

Applicant: Morris Homes Ltd.

Location: LAND AT FORMER ALLEN'S GREEN, SCHOOL STREET, RADCLIFFE,

Proposal: DEVELOPMENT OF 28 RESIDENTIAL DWELLINGS (2, 2.5 & 3 STOREY)

Application Ref: 51143/Full

Target Date: 08/07/2009

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and DCPGN1; to secure the provision of affordable housing in accordance with Policy H4/1 of the adopted Unitary Development Plan and SPD5 and for the loss of employment land in accordance with SPD14. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Director of Environment & Development Services under delegated powers.

Description

The application site is located within an Employment Generating Area, but is part of a housing site, which was allowed on appeal. This area was to be retained as employment land. The site has been cleared and there are three mounds of earth on site. The western half of the site was originally intended as employment land and the eastern part of the site was intended as recreation provision. No landscaping works have been completed on the site although there are trees along the northern boundary with School Street. There is a 2 metres fence along the southern boundary with the existing residential properties.

Radcliffe High School is located to the north of the site and there are residential dwellings to the east. There are industrial units to the west and a bowling green and residential dwellings to the south.

This application is one of two applications, which have been submitted for residential development on the former Allens Green site. This application is seeking full planning permission for 28 dwellings and is located to the south of School Street with the existing residential estate to the south. The proposed properties would be a mixture of two, two and a half and three storey properties in a detached, semi-detached and terraced layout. The properties would be accessed off School Street, via shared driveways.

Relevant Planning History

35526/99 – Outline application for residential development including access at land at Allens Green Works, Hutchinson Way, Radcliffe. Approved with conditions – 15 December 2000

39480 – Residential development – 125 dwellings & industrial units (B1) and associated works at land at Allens Green Works, Hutchinson Way, Radcliffe.

Allowed on appeal – 7 November 2003

45757 – Application to vary condition 15 of appeal ref APP/T4210/A/03/1107769 relating to planning application 39480/02 – amend timescale for development of employment provision on site at Former Allens Green, School Street, Radcliffe. Refused – 22 February 2006

51144 – Development of 22 residential dwellings (2, 2.5 & 3 storey) at Land at former Allen's Green, Sion Street, Radcliffe. Received – 8 April 2004

Publicity

The neighbouring properties (71 – 93 (odds) School Street; 50 – 66 (evens), 100 – 110 (evens) 111 – 117 (odds) Hutchinson Way; 1, 2, 3, 18, 20, 21, Eton Place; 1 – 23 (odds) Ulundi Street) were notified by means of a letter on 22 April and a press notice was published in the Bury Times on 30 April. A site notice was posted on 29 April. A petition

objecting to the proposal has been received and this contains 41 signatures has been received. Thirteen letters have been received from the occupiers of 52, 56, 60, 65, 70, 79 Hutchinson Way; 1, 2, 17, 21 Mulberry Close; 34 Ulundi Street, which have raised the following issues:

- Impact of the proposal upon the drainage system
- Impact of the additional traffic on highway safety
- The applicant has not completed works, including landscaping from the previous permission on the site
- Impact upon the wildlife in the area
- Prefer to see the application site as a landscaped area
- The opening up of the pathway would lead to antisocial behaviour

The objectors have been notified of the Planning Control Committee.

Consultations

Highways Section - Comments are to be reported following the receipt of revised plans, which may address some concerns.

Drainage Section – No objections

Environmental Health – Contaminated land - No comments received

Waste Management - No comments received

Strategic housing unit - No comments received

BADDAC – Concerned that the development will only meet the minimum standard for Part M of the Building Regulations.

Design for Security - No objections, subject to the applicant following the recommendations contained in the Crime Impact Statement.

United Utilities - No comments received

British Waterways – No objections. It is considered that the proposed development would lead to greater use of the towpath and it is requested that the developer should make a contribution towards the upgrading and subsequent maintenance of the towpath.

GM Fire Officer - No objections

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H3/2	Existing Incompatible Uses
H4/1	Affordable Housing
H5/1	Area Improvement
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/6	Public Art
EN5/1	New Development and Flood Risk
EN7	Pollution Control
EN7/2	Noise Pollution
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises

Issues and Analysis

Principle - The current proposal would involve the erection of 28 dwellings on land which has permission for industrial units and an amenity area, following an appeal in 2003. Technically, the employment site remains designated as part of the Radcliffe West Employment Generating Area (EGA) under UDP Policy EC2/1.

SPD14 on Employment Land and Premises specifies that its approach would not generally apply to sites within EGAs. However, in paragraph 1.4 of the SPD it does recognise that, in exceptional circumstances and as an absolute last resort, the Council may consider applying the SPD's approach to employment sites within EGAs.

Given the history and circumstances surrounding this EGA and the fact that a significant amount of it was lost as a result of the successful appeal proposals, the employment element of the proposed scheme has been detached from the remainder of the EGA. This is considered to represent sufficient exceptional circumstances to justify consideration of the employment site at Allens Green under the terms of SPD14.

SPD14 sets out the Council's approach towards proposals to redevelop employment land and premises for higher value uses, such as residential. In basic terms, the SPD follows a sequential approach whereby the Council's starting point is to safeguard employment sites that are considered suitable, in land use terms, for continued employment use. The suitability of the site has been given detailed consideration as part of the Bury Employment Land Review which has concluded that the site is suitable, from a land use perspective, for continued employment use.

However, the SPD specifies that where it can be clearly and unequivocally demonstrated that this is not a viable option, the Council will consider alternative approaches. In such instances, applicants would be expected to submit detailed evidence in this respect.

As part of the proposal, the applicant has submitted evidence to show that the site has been marketed for a significant period without any tangible interest being shown.

SPD14 specifies that in such circumstances, the Council will require the prospective developer to consider a mixed-use proposal whereby the delivery of new employment uses on the site is cross-subsidised by higher value uses on the other part of the site. However, in this instance it is accepted that the marketing of the site has demonstrated a lack of demand for employment premises in this location. Notwithstanding this, the size of the site would render this an inappropriate alternative.

