

Applicant: Contour Housing Group Ltd.

Location: LAND AT LYDGATE CLOSE, WHITEFIELD, M25 6WW

Proposal: RESIDENTIAL DEVELOPMENT - 4 DWELLINGS (RESUBMISSION)

Application Ref: 51185/Full

Target Date: 22/05/2009

Recommendation: Approve with Conditions

Description

The application is one of three applications for residential development on this residential estate in recent months and the second for this particular site. The application site is located off Lydgate Close and consists of an area of open space, and a garage colony adjacent to No. 7 Lydgate Close.

There are residential properties to the north, east and west of the site and there is a mill building to the south of the site. The mill building is used as a snooker hall and as an engineering building in the western part of the building.

The application has been amended from the provision of six dwellings to the provision of four dwellings and associated works. The four dwellings would be arranged in two pairs of semi-detached properties and would be located adjacent to No. 76 Naden Walk. Off road parking would be provided in the form of driveways and additional parking for use by existing residents or visitors would be provided on the site of the garage colony (adjacent to No. 7 Lydgate Close).

Relevant Planning History

50853 - Residential development - 4 dwellings at land at Glaze Walk, Whitefield. Approved with conditions - 19/2/2009

50854 - Residential development - 2 dwellings at land at Bollin Walk, Whitefield. Approved with conditions – 25/3/2009

50855 – Residential development – 6 dwellings at land at Lydgate Close, Whitefield. Refused – 13/3/2009

Publicity

The neighbouring properties (12 - 16 (evens), 73, 75 Naden Close; 5 - 9, 11 Lydgate Close; 4, 7, 9 Lydgate Walk; Ventheat Engineering Company & Whitefield Snooker Club, Albert Close Trading Estate) were notified by means of a letter on 31/3/2009 and were notified of the revised plans on 30/04/2009. 13 letters have been received from the occupiers of 73, 75 Naden Walk; 1, 4, 5, 6, 7, 8, 9 and 11 Lydgate Close, with regard to the original plans. The letters have raised the following issues:

- Overdevelopment of the site
- Loss of existing parking and garages
- Disruption during the construction of the proposed dwellings
- Loss of recreational space
- The proposed development would lead to antisocial behaviour
- Impact on highway safety
- Loss of light to Nos 9 & 11 Lydgate Close

There has been no response to the letters regarding the revised plans. The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section – No objections, subject to the inclusion of conditions relating to access improvements and car parking.

Drainage Section – No objections

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

Environmental Health – Pollution Control – No objections

Landscape Practice – No objections

Waste Management – No comments received

GM Police Architectural Liaison – No objections

BADDAC – No comments received

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
EN5/1	New Development and Flood Risk
EN7	Pollution Control
EN7/2	Noise Pollution
OL3/1	Protection of Urban Open Space
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

Principle - Policy H1/2 states that the Council will 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 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.

Policy OL3/1 states that development will not be permitted within the urban area, where it would lead to the loss of urban space which provides either valuable visual amenity, important outlets for recreation or a buffer between incompatible uses.

The site consists partly of a grassed area and is used for recreation. The applicant has amended the scheme following the refusal of the previous application and approximately half of the grassed area would be left undeveloped as open recreational space. It is considered that the remaining recreation space would still be able to provide for some degree of informal recreation space to meet the needs of local residents. The proposed development would provide affordable housing for social rent, which would be managed by the applicant and it is considered that the provision of affordable housing would represent special circumstances sufficient to justify the partial release of a greenfield site. Therefore, the proposed development would be in accordance with Policies H1/2 and OL3/1 of the adopted Unitary Development Plan and Policy L4 of the Regional Spatial Strategy.

Siting, design and layout - The proposed development would consist of two pairs of semi-detached properties and would be of a traditional two storey design. The finished floor level of the proposed dwellings would be 0.8 metres lower than the properties on Lydgate Close and 0.8 metres higher than the properties on Naden Walk. It is considered that the proposed dwellings would be appropriate in terms of height, form and scale. The proposed

dwellings would incorporate a mix of materials including render, cladding and brickwork. It is considered that the variety of materials adds interest to the elevations and the proposed dwellings would not be unduly prominent in the locality. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the adopted Unitary Development Plan.

