area through the extension of activities on the pitch beyond normal school hours and that the floodlighting units would be detrimental to the visual amenities of the adjacent dwellings.

Publicity

49 properties were notified on 9th February 2009. There included 23 - 57, 10 - 14 and 18 Charlton Court, 157 - 169 Oakhill Court, 141, 146 and 1 - 10 Thorndyke Apartments, Bury New Road, 4 - 8 Charlton Avenue, 1, 1 and 2 Princess Court, Butterstile Lane, Park View Primary School, Park View Road.

12 objections have been received from properties in Charlton Avenue, Charlton Court, Bury

New Road, Thorndyke Gardens and Wheeton Close, Bury and Wellington Street, Bury. The main concerns expressed include the following:

- Loss of light.
- Loss of privacy through overlooking.
- would be an unsightly development.
- Obstruction to line of vision from surrounding houses due to height.
- Noise, disturbance and extra traffic due to building work.
- Out of character with nearby dwellings due to height.
- The current situation of excessive parking causing congestion in Charlton Avenue would be made worse.
- It was a mistake to approve the new school in the first place.
- Assumes that there would be more pupils resulting in further traffic along Charlton Avenue and thus added danger.
- More pupils using the pitch will create more noise.
- A higher building will interfere with television reception.

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

Consultations

Highways Team – No objections.

Drainage Team - No objections.

Environmental Health Contaminated Land/Air Quality – No comments.

Landscape Practice – No response

GMP Architectural Liaison – No comments.

BADDAC - Support the level of commitment shown to providing full disabled access.

Chief Education Officer - Confirms that the school is required to deliver compulsory food technology from September 2011. This was not a requirement for single sex boys schools at the time the school was rebuilt. Government funding has been allocated in the 2009/10 financial year to enable this type of facility to be developed at schools such as Manchester Mesivta. The two additional spaces that are included in addition to the food technology provision are consequential benefits that arise from the need to provide cooking facilities.

Given the minimal additional staff requirements arising as a result of the development development (1 part-time person) it is unlikely that the additional accommodation is going to generate an increased demand for parking. To build on other than the existing building footprint would only exacerbate the limited amount of recreational space available to pupils.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
H3/1	Assessing Non-Conforming Uses
H3/2	Existing Incompatible Uses
HT2/4	Car Parking and New Development
CF2	Education Land and Buildings
SPD11	Parking Standards in Bury

Issues and Analysis

Design and Appearance – The extension would break the line of the roof and increase the height of the building at the ridge by about 2m. However, it would be significantly recessed from the roof edges, particularly at the sides. Materials would include vertical cladding in ivory coloured flat panelling and windows that would reflect the design of the uppermost part of the extension. The roof construction would involve the same materials and slope as the existing roof.

Given the recess from the roof edges, the use of similar materials and low pitched roof style it is considered that the extension would be sufficiently subservient in scale and of appropriate design such as to not materially detract from the appearance of the building.

Residential Amenity – The distance to the houses in Charlton Avenue would be about 43m. This window to window separation distance would be sufficient to ensure that there

would not be a material loss in privacy. For comparison, the minimum aspect distance set down through supplementary guidance for domestic extensions between the habitable room windows of a four storey development and those of a nearby two storey dwelling is 26m. Also, given this distance there would be no appreciable loss of natural light to the houses. The distance to the houses in Charlton Court would be very similar (about 41m) and with no windows to be facing these properties their privacy would be unaffected. On the northerly side the extension would directly face part of the grounds Park View Primary School. The aspect towards Thorndyke Gardens would be angled such that there would be no material degree of overlooking.. The distance from the nearest flats would be about 25m with the extension to be sited to the south-east of this three storey block of apartments. Given this set back and the limited increase on height due to the extension, any degree of loss of light to windows and open balconies in the southerly end elevation and windows in the easterly elevation would be limited. Because the extension would be set back from the eaves the extension could not be described as having an overbearing relationship. The distance to houses on Bury New Road would be substantial at about 77m with no appreciable impact due to the development.