SPD14 specifies that, where a mixed-use scheme is unviable/inappropriate, the Council will consider the redevelopment of the site for other, higher value uses on condition that the developer makes a one-off payment to the Council to compensate for the loss of the employment resource. This payment is based on the employment land value of the site. Any payments made will be held in an Employment Land Development Fund and will be used to bring forward employment opportunities elsewhere in the Borough. For a site of the size (i.e. 0.62 acres/0.26 hectares), such a payment would amount to £130,000 (based on average industrial land values in Bury quoted in the January 2009 VOA Property Market Report – i.e. £500,000/ha). The applicant has agreed to make a contribution of £130,000 and this can be secured through a Section 106 agreement. As a result, the redevelopment of the employment site for residential uses is considered acceptable.

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.

Policy L4 of the Regional Spatial Strategy states that the average rate of housing provision is 500 dwellings per year.

The proposed development would be located in close proximity to a residential area and as such, it is considered that there would be adequate infrastructure for residential purposes. The proposed site is previously developed land and as such, would not conflict with the surrounding uses.

The proposed development would be located on a section of land, which was allocated as public open space in application 39480. Policy RT2/2 states that developers of new housing will be expected to provide for the recreational needs of the prospective residents by providing and laying out recreational space within or adjacent to the development. For larger developments such provision would normally be expected to be by the allocation of land in the site and for smaller developments the developer may alternatively pay a commuted sum to the Council for the enhancement of public open space or the implementation of an outstanding recreation allocation in the nearby area. SPD 1 allows for the both on-site recreation provision and off-site recreation provision by means of a commuted sum.

The public open space was split into two sites and the proposed development would result in the loss of 43% of the original public open space. The existing area already provides for amenity space and is sufficient as an informal provision. The applicant is willing to pay a share of the recreation contribution of the previous scheme (39480). The existing space and the contribution of £44,719.07 towards off-site recreation are therefore acceptable. This contribution would be secured through a Section 106 agreement. Therefore, it is considered that the proposed development would be acceptable in principle and would be in accordance with Policies H1/2 of the adopted Unitary Development Plan, Policy L4 of the Regional Spatial Strategy and SPD1 - Recreation provision in new development.

Policy H4/1 states that the Council will encourage the provision of affordable housing, with a particular emphasis given towards the development of affordable housing as an integral part of large housing developments. SPD5 states that affordable housing will be required on developments above 15 units and 25% of the total units of the site should be affordable.

The applicant has agreed to provide 7 units on site, with a 25% discount and has submitted details of the exact plots. However, the proposed plots are not acceptable and discussions are taking place with the applicant with regard to which plots would be affordable units.

Impact upon the surrounding area & residential amenity - The proposed development would consist of a mixture of two storey, two and a half storey and three storey properties. The residential properties to the south of the application site contain the same mix of properties in terms of height and it is considered that the proposed development would be acceptable. The proposed development would maintain a frontage along School Street and the design would be similar to the existing properties elsewhere on the estate. The proposed dwellings would be constructed from red and buff facing brick and a slate grey tile, which would be acceptable. It is considered that the proposed dwellings would be acceptable in terms of appearance, form and scale and would be in accordance with Policies EN1/1, EN1/2 and H2/1 of the adopted Unitary Development Plan.

All of the properties, with the exception of a single 1 bedroom flat would have a rear or side garden. The rear or side garden would be used for bin storage and refuse points have been provided for use on collection day. The gardens would be bounded by 1.8 metre fencing. The proposed fencing would match the existing fencing in the locality and would not be unduly prominent. The proposed development would comply with the aspect standards as set out in DCPGN6 and would not have an adverse impact upon the amenity of the nearby residents. Therefore, it is considered that the proposed development would be in accordance with Policies EN1/2 and H2/2 of the adopted Unitary Development Plan.

There are a number of trees on the site, which would have to be removed to facilitate the development. A tree survey has been submitted as part of the application and all of the trees have been designated as being of low value and quality. Therefore, there are no objections to the removal of the trees. The Landscape Practice has some concerns regarding the species selection and a revised plan has been submitted by the applicant.

Therefore, it is considered that the proposed development would not have an adverse impact upon the locality and would be in accordance with Policy EN1/3 of the adopted Unitary Development Plan.

Ecological issues - An ecological assessment has been submitted as part of the application. The Ecological assessment did not identify any new protected species records and did not identify any new ecological constraints. The Wildlife Officer is in agreement with the ecological assessment and has no objections to the proposal, subject to the inclusion of a condition relating to the clearance of vegetation on site. Therefore, it is considered that the proposed development would not have an adverse impact upon a feature of ecological value and would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Parking and access - The proposed development would be accessed off School Street, using three access points for both vehicular and pedestrian access and there would be adequate visibility at all of the three access points. The access point adjacent to plot 163 would link through to the emergency access road, which has been partially completed. It is important that the emergency access is fully in place prior to the dwellings being occupied and this can be secured via a condition. The Highways Section has stated verbally that there are no objections in principle to the proposal. Therefore, it is considered that the proposed development would not have an adverse impact upon highway safety and would be in accordance with Policies HT2/4 and HT4 of the adopted Unitary Development Plan.

SPD11 states that the maximum parking standards for residential dwellings within a high access area are 3 spaces for 3 & 4 bed dwellings and 1.5 spaces for 2 bed dwellings. Therefore, this development should be providing a maximum of 62 parking spaces. The proposed development would provide 49 spaces, including 19 spaces for visitors. Each dwelling would have at least one allocated parking space. The site is located in close proximity to the town centre and has good links to public transport and on this basis, it is considered that the parking provision would be acceptable. Therefore, the proposed development would not have an adverse impact upon highway safety, through parking provision and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

The proposed development would provide level access to the dwellings and would be fully disabled accessible. Therefore, the proposed development would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Contributions - Policy OL5/3 states that within urban areas, where development takes place adjacent to rivers and canal, the Council will seek to maintain and provide open land corridor to help to re-establish the continuity of the river valleys. British Waterways has requested a contribution towards upgrading and the subsequent maintenance of the towpath. As the site for the proposed development is detached from the canal, a contribution towards this has not been sought.