The gardens would be bounded by 2.1 metres high timber fencing along the rear boundary and 1.8 metre high timber fencing elsewhere, which would match the existing boundary treatments in the locality. No additional lighting would be required as the existing street lighting would be adequate. The landscaping plan identifies areas of planting and hardstandings. It is considered that the proposed driveways should be constructed using 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 33.8 metres between the front elevation of No. 9 & 11 and the two storey gable elevation of plot 4. There would be no openings in the gable walls of plot 1 and none are found in the side gable of No. 75 Naden Walk and as a result, a distance of 5 metres between the two properties would be acceptable. There would be over 22 metres between plots 1 – 4 and the nearest dwellings on Lydgate Walk and Lydgate Close.

SPD6 states that there should be a minimum of 13 metres between a habitable window and a two storey blank elevation. A revised plan has been submitted, which indicates that the rear elevation of the proposed dwellings would be between 12 metres and 13 metres away from the two storey mill building. It is acknowledged that the proposed development would not comply with the aspect standard, but it is considered that the proposed development would not have a significant adverse impact upon the amenity of the future occupiers of the proposed dwellings. It is considered that the proposed development would be in accordance with Policy H2/1 of the adopted Unitary Development Plan.

The area in front of the part of the mill in use for engineering would be used as open space and would act as a buffer between the engineering use and the proposed dwellings. The proposed dwellings would be no closer to the engineering use than the existing dwellings and it is considered that the proposal would not be detrimental to the amenity of the future occupiers of the proposed dwellings. Therefore, the proposed development would be in accordance with Policy EN7/2 of the adopted Unitary Development Plan.

Highways issues – The proposed development would be accessed from Lydgate Close. It is considered that there would be adequate visibility splays and the highways section has no objections to the proposal, subject to the inclusion of conditions relating to access improvements and 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 three spaces per unit should be provided. Plots 1 and 4 would have two spaces per dwellings and plots 2 and 3 would have 2 spaces within the communal parking area. It is considered that two spaces would be adequate as the site has good access to public transport.

Four garages would be demolished as part of the proposal and an additional 6 spaces would be provided for use by existing residents/visitors to the site. The turning head to the west of Lydgate Close is currently used by residents for parking (approximately 4 cars) and this area would remain. 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 – Five of the seven issues have been dealt with above.

- The four dwellings on the site would equate to 50 dwellings per hectare, which is considered to be acceptable. It is considered that the proposal would not result in overdevelopment of the site.
- GM Police Architectural Liaison Unit has no objections to the proposal and it is considered that the proposed development would not add to anti-social behaviour within the area.
- Disruption during the construction of the dwellings 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 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) 03 A, M2996(PL) 08 C, M2996(PL) 13 C, M2996(PL) 16 D, M2996(PL) 19, M2996(PL) 24 B 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/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.
4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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

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

6. 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. The approved details shall be implemented as part of the development.

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. Prior to the commencement of the development hereby approved, details of the permeable surface for hardstandings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan.

8. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/3 - Landscaping of the Bury Unitary Development Plan.

9. The development hereby approved shall not be first occupied unless and until the proposed car park access improvements indicated on approved plan reference M2996 (PL) 24 Revision B have been implemented to the written satisfaction of the Local Planning Authority.

Reason. To ensure good highway design and to minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

10. The car parking indicated on approved plan reference M2996 (PL) 24 Revision B 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 Lydgate Close in the interest of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

11. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.

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

Ward: Radcliffe - East

Item 02

Applicant: Mr P Crompton

Location: REAR GARDEN OF 31 WILLIAMSON AVENUE, RADCLIFFE, M26 4HT

Proposal: RETENTION AND CONVERSION OF GARAGE/ GARDEN BUILDING TO DETACHED BUNGALOW

Application Ref: 51211/Full

Target Date: 03/06/2009

Recommendation: Approve with Conditions

Description

The application relates to an existing single storey detached L shaped building within the rear garden of No 31 Williamson Avenue. It is currently used as a playroom, office and garage which has access off Williamson Avenue. There is a canopy over a raised decked area attached to the building. There is a 2m gap between the building and the rear of No 35 Warwick Avenue which has a detached garage adjacent to the boundary line. A wooden panelled fence runs along the side garden of No 31 adjacent to Williamson Avenue which screens the rear garden of this property from the road. Opposite the site to the west is St Andrew's Church.