Car Parking – Cars associated with the school are on occasions parked in Charlton Avenue and this has raised concerns from residents. The originally approved plans for the school showed the provision of a total of 13 car parking and this provision was accepted on the basis of the information provided at that time about the intended number of teaching staff. Despite this, 17 spaces have been provided using the space available within the site. This improves the 'approved provision'. However, for some time, vehicles associated with the school have been parked extensively in Charlton Avenue but this is understood to have been mostly due to the cars belonging to a group of 7 graduate students who were on a one year research grant at the school. This extra attendance has terminated resulting in a significant reduction in on street car parking and, it is understood, that there are no plans for a similar arrangement for graduate students in the foreseeable future.

As well as their own car park, the school has an arrangement allowing employees to use the five spaces in the car park of the Sedgley Synagogue nearby in Park View Road that are not used during school hours.

The proposed facilities would require one additional part-time teacher for 4 to 6 hours per week. In comparison, there are currently 9 full time employees at the school and 22 part-time ones. The development should, therefore, have a minimal impact on the demand for parking space.

Looking at the car parking provision at the school in terms of the parking standard set down for schools within SPD11 the standard sets a maximum provision of 1.5 spaces per classroom. The school has 13 normal classrooms and this would still be the case after the proposed development. The maximum provision for the school is, therefore, 20 spaces and this relates well to the actual provision of 17 spaces. It should also be noted that the school is in a high access area, given its position close to main bus routes in Bury New Road and Scholes Lane/Hilton Lane and that the school is, at present, preparing a school travel plan due to be ready by this April.

Overall, it is concluded that the development would not be conflict with the Council's car parking standards and that the proposal is acceptable in terms of the issue of car parking provision.

Disabled Access - The design includes an extension of the lift to serve the extra floor, the provision of a disabled toilet and door opening widths, ironmongery etc to satisfy the requirements of Part M of the Building Regulations. Thus, the development would adequately serve the needs of students and staff members with disabilities.

Educational Need – The submitted Design and Access Statement includes an explanation of the reason for the proposal. This is that there is now a Government requirement that was not in place at the time that the replacement of the school was planned. The requirement is

that all State Aided High Schools, including single-sex boys schools must have provision for cookery on the premises. Grants are now being made available in order to incorporate the facility. Furthermore, as the school has a minimal external play area it is considered appropriate to incorporate any additional teaching space in the existing building footprint. The proposed solution incorporates all formal teaching within the same building, thus ensuring the school an optimum environment for delivering the National Curriculum to its students as well as creating an efficient means of delivering this additional accommodation. Pupil supervision would be easy and no part of the barely sufficient external area for play would be taken up.

Television Reception - As the development would result in part of the school becoming four storeys it is necessary for an assessment to be made concerning the potential impact of the development on television reception in the vicinity. An appropriate condition should be attached to any permission requiring such an assessment to be made and, if it is shown to be necessary, also making it a requirement for specified measures to be taken to maintain the quality of reception.

The Objections - Most of the concerns expressed in the objections are covered in the above sections. The point raised about disturbance due to building work so soon following the significant loss of amenity suffered by residents when the school was being built is understandable but it is not a relevant planning consideration.

Summary of reasons for Recommendation

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

The development is required for the improvement of an educational facility. The scale, design and appearance of the extension is acceptable in the context of the existing building and its surroundings. There would not be a materially detrimental loss of amenity caused to surrounding dwellings. Any increase in demand for car parking due to the development would not be significant.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
3. The applicant shall, with regard to television reception in the area containing the application site, provide the Local Planning Authority with studies that:
 - a) Identify, before the development commences, the potential impact area in which television reception is likely to be adversely affected by the development. The study shall be carried out either by the Independent Television Commission (ITC), or by a body approved by the ITC and shall include an assessment of when in the construction process an impact on television reception might occur.
 - b) Measure the existing television signal reception within the potential impact

area identified in (a) above 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.

c) 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 (b) 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.

4. This decision relates to drawings numbered M2158/SP01, M2158/01, M2158/02, M2158/03, M2158/04, M2158/05, M2158/06, M2158/07, M2158/08, M2158/09, M2158/20, M2158/22, M2158/23, M2158/23 Rev. A, M2158/24, M2158/25, M2158/26, M2158/27 and the Location 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.

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