As the proposed development involves building on land, which was previously allocated for recreation provision, a contribution of £44,719.07 is sought to compensate for the loss of recreation provision. In addition, a contribution of £24,298.96 is sought for recreation provision for the current scheme (28 dwellings) in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1. A contribution of £130,000 is sought for the loss of employment land in accordance with SPD14. In accordance with Policy H4/1 and SPD5, 7 affordable units would be provided on site, although details of the exact plots have yet to be agreed. The commuted sums and the provision of 7 affordable units would be secured through a Section 106 agreement. A draft of the agreement has been sent to the applicant's solicitors.

Response to objectors - The issue of the loss of public open space and the loss of wildlife have been dealt with above. The Drainage Section has no objections to the scheme and on this basis it is considered that the existing drainage system would be adequate. GM Police

- Design for Security have no objections to the scheme and it is considered that the nature of the proposed development would not increase anti-social behaviour on the pathway. The proposed development would be accessed from Hutchinson Way and the Highways Section have no objections to the scheme in principle. On this basis, it is considered that the junction would be able to accommodate any additional traffic.

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 be unduly prominent within the locality. The proposed development would not have an adverse impact upon the residential amenity of the neighbouring residents and would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered HB154/P/LP02, HB154/P/PL02 C, HB154/P/HTAPP01, HB154/P/HTAPP02, HB154/P/HTBER/01, HB154/P/HTBER02, HB154/P/HTDH01, HB154/P/HTDH02, HB154/P/HTASH01, HB154/P/HTASH02, HB154/P/HTENN01, HB154/P/HTENN02, HB154/P/HTDA01, HB154/P/HTDA02, HB154/P/HTB-T01, HB154/P/HTB-T02, HB154/P/HTCHA01, HB154/P/HTCHA02, HB154/P/HTBU01, HB154/P/HTBU02, HB154/P/HTCAP01, HB154/P/HTCAP02, HB154/P/HTENN15901, HB154/P/HTENN15902, HB154/P/HTDID01, HB154/P/HTDID02, F1-1, GR2-1, N154/P/SC02, 1986.08, 1986.09 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. 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. Following the provisions of Condition 4 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.

8. No vegetation clearance shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

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.

9. None of the dwellings hereby approved shall be occupied unless or until the emergency access road shown on plan reference HB154/P/PL02 B has been fully implemented to the written satisfaction of the Local Planning Authority.

Reason. In the interests of highway safety pursuant to Policy HT4 - New Development of the Bury Unitary Development Plan.

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

Ward: Radcliffe - West

Item 02

Applicant: Morris Homes Ltd

Location: LAND AT FORMER ALLEN'S GREEN, SION STREET, RADCLIFFE,
MANCHESTER, M26

Proposal: DEVELOPMENT OF 22 RESIDENTIAL DWELLINGS (2, 2.5 & 3 STOREY)

Application Ref: 51144/Full

Target Date: 08/07/2009

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and DCPGN1 and to secure the provision of affordable housing in accordance with Policy H4/1 of the adopted Unitary Development Plan and SPD5. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Director of Environment & Development Services under delegated powers.

Description

The application site is located within an Employment Generating Area. The site has been cleared of buildings and is currently a grassed area with some remains of disused buildings. The site has a plateau area, which is relatively level and steep embankments along the southern and western boundaries. The embankments have extensive tree cover particularly to the lower portions of the slope.

There are residential properties to the east of the site and industrial units to the north of the site. Sion Street forms the boundary to the south of the site, with further industrial units beyond. There is a public footpath along the western boundary of the site, which links to School Street.

This application is one of two applications, which have been submitted for residential development on the former Allens Green site. This application is for 22 dwellings and is located to the west of the existing residential estate. The proposed properties would be a mixture of two, two and a half and three storey properties and detached, semi-detached and terraced properties. The properties would be accessed off Hutchinson Way in between Nos 93 & 97 Hutchinson Way.

Relevant Planning History

35526/99 – Outline application for residential development including access at land at Allens Green Works, Hutchinson Way, Radcliffe. Approved with conditions – 15 December 2000

39480 – Residential development – 125 dwellings & industrial units (B1) and associated works at land at Allens Green Works, Hutchinson Way, Radcliffe.

Allowed on appeal – 7 November 2003

42869 – Residential development – 21 dwellings and associated works at Land off School Street/Sion Street, Radcliffe. Refused – 22 September 2004. Dismissed on appeal -

51143 – Development of 28 residential dwellings (2, 2.5 & 3 storey) at Land at former Allen's Green, Sion Street, Radcliffe. Received – 8 April 2009

Publicity

The neighbouring properties (83 - 117 Hutchinson Way (odds); 1, 2, 8 - 12, 14, 18, 20 & 21 Eton Place; 166 - 168, 168, 190 & Dingle Vale Works, Sion Street) were notified by means of a letter on 22 April and a press notice was published in the Bury Times on 30 April. A site

notice was posted on 29 April. A petition objecting to the proposal has been received and this contains 41 signatures has been received and 15 letters have been received from the occupiers of 37, 65, 70, 77, 79, 85, 89, 97, 99, 101, 105, 111 Hutchinson Way; 1, 2, 17, 21 Mulberry Close; 24 Rupert Street, which have raised the following issues:

- Support the application in principle
- Impact on the amenity of neighbouring residents during construction
- Loss of privacy and light
- Existing development has not been completed
- Impact upon highway safety
- Loss of wildlife
- Concern regarding the closeness of plot 128 to plot 77 (105 Hutchinson Way)

The objectors have been notified of the Planning Control Committee.

Consultations

Highways Section - Comments are to be reported following the receipt of revised plans, which may address some concerns.

Drainage Section – No objections

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

Waste Management – The bin store provision of the 2/3 storey mews properties is not large enough to accommodate both waste bins and recycling bins

Strategic housing unit - No response received

BADDAC – Concerned that the development will only meet the minimum standard for Part M of the Building Regulations.

GM Police Architectural Liaison unit – No objections, subject to development being carried out in accordance with Crime Impact Statement.

United Utilities - No response received

British Waterways – No objections. It is considered that the proposed development would lead to greater use of the towpath and it is requested that the developer should make a contribution towards the upgrading and subsequent maintenance of the towpath.