The application seeks conversion of the garage/garden building to a detached bungalow as a separate residential dwelling to that of No 31 Williamson Avenue. The applicant has submitted a Design and Access Statement seeking to demonstrate that the scale of the development is not significantly different from a single person's flat. The existing garage/garden building would become a dining kitchen and bathroom and the office/games room converted to living room with a sleeping area. The roof over the decking would be removed and the timber decking area retained to provide an external sitting area. The existing garage door would be replaced by a window facing Williamson Avenue and the church graveyard, and obscure glazed windows added on the north, east and south elevations. Patio doors out onto the decking leading from the living area would be retained. A fence would be erected along the rear garden with No 31 to provide a private garden with provision for a parking space. A separate consent to drop the kerb would need to be applied for from the Borough Engineer.

Relevant Planning History

The existing garage does not have planning permission. The applicant states that the garage has been erected for more than 4 years and as such is lawful. On inspecting the aerial photograph from 2005 the garage/garden building was not there. Planning permission is required for the building and does not consider that the building is lawful on this evidence.

Publicity

Neighbours notified at Nos 33-39 (odds) Warwick Avenue; 3,5,27,29 Williamson Avenue; St Andrew's Vicarage.

Letter received from No 35 Warwick Road with the following comments:

- The boundary has been incorrectly marked on the plans which is within the ownership of No 35
- There has never been planning permission for the original building
- The proposed window may hinder the position of the compost bins

The objectors have been informed of the Planning Control Committee.

Consultations

Traffic Section - No objections subject to visibility splays being conditioned. It has also been requested that the development be conditioned on the redundant footway crossing being reinstated. However this is not considered to be a planning consideration but rather needs to be dealt with as a highway matter when the new crossing is requested.

Drainage Section - No objections.

Environmental Health Contaminated Land - The agent has commissioned a desk top study for gas contamination be carried out prior to Planning Control Committee. The findings will be reported in the Supplementary Report.

Waste Management Section - No comments received to date.

Unitary Development Plan and Policies

H2/6	Garden and Backland Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
PPS23	PPS23 Planning and Pollution Control
H1/2	Further Housing Development
EN1/2	Townscape and Built Design
SPD11	Parking Standards in Bury

Issues and Analysis

Principle - Unitary Development Plan Policy H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into account the impact of developments on residential amenity, the density and character of the surrounding area, the position and proximity of neighbouring properties and car parking provision. H2/6 - Garden and Backland Development indicates that proposals which result in the loss of private garden space will need to demonstrate that there would not be a seriously adverse impact on both the character and amenity of the locality and the residential amenity of the neighbours.

Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation (SPD 13) contains helpful criteria in assessing conversions of buildings to residential accommodation. In summary:

- the increased occupancy of a building should not have a detrimental effect on the amenity of the surrounding residents, the position of openings and parking areas;
- not harm the general character of the area and respect the street scene;
- respect the buildings exterior and particular characteristics and;
- provide an acceptable standard and sufficient size of accommodation for occupants and appropriate levels of car parking and service facilities.

The proposal utilises an existing building and as such the impact on the density and character of the area would not be seriously affected. In addition, the plans demonstrate that there would be parking provision for a vehicle within the site and an external amenity area in the form of the existing decking/patio area which is 20 sq m and a sufficient area to sit outside or facilitate the drying of clothes. Although the development would require the occupiers of No 31 to park at the front of their property, there is already an area at the front of the house which could be used for parking. The loss of the garage for the use by No 31 is considered not to detrimentally impact on the residential amenity of this property. As such, the principle to change the use to residential accommodation is considered acceptable, particularly if regard is had to the fact that planning permission would not be required to convert the building if its use was ancillary to the house. It would comply with H2/1, H2/2 and H2/6.

Residential amenity - The windows on the north, east and southern elevations are proposed to be obscure glazed, and conditioned to be fixed which would maintain the privacy to the adjacent properties. This would result in the patio doors to the living room becoming the primary window to this room and would lead out onto the existing decking area. The removal of the roof over this decking area would allow adequate light into the main part of the living accommodation whilst not being of detriment to the privacy or outlook of the surrounding houses. There would be a separation distance of more than 6.5m from

the rear of No 31 Williamson Avenue and the north elevation of the proposed dwelling which would comply with the Council's aspect standards when assessing the relationships of single storey to single storey builds.

The proposal would result in the reduction of garden area to that of No 31 Williamson Avenue from 11m (to the existing building) to 6.5m. Whilst standards of garden length vary, an average of 10m private amenity space is a generally accepted size. However, this property also has a 14m long front garden which could be utilised as both an amenity area and parking for the dwelling, as well as a side area. The external amenity area of the proposed dwelling would be much less than this. However, it is arguable that there would not be a need to provide any private amenity space, as the proposed dwelling is essentially a single person unit, with accommodation not unlike a bedsit or one bedroomed flat. Dwellings of this type often do not have any external amenity space. There is a decked area outside the property for the benefit of the occupier which is considered an acceptable amenity area. As such, the proposal complies with H2/1, H2/2 and H2/6.

Visual amenity - There would be little alteration to the appearance of the existing building apart from the change of garage door to window on the elevation facing Williamson Avenue. The size and position of the building would be as existing and the proposal would not have an adverse impact on the character of visual amenity of the surrounding area. It would comply with EN1/2 - Townscape and Built Design.

Parking - There would be parking for one car within the curtilage of the new dwelling. The visibility splays from the site would satisfy the requirements of the Highway's section in terms of highway safety and as such the proposal complies with H2/6 - Garden and Backland Development. There would be adequate parking provision for No 31 Williamson which has a hardstanding area to the front of the property for more than 2 cars which would comply with the council's parking standards, DCPG Note 11 - Parking Standards in Bury.

Bin storage - There would be adequate bin storage area including facilities for recycling either within the proposed parking area or the existing patio/decked area. As such it would comply with H2/2 - The Layout of New Residential Development.

Objections - The applicant has declared and the agent has confirmed that the piece of land in between No 31 Williamson Avenue and No 35 Warwick Road is in the ownership of the applicant. Any dispute on this would be a private matter to resolve. The proposed window on the southern elevation facing the objector would be obscure glazed and open onto the applicant's land.

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 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: site plan dated 29/4/09; revised floor plans and elevations dated 29/4/09, 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. Before the first occupation of the building hereby permitted, the windows on the north, south and east elevation shall be unopenable and fitted with obscured glazing and shall be permanently retained in that condition thereafter, whilst they serve the use hereby permitted.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/6 - Garden and Backland Development; H2/1 - The Form of New Residential Development; H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out at No 31 Williamson Avenue or the building subject to this permission, within the terms of Classes A to H of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan H2/6 - Garden and Backland Development; H2/1 - The Form of New Residential Development; and H2/2 - The Layout of New Residential Development.
5. The parking space and visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied 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 pursuant to Unitary Development Plan Policies H2/1 - The Form of New Residential Development; The Layout of New Residential Development and H2/6 - Garden and Backland Development.
6. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/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.
7. Following the provisions of Condition 7 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. Following the provisions of Condition X[GAS1/CLA1] 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.

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

Ward: Whitefield + Unsworth - Pilkington Park

Item 03

Applicant: Mrs Anna Morrison

Location: 254-258 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; FLUE AT REAR (REVISED SCHEME TO INCLUDE NO. 254 BURY NEW ROAD)

Application Ref: 51215/Full

Target Date: 29/05/2009

Recommendation: Approve with Conditions

Description

The application relates to the currently vacant ground floor retail premises of 254-258 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 part of a 3 storey 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. The upstairs is used as separate offices. 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.