GM Fire Officer - No objections

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H3/2	Existing Incompatible Uses
H4/1	Affordable Housing
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RT2/2	Recreation Provision in New Housing Development
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SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
SPD11	Parking Standards in Bury

Issues and Analysis

Principle - Technically, the employment site remains designated as part of the Radcliffe West Employment Generating Area (EGA) under UDP Policy EC2/1.

Policy EC2/1 states that in a employment generating area, the Council will only allow development for the uses specified (i.e. business, general industrial and warehousing). Other uses will be permitted where they constitute limited development or do not substantially detract from the area's value as an employment generating area.

Given the history and circumstances surrounding this EGA and the fact that a significant amount of it was lost as a result of the successful appeal proposals, the site has been detached from the remainder of the EGA. An application was made on this site in September 2004, which was subject to appeal. The Inspector dismissed the appeal, but in paragraph 21 of the decision letter, it states that the designation of part of the site under Policy EC2/1/13 is not regarded by the Council as an impediment to residential development.

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.

Policy L4 of the Regional Spatial Strategy states that the average rate of housing provision is 500 dwellings per year.

The proposed development would be located in close proximity to a residential area and as such, it is considered that there would be adequate infrastructure. The proposed site is previously developed land and as such, would not conflict with the surrounding uses.

Although the application site is currently grassed, it formed part of the curtilage for the former Allens Green works and is considered to be previously developed land. This view was confirmed by the Inspector in the appeal decision letter in 2004. Therefore, it is considered that the proposed development would be acceptable in principle and would be in accordance with Policies H1/2 of the adopted Unitary Development Plan, Policy L4 of the Regional Spatial Strategy and SPD1 - Recreation provision in new development.

Policy H4/1 states that the Council will encourage the provision of affordable housing, with a particular emphasis given towards the development of affordable housing as an integral part of large housing developments. SPD5 states that affordable housing will be required on developments above 15 units and 25% of the total units of the site should be affordable.

The applicant has agreed to provide 5 units on site, with a 25% discount and has submitted details of the exact plots. However, the proposed plots are not acceptable and discussions are taking place with the applicant with regard to which plots would be affordable units.

Impact upon the surrounding area & residential amenity - The proposed development would consist of a mixture of two storey, two and a half storey and three storey properties. The residential properties to the west of the application site contain the same mix of properties in terms of height and it is considered that the proposed development would be acceptable. The design of the proposed dwellings would be similar to the existing properties and would be constructed from red and buff facing brick and a slate grey tile, which would be acceptable. It is considered that the proposed dwellings would be acceptable in terms of appearance, form and scale and would be in accordance with Policies EN1/1, EN1/2 and H2/1 of the adopted Unitary Development Plan.

All of the properties would have a rear or side garden, which would be used for bin storage and refuse points have been provided for use on collection day. The gardens would be

bounded by 1.8 metre fencing. The proposed fencing would match the existing fencing in the locality and would not be unduly prominent.

There would be 12.2 metres between the rear elevation of No.105 Hutchinson Way and the gable elevation of plot 128 of the proposed development. It is acknowledged that the proposed development would not comply with the aspect standard being short by 0.8 metres, 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. The remainder of the site would comply with the aspect standards as set out in DCPGN6 and would not have an adverse impact upon the amenity of the nearby residents. Therefore, it is considered that the proposed development would be in accordance with Policies EN1/2 and H2/2 of the adopted Unitary Development Plan.

There are a number of trees on the site on the slope between the dwellings and Sion Street. A tree survey has been submitted as part of the application and all of the trees on the embankment would be retained. The Landscape Practice has some concerns regarding the species selection and a revised plan has been submitted by the applicant. The revised plan strengthens the planting of species, such as silver birch and rowan and the revised plan has addressed the concerns of the Landscape Practice. Therefore, it is considered that the proposed development would not have an adverse impact upon the locality and would be in accordance with Policy EN1/3 of the adopted Unitary Development Plan.

Ecological issues - An ecological assessment has been submitted as part of the application. The Ecological assessment did not identify any new protected species records or any new ecological constraints, but did identify Japanese Knotweed. The Wildlife Officer is in agreement with the ecological assessment and has no objections to the proposal, subject to the inclusion of conditions relating to the timing of the clearance of vegetation on site and regarding Japanese Knotweed. Therefore, it is considered that the proposed development would not have an adverse impact upon a feature of ecological value and would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Parking and access - The proposed development would be accessed off Hutchinson Way and there would be adequate visibility at this access point. The site layout for the application 39480 showed an emergency access road, which linked Hutchinson Way to School Street. The emergency access road has only been partially completed and it is considered that it is important that the emergency access is completed. This will be secured via a condition, which would ensure that the emergency access road is fully in place prior to works commencing on the dwellings. The Highways Section has stated verbally that there are no objections in principle to the proposal. Therefore, it is considered that the proposed development would not have an adverse impact upon highway safety and would be in accordance with Policies HT2/4 and HT4 of the adopted Unitary Development Plan.

SPD11 states that the maximum parking standards for residential dwellings within a high access area are 3 spaces for 3 & 4 bed dwellings and 1.5 spaces for 2 bed dwellings. Therefore, this development should be providing a maximum of 62 parking spaces. The proposed development would provide 39 spaces, including 2 spaces for visitors. Each dwelling would have at least one allocated parking space. The site is located in close proximity to the town centre and has good links to public transport and on this basis, it is considered that the parking provision would be acceptable. Therefore, the proposed development would not have an adverse impact upon highway safety, through parking provision and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

The proposed development would provide level access to the dwellings and would be fully disabled accessible. Therefore, the proposed development would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Contributions – Policy OL5/3 states that within urban areas, where development takes place adjacent to rivers and canal, the Council will seek to maintain and provide open land

corridor to help to re-establish the continuity of the river valleys. British Waterways has requested a contribution towards upgrading and the subsequent maintenance of the towpath. As the site for the proposed development is detached from the canal, a contribution towards this has not been sought.

A contribution of £20,867.00 is sought for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1. In accordance with Policy H4/1 and SPD5, 7 affordable units would be provided on site, although details of the exact plots have yet to be agreed. The commuted sum and the provision of 5 affordable units would be secured through a Section 106 agreement. A draft of the agreement has been sent to the applicant's solicitors.