This application is a resubmission of a development which was approved at Planning Control Committee on 25/3/2009. The previous approval relates to a scheme to change the use of a ground floor retail shop, Nos 256-258 Bury New Road to a wine bar, bistro, coffee shop and outdoor seating area. It is proposed to now include the adjacent unit, No 254 as part of the scheme. The internal layout is stated to improve the ancillary and public amenities of the premises and the licensed area would be re-defined and result in an increase from 54m² to 72m² of dining area. It is proposed to modify the existing frontage with sliding folding doors and awnings, details of which are subject to a condition. The forecourt area outside No 254 would be brought into use as an open seating area in align with the existing approval.

Relevant Planning History

50925 - 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 - Approved by the Planning Control Committee on 25/03/2009
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, 24 Hamilton Road, Read, Roper and Read Solicitors, St Mary's Parsonage.

Site notice posted on 14/4/2009.

Press Advert in the Bury Times and Prestwich and Whitefield Guide on 16/4/2009.

One letter of objection received from No 248 Bury New Road. the following points were raised:

- the existing access and egress to the car park would cause a traffic hazard
- the outside seating area will generate noise, smells from cooking and fumes

- development is directly opposite a residential home for the elderly, who would be disadvantaged
- there is a surfeit of restaurants and food outlets in the area
- increase in litter and rat population

The objectors have been informed of the Planning Control Committee.

Consultations

Traffic Section - 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 the principle of the proposed change of use. Scheme of details to be submitted as a condition

Waste Management - no comments received to date

Baddac - no objections

Greater Manchester Police Architectural Liaison Unit - no objections

Serco Metro - no comments received

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. Although the proposal would result in an increase in restaurant area and shop frontage to Class A4 use than that previously approved, the size and position of the development would remain consistent with these policies.

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. There is no objection to the physical works to the front elevation, however a condition should be imposed to secure the finer details. On this basis, the proposals would comply with EN2/1 and EN2/2.

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 to Nos 256-258 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 of the units would be consistent with the scale and massing of the existing premises and relationship with the other property on this row and the uniformity improves the appearance to the street scene. 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.

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 on the first floor. 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 at the rear, 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 - Food and Drink.

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 - The previous planning consent required a maximum of 14 spaces be provided for the type of use and size of the premises. According to Development Control Policy Guidance Note 11 - Parking Standards in Bury, the current proposal would require an additional 8 parking spaces maximum to be provided to reflect the proposed increase, giving a maximum of 22 spaces.

There is a communal car park at the rear with approximately 14 parking spaces shared by the businesses on this row. Whilst there is a shortfall of parking provision, the site is in high access area immediately adjacent to the Metrolink and fronts onto a quality bus corridor. The site is within a district centre and there are a number of car parks in close proximity and given these circumstances it is considered that there is sufficient 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 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 an increase in litter or attract vermin given there is provision of an adequate bin store.

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/P2/01; AM/P2/02; AM/P2/03 Rev B; AM/P2/04; AM/P2/05 Rev B; AM/P2/07 Rev A; AM/P2/12; 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. A coordinated scheme with details of colour, materials and signage to be used on the front elevation (including treatment to the existing roller shutter) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The scheme shall then be implemented prior to the change of use being brought into operation.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies EN1/2 - Townscape and Built Design and EN2/2 - Conservation Area Control 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/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.
5. 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.
6. The pedestrian visibility splay indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.

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

Ward: Bury East - Moorside

Item 04

Applicant: VODAFONE LTD

Location: LAND AT FERN HILL BUSINESS CENTRE, TODD STREET, BURY, BL9 5BJ

Proposal: INSTALLATION OF A RADIO BASE STATION CONSISTING OF 3 NO. ANTENNA, 2 NO. DISHES TO A 18M HIGH LATTICE MAST; ADJACENT EQUIPMENT CABINET AND 2.4 M PALISADE FENCING

Application Ref: 51231/Full

Target Date: 29/05/2009

Recommendation: Approve with Conditions

Description

The application site is located at the northern point of the curtilage of the Fernhill Business Centre. There is existing 2.4 metre high palisade fencing surrounding the site.

There are industrial buildings and yards to the north and west of the site and there is a two storey red brick mill building along the eastern side of Every Street.