Response to objectors - The issues of the loss of wildlife and loss of privacy has been dealt with above. The Drainage Section has no objections to the scheme and on this basis, it is considered that the existing drainage system would be adequate. The proposed development would be accessed from Hutchinson Way and the Highways Section has no objections to the proposal in principle. On this basis, it is considered that the junction would be able to accommodate any additional traffic. The issues of the completion of works and any disturbance during construction are not material planning considerations and cannot be taken into account.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
The proposed development is acceptable in principle and would not be unduly prominent within the locality. The proposed development would not have an adverse impact upon the residential amenity of the neighbouring residents and would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered HB154/P/LP01/A, OG006/ASR, HB154/P/PL02 C, HB154/P/HTMAL01, HB154/P/HTB-T/02, HB154/P/HTENN/01, HB154/P/HTENN/02, HB154/P/HTEL/01, HB154/P/HTEL/02, HB154/P/HTDH/01, HB154/P/HTDH/02, HB154/P/HTBU/01, HB154/P/HTBU/02, HB154/P/HTBOR/01, HB154/P/HTBOR/02, HB154/P/HTBO/01, HB154/P/HTBO/01, HB154/P/HTBER/01, HB154/P/HTBER/02, HB154/P/HTAPP/01, HB154/P/HTAPP/02, 1986.09, N154/P/SC01, F1-1, GR2-1 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. No development shall commence unless or until the emergency access road shown on plan reference HB154/P/PL02 B has been fully implemented to the written satisfaction of the Local Planning Authority.
Reason. In the interests of highway safety pursuant to Policy HT4 - New Development of the Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the

actual/potential contamination and/or ground gas/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. Following the provisions of Condition 4 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.

8. No vegetation clearance shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

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.

9. No development shall commence until full details of a scheme for the eradication

and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.
Reason. To ensure that the site is free from Japanese Knotweed in the interest of UDP Policy EN9 - Landscape

10. Prior to the removal of the tree(s) permitted by this approval, a survey shall be conducted, and the survey results established as to whether the affected trees are utilised by bats or owls. A programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority and all mitigation measures shall be fully implemented prior to the commencement of the works and to 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.
11. 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.

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

Ward: Bury East

Item 03

Applicant: Mr Shabir Ilyas

Location: 11 BOLTON STREET, BURY, BL9 0EY

Proposal: CHANGE OF USE FROM SHOP (USE CLASS A1) TO HOT FOOD TAKEAWAY (USE CLASS A5)

Application Ref: 51167/Full

Target Date: 12/06/2009

Recommendation: Approve with Conditions

Description

The existing shop premises have been vacant since February 2008. The unit is situated within Bury Town Centre and within the Conservation Area. It forms part of a Secondary Shopping Frontage which is made up of a mix of retail and non-retail uses.

Proposal is for a change of use of the ground floor of the shop unit to hot food take-away. Opening hours would be 10am to 4am. There would be 6 full time and 2 part time staff. A flue would be fitted at the rear and the upper floor would remain as storage.

Relevant Planning History

48049 - External Fire Escape And Guardrail At The Rear - Refused 20/07/2007

Publicity

Neighbours at 2 to 8a Silver Street, Peel House & 5 to 23a & 4 to 24a Bolton Street, 4 Cooper Street, Silvers at Back Silver Street & 4 Parks Yard have been notified by letter dated 20/4/2009.

Site notice posted 20/4/2009.

Press advertisement as Development within a Conservation Area in Bury Times 30/4/2009.

Objections have been received from the occupier of Nos.17 and 21 Bolton Street with the following concerns:

- Too many take-aways.
- Increase in litter and additional risk of vermin.

The objectors have been informed of the Planning Control Committee.

Consultations

Traffic Section - no objection.

Drainage Section - no objection.

Conservation - No objection.

Environmental Health - no objection subject to appropriate extraction/flue.

Police - no comment.

Unitary Development Plan and Policies

Area Bolton Street/Market Place

BY3

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

S1/1 Shopping in Bury Town Centre

S2/3 Secondary Shopping Areas and Frontages

Issues and Analysis

Policy - UDP Shopping Policy S1/1 relates to shopping to the town centre and states that the Council will protect, maintain and enhance the role of Bury Town Centre as a

sub-regional shopping centre. Area policy BY3 likewise encourages proposals for cultural, leisure and tourism, shopping and business uses.

Conservation Area policies EN2/1 and EN2/2 encourage proposals which preserve and enhance the character of any conservation areas.

Policy S2/3 - Secondary Shopping Areas and Frontages seeks to maintain retailing A1 as the predominant land use at ground floor level. Where a proposal would lead to more than 40% of any identified secondary shopping frontage being in non-retail use, additional factors need to be taken into account, namely, e) the location and prominence of the proposal within the secondary shopping frontage; f) the number, distribution and proximity of other premises in non-retail use; g) the nature and character of the use proposed.

Policy S2/6 - Food and Drink considers all proposals which involve take-aways, restaurants, cafes and bars with regards to amenity, parking and servicing, environmental impact and over concentration of the use which would affect the character of an area.

Character of the Shopping Frontage - The site is located in the secondary shopping frontage that runs from No.1 to No.23 Bolton Street and is approx 63m long. At present 43.4% of the secondary shopping frontage is in non-A1 use, however this is also limited to a double fronted fast food outlet 'Dixie Chicken' at 15-17 Bolton Street and the now vacant Clarence Hotel on the corner of Bolton Street and Silver Street. If the proposal were to be approved, it would take the total non-A1 frontage to 51.1%. As such, the application would need to be further considered against the additional criteria specified above.

Although the site is located on an important gateway into the Town Centre, it is set back from the footway along Bolton Street and as such is not prominent particularly when viewed from the east/Market Place end of Bolton Street. With regard to the number and distribution of other non-retail uses, the double fronted hot food take-away occupying 15-17 Bolton Street is currently the only A5 hot food take-away on this part of Bolton Street. A significant part of the non-retail percentage is made up of that part of the now vacant Clarence Hotel on the corner. It is noted that the hotel falls into the A4/pub category and in physical terms, the frontage is unlikely to change from its traditional Victorian style due to its prominence within the Town Centre and restrictions placed on it by Planning and Conservation Area regulations. It is therefore considered reasonable to partly discount this proportion of the non-A1 frontage within the overall total. It is considered that this section of Bolton Street could accommodate a single fronted hot food take-away without significant detriment to the character or the viability of this secondary shopping locality.

Conservation Area - As discussed above the property is not considered to be prominent in the Conservation Area because of its relationship to the footway. The proposed use would not be out of character with others in the vicinity nor therefore have a significant impact on the character of the conservation area. The proposal would therefore comply with Conservation Area Policies EN2/1 and 2/2.

Parking - The site is within the town centre with parking in the vicinity and as such no off-street parking would be required.

Servicing - Servicing and refuse collection arrangements would not change from the previous use and is therefore not an issue.

Hours of Opening - Hours of opening to 4am is late but not unusual in the town centre and there are no residential properties in the immediate vicinity.

Flue - The proposed flue would be positioned on the flat roof rear extension and would not be visible from the public highway. A condition requiring technical details to be approved is considered appropriate.

Objections - Whilst litter may be a problem in the town centre as a whole, it would be

unreasonable to refuse the application on grounds of litter given the location of litter bins in the vicinity. The potential for increasing vermin is not a planning matter in this case but one controlled by Environmental Health legislation. The issue about too many take-aways is addressed above.

The proposal would not have a harmful impact on the character of the conservation area or viability of the shopping frontage. It is therefore considered to comply with the UDP policies listed above.

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 hot food take-away would be considered to be appropriate within the town centre in that it would not have a harmful impact on the shopping frontage or conservation area in which it is situated. There would be no concerns with regard to residential amenity. 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 dated 17th April 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.
3. 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 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.

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

Ward: Whitefield + Unsworth - Besses

Item 04

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

The application was deferred from the Planning Control Committee on 19th May 2009 to allow Members to visit the site.

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

Following the notification of the revised plans, four letters have been received from the occupiers of 73, 75 Naden Walk, 11 Lydgate Close & 7 Lydgate Walk, which have raised

the following issues:

- The dwellings would have no front garden
- Impact on pedestrian safety
- Object to the loss of the garages
- Loss of urban open space
- Maintain objection to 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: Prestwich - Holyrood

Item 05

Applicant: The Governors of Prestwich High School Arts College

Location: PRESTWICH HIGH SCHOOL, HEYS ROAD, PRESTWICH, M25 1JZ

Proposal: DINING HALL AND TEACHING BASE EXTENSION

Application Ref: 51208/Full

Target Date: 30/06/2009

Recommendation: Approve with Conditions

Description

Prestwich High School arts college is located on a site of approximately 3ha between Heys Road to the south and Glebelands Road to the north. The area is predominantly residential in character.

Prestwich High school is a specialist arts college. It currently has no dining hall but utilises four classrooms for this purpose. The proposed new dining hall would be on the site of the four classrooms currently used for this purpose and a new external covered area that would allow outdoor seating in better weather. The external seating area would be protected by aluminium shutters outside school hours.

A new first floor would be added above the dining area to accommodate the four classrooms lost by the development of the dining hall, a special educational needs facility two small offices and a disabled toilet. The footprint of the extension would be approximately 26m by 16m. The maximum height would be 8m high.

The materials proposed would be a mix of red facing brick, render and cedar cladding.

Relevant Planning History

51209 - Auditorium Extension With Link To Existing Building - currently under consideration at this Planning Control Committee.

44988 - Replacement Classrooms With Associated Site works - Approved 12/09/2005

Publicity

Immediate neighbours at 49, 51, 67 to 71 (odd) & 58 to 126 (even) Heys Road, 43 to 65 Glebelands Road, 1 to 8 Gilmore Drive, 28 to 34 (even), 41 to 47 (odd) Sunningdale Drive and 167 to 199 (odd) Heywood Road notified by letter dated 7th May. Four representations with concerns have been received from the occupiers of Nos.90 and 110 Heys Road, 8 Gilmore Drive and 8 Birch Grove. The objections can be summarised as follows:

- Negative impact on the appearance of the school.
- Further vertical expansion.
- Reduction in privacy.
- Reduction in light to properties on Heys Road.
- Affect TV reception.
- Negative impact on properties from construction and increased traffic and pupil numbers.
- The extension will block views.
- Open space around the school would be better for building.
- Building operations could disturb residents if it takes place outside school hours.
- Will the extension be a waste of money as the site is inadequate and likely to close in the future?

One letter received from 51 Heys Road in support of the proposal stating that the new

facilities are needed.

The people who have commented on the application have been informed of the Planning Control Committee.

Consultations

Environmental Health - No comment.

Baddac - No objection in principle.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

CF1/1 Location of New Community Facilities

CF2 Education Land and Buildings

Issues and Analysis

Use - UDP Policy CF2 relating to education land and buildings states that proposals for the provision, improvement and dual use of facilities will be looked on favourably. The school is clearly in need of better dining facilities and the new classrooms and SEN base above would replace the temporary satellite classrooms to the rear of the school site that would be lost as a result of the new auditorium - subject to planning application 51208 which is also being considered at this committee. The extension would not increase the numbers of pupils on the school role.

Visual Amenity - The footprint of the extension would not be significantly bigger than the existing building which is set back into the site and partly screened by trees on the frontage. The increase in height by one storey is not considered overly intrusive on the street scene or in relation to properties across Heys Road. The new build would be seen against the back drop of two storey buildings to the rear of the proposed extension. As such the proposal complies with UDP Policy EH1/2 relating to design and townscape.

Residential Amenity - The extension would be set well back into the site and approximately 31m from the front elevation of the houses opposite on Heys Road and over 70m from houses on Heywood Road and Gilmore Drive. There are also mature trees along this part of the frontage between the extension and Heys Road that would help screen the building from the road. Given the nature of the extension and the distances across to houses on Heys Road there would not be a privacy issue. There will not be a reduction in light levels and TV reception is not likely to be affected. As pupil numbers are not increasing there would not be increased traffic as a result of the proposed extension. The residential amenity of surrounding residents would not be seriously affected by the proposal. As such it is considered that the proposal accords with UDP Policy CF2.