The applicant seeks consent for the erection of telecommunications equipment, including an 18 metre high lattice tower, 3 antennae, 2 dishes and associated cabinet. 2.4 palisade fencing would be erected around the site for security. Vehicular access would be gained from the existing access point on Every Street and a gate would be provided within the fencing to provide pedestrian access.

Relevant Planning History

None relevant

Publicity

All properties within 100 metres (Regent Street, Vernon Street, Canning Street, Raven Street, Eldon Street, Hornby Street, Porter Street, Athlone Street, Rake Street, Denton Street, Louis Avenue, Every Street, Todd Street, Park Road) and all schools within 200 metres of the application site were notified by means of a letter on 15 April and site notices were posted on 16 April. One letter has been received from the occupiers of 63 Regent Street, which has raised the following issues:

- Object to the traffic generated by the industrial estate
- Object to the appearance of the mast
- Object to a mast being located so close to her property.

The objector has been notified of the Planning Control Committee.

Consultations

Highways Section – No objections

Drainage Section – No objections

Environmental Health (Contaminated land) – No objections

Environmental Health (Pollution Control) – No comments received

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/10 Telecommunications

HT6/1 Pedestrian and Cyclist Movement

PPG8 PPG8 - Telecommunications

Issues and Analysis

Health Issue - Current government guidance (PPG 8) with respect to the potential health

risks, states that providing such proposals meet the ICNIRP guidelines, local authorities should not consider those aspects, or any concerns about them, any further. In this case, the applicants have indicated that the proposal will meet the ICNIRP guidelines, through the submission of a certificate to this end.

Supporting Information - The applicant has provided a list of ten sites, which were considered but were discarded in favour of the submitted proposal. The ten sites were discounted as

- the sites would not meet the technical requirements as it would not provide the required level of coverage or the surrounding buildings were too tall to allow a suitable level of coverage,
- the mast would be too visually prominent,
- the site owners permission could not be obtained or
- a very tall mast would be required through mast sharing, which would result in a mast which would be too prominent in the locality.

The applicant has submitted information which justifies the need in terms of improved 3G coverage from the selected site. Therefore, the proposed development is considered to be in accordance with Policy EN1/10 of the adopted Unitary Development Plan.

Visual Amenity – The proposed development would be located within an industrial area and a large mill separates it from the properties to the east. It is considered that the proposed lattice tower would integrate well with the urban fabric and would not be unduly prominent within the locality. The proposed lattice tower and equipment cabinet would be located within a secure compound surrounded by 2.4 metre palisade fencing. The proposed palisade fencing would match the existing fencing surrounding the Fernhill Business Centre and would not be unduly prominent within the locality. The nearest residential dwelling would be over 55 metres away, with a two storey mill building between the dwelling and the site. Therefore, it is considered that the proposed development would not affect the outlook from the residential properties. Therefore, it is considered that the proposed development would not be unduly prominent within the street scene and would be in accordance with Policy EN1/2 and EN1/10 of the adopted Unitary Development Plan.

Highways Issues - The proposed development would be located within a compound with pedestrian access through a gate off Every Street. The proposed gate would open inwards and would have no adverse impact upon pedestrian flow and safety. The highways section has no objections to the proposal. Therefore, it is considered that the proposed development would not be detrimental to pedestrian or highway safety and would be in accordance with Policies HT2 of the adopted Unitary Development Plan.

Response to objectors - The visual appearance of the mast and the health implications are addressed above. The applicant would need to visit the site twice a year for maintenance purposes. It is considered that the proposed development would not add to the traffic visiting the industrial estate.

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 due regard to both National and Local Policy, in particular UDP Policy EN1/10 (Telecommunications), it is considered that the proposed development is acceptable in relation to health and safety issues, due to the submission of the relevant Certificate under ICNIRP. The location of the proposed apparatus would not be unduly prominent within the street scene. Therefore, the proposed development is considered to be 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. This decision relates to drawings numbered 74745/A/001, 74745/A/002 A, 74745/A/003 A, 74745/A/004 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 **Helen Longworth** on **0161 253 5322**