Traffic - The extension would not lead to an increase in pupil numbers and therefore traffic levels would not be affected.

Disabled Access - The scheme will improve access and facilities for the disabled and is welcomed.

Objections - The objections concerning amenity issues have been addressed above in the section on Residential amenity with the exception of disturbance during construction. This is not considered to be a consideration that would warrant refusal and it is unlikely that the structure of properties on Heys road would be detrimentally affected given the separation distances from the proposed works and the properties. With regard to the 'waste of money' comment, it is considered that the site is adequate and there are no plans to close the school in the future.

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 extension will improve facilities at the school without detriment to visual or residential amenity. It is considered to comply with UDP 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 drawings numbered 1131-01-P-01, 02, 03, 05, 06, 07, 08, 09, 11
1131 01-SS-03, 04, 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.

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

Ward: Prestwich - Holyrood

Item 06

Applicant: Governors of Prestwich High School Arts College

Location: PRESTWICH HIGH SCHOOL, HEYS ROAD, PRESTWICH, M25 1JZ

Proposal: AUDITORIUM EXTENSION WITH LINK TO EXISTING BUILDING

Application Ref: 51209/Full

Target Date: 10/06/2009

Recommendation: Approve with Conditions

Description

Prestwich High School arts college is located on a site of approximately 3ha between Heys Road to the south and Glebelands Road to the north. The area is predominantly residential in character.

Prestwich High School is a specialist arts college. As part of its designation as a specialist arts facility the school wishes to develop a new auditorium to the rear of the school and connect it into the existing building via a link corridor.

The new auditorium and link, covering a footprint of approximately 425sqm, would extend out 23m from the existing school building and cover the site of an existing detached classroom which would be demolished. At its widest point the building would measure 20m. The building would have a mono pitched roof which would fall from its highest point (8.2m) on the southern side to its low point on the northern / Glebelands Road side. The front elevations of properties on Glebelands Road would be approximately 35m away to the north. The auditorium will have seating for 203 people and half of the front row of seats (12) which has level access can be reconfigured for disabled access.

The new building would be finished in Marley Eternit Texture cladding panels in a random mix of grey, blue and yellow. The link corridor would be finished in grey panels. The roof would be a grey powder coated aluminium standing seam roof.

Relevant Planning History

51208 - Dining Hall And Teaching Base Extension - currently under consideration at this Planning Control Committee.

44988 - Demolition Of Existing Modular Classroom Block; Replacement Classrooms With Associated Site works - Approved 12/09/2005

Publicity

Immediate neighbours at 49, 51, 67 to 71 (odd) & 58 to 126 (even) Heys Road, 43 to 65 Glebelands Road, 1 to 8 Gilmore Drive, 28 to 34 (even), 41 to 47 (odd) Sunningdale Drive and 167 to 199 (odd) Heywood Road notified by letter dated 7th May. Two representations expressing concern from the occupiers of 84 Heys Road and 8 Birch Grove. The objections are summarised as follows:

- Intensification of the use on the site will increase traffic on Heys Road. There are already problems concerning drop-off and pick-up and a new access onto Glebelands Road would ease problems.
- Will the development be a waste of money as the site is inadequate and likely to close in the future?

The objectors have been informed of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Environmental Health - No objection.

Baddac - No objection

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
HT5/1	Access For Those with Special Needs
SPD11	Parking Standards in Bury

Issues and Analysis

Use - UDP Policy CF2 relating to education land and buildings states that proposals for the provision, improvement and dual use of facilities will be looked on favourably. The school, which is designated as a specialist arts centre, would clearly benefit from the new auditorium/ theatre in terms of the facilities it offers to pupils and the wider community outside school hours. The auditorium would not increase the numbers of pupils on the school role.

Visual Amenity - The proposed new build at the rear of the site would not be significantly out of scale with the existing school building. The site slopes up at the rear towards Glebelands Road and this level change helps mitigate the impact of the building on views from the properties on this road. The new build at its highest point would not be significantly higher (1.2m) than the classroom to be demolished on the site and further, it would be seen against the back drop of the existing school buildings. The most noticeable impact is likely to stem from the coloured cladding panels on the main elevations of the auditorium. However the mix of colours within the school grounds would reflect the contemporary design of the building and, in the words of the design and access statement 'add a dynamic interest to the elevations and will signify creativity and forward thinking'. The overall appearance of the building within the larger school site would not be detrimental to visual amenity. As such the proposal complies with UDP Policy EH1/2 relating to design and townscape.

Residential Amenity - The extension would be set well back from Glebelands Road and situated at the foot of the existing slope which drops down from the road into the school grounds. Given that the closest point is 35m away from houses on Glebelands Road it is unlikely to cause serious issues with regard to noise and disturbance. With regard to traffic, during school hours, there would not be any increase in traffic since the auditorium would be used by the school as a teaching facility. When the facility would be utilised by any community groups in association with the school, it would be mainly late afternoon or early evening. A condition restricting the times to 9pm at the latest is considered appropriate in order to protect residential amenity and would be attached to any approval.

Traffic - Whilst it is envisaged that the auditorium would be mainly used as a teaching facility without additional traffic generation, traffic would be generated from the use of the auditorium by the school in conjunction with community/ theatre groups. Out of hours use will be controlled by the school and is likely to consist of 5 or 6 evening/weekend performances during the year. The additional traffic that would be generated would be accommodated with the existing school car park which has 80 spaces inc. 4 disabled spaces in out of school hours. Development Control Policy Guidance Note 11 Parking Standards in Bury indicates that 1 space should be provided per 8 seats, the new auditorium will have 203 seats which would require 25 spaces and as 80 are available on site it is considered that the proposal accords with this Policy. In addition the school as an 'on and out' drop off facility at the school and as such it is not considered that there will be a detrimental impact on traffic in the area.

Disabled Access - The scheme will improve access and facilities for the disabled at the school and as such the proposal accords with Policy HT5/1.

Objections - The concerns with regard to traffic have been addressed in the Traffic

section. With regard to the 'waste of money' comment, it is considered that the site is adequate and there are no plans to close the school in the future.

The proposal is considered to be appropriate to a specialist arts schools and complies with UDP policies listed.

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 alteration including the new auditorium has been assessed against the relevant policies of the Unitary development plans, especially Policy CF1/1 - Location of New Community facilities and has found to be acceptable as its design reflects its use and the use will not have a detrimental impact on the surrounding area.

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 1131-01-P-01, 02, 03, 05, 06, 1131 01-SS-02, 01 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. 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. 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.

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

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

8. Following the provisions of Condition 4 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

9. The auditorium shall not be used for performances after 21.00 hours.
Reason. To protect the residential amenity of the nearby residents and to accord with Unitary Development Plans Policy CF1/1 - Location of New Community Facilities.

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

Ward: Ramsbottom + Tottington - Tottington

Item 07

Applicant: Miss Rosanna La Vecchia

Location: 4-6 MARKET STREET, TOTTINGTON, BL8 4AD

Proposal: CHANGE OF USE OF GROUND FLOOR FROM RETAIL (USE CLASS A1) TO CAFE (USE CLASS A3)

Application Ref: 51226/Full

Target Date: 17/06/2009

Recommendation: Approve with Conditions

Description

The site comprises the ground floor of a three storey stone built property at the junction of Market Street and Turton Road. There is an access passage to the south side which leads to a paved area to the rear.

The ground floor shop unit, which measures 56sqm, and the flat on the upper floors are vacant.

The premises are situated within the Tottington District Shopping Centre. Properties immediately to the south, across the side access passage are in retail (A1) use as is the larger, more modern Co-op across Market Street. There are double yellow lines along this part of Market street.

The proposed cafe would take up the existing shop unit with staff parking and storage space to the side/rear. The opening hours are indicated as follows:

6.30am - 6pm Monday to Friday, 8am - 6pm Saturdays and 8am - 7pm Sundays/Bank Holidays.

It is proposed that cafe would employ 4 full time and 3 part-time staff.

There would be no external alterations or changes to the premises or to the existing shop front.

Relevant Planning History

41251 - Change of Use for first floor commercial to residential; staircase at rear - Approved 29/09/2009.

Publicity

Immediate neighbours 2 -14 and 17 Market Street, 1 Tuton Road, 1, 2 and 4 Chapel Street, 5 Back Chapel Street notified by letter dated 24/04/2009. Objections have been received from Carmelo's restaurant at 1 Chapel Street and the Health Centre to the rear. The objections can be summarised as follows:

- seems to be a 'land grab' at the rear of the premises and a legal claim could affect the parking.
- the proposal would increase parking problems in the area.

The objector has been informed of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Drainage Section - No objection

Environmental Health - Any comments will be reported in the supplementary agenda

Baddac - No objection.

designforsecurity - No comment.

Unitary Development Plan and Policies

S1/3	Shopping in District Centres
S2/3	Secondary Shopping Areas and Frontages
S2/6	Food and Drink
HT2/4	Car Parking and New Development
EN1/5	Crime Prevention
EN1/8	Shop Fronts
SPD11	Parking Standards in Bury

Issues and Analysis

Policy - The site lies within a district shopping centre and as such UDP Policy S1/3 is relevant. This policy states that the council will support proposals for new shopping development provided that such development is of a size, scale, function and character appropriate to serve the needs of the local area. The site which has been vacant for approximately 12 months is in the centre of the shopping area. Bringing the unit back into commercial use with a cafe would improve the viability and vitality of the centre without have a seriously detrimental impact on the character of the locality as there are no cafe outlets of this kind in the immediate vicinity. In addition Policy S2/3 - Secondary Shopping Area and Frontage is relevant and this states that proposals will be assessed against criteria including design, access, disturbance and the proximity and distribution of existing non-retail units. It is not considered there are any issues of concern relating to this criteria and therefore the proposal would be supported in policy terms subject to site specific criteria within Policy S2/6 - Food and Drink.

UDP Policy S2/6 - Food and Drink is specifically relevant to cafes and restaurants. This policy indicates that in considering proposals for these uses, the following factors need to be considered;

- Residential amenity by noise, smell, litter and opening hours.
- The resulting concentration of food and drink outlets and the impact on the character of the centre.
- Parking and servicing and the impact on road safety.
- Storage and disposal of refuse.
- Impact of flues and ducts.

Residential Amenity - The site is within the district centre and is predominantly commercial in nature. Although there is a vacant residential flat above the shop unit, it would not be seriously affected by the cafe which would be small in scale and would not be open late in the evening. Given the distances to other residential properties on Chapel Street (32m away) and further down Market Street (40m away), residential amenity would not be adversely affected and as such the proposal will accord with this policy in this respect.

Traffic and Parking - The site is within the district centre and would not necessarily require off street parking, particularly given its modest scale, the parking to the rear for staff is generally welcomed. Development Control Policy guidance Note 11 - Parking Standards in Bury recognises that standards for visitor parking can be reduced when sites are located in existing shopping centres, especially for those with a small amount of floor space such as this unit. There are off street car parks within walking distance in the town centre and as such it is considered that it is acceptable for no parking to be provided in this case and that there will be no conflict with DCPGN 11 in this instance.

Refuse - The proposed area for bin storage is considered to be appropriate in this location.

Flues and Ducting - The applicant indicates that there would be no requirement for a flue as there would be no hot food preparation on site apart from that heated up in a microwave oven or toasted. Any new external ducting that may be needed if the use intensifies would need a further planning consent and this would then be viewed upon its merits at that time.

Disabled Access - There is a small step into the premises which would not present serious concerns.

Objections - The issue of parking has been dealt with in the main report and the communal ownership of the land at the rear is not a planning issue and as such neither objection warrants refusal of the application.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
The change of use would be appropriate in this location and would not have a detrimental impact on the viability or vitality of the shopping centre. There are no residential amenity issues of concern. 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 22nd April 2009 including A100, A102 and Images/Section 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 cafe hereby permitted shall not be open to customers outside the following times: 0630hrs to 1900hrs Monday to Saturday and 0800hrs to 1900hrs Sunday.
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.

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

Ward: Whitefield + Unsworth - Pilkington Park

Item 08

Applicant: Governors of Bury and Whitefield Jewish Primary School

Location: LAND TO THE WEST OF OLD HALL LANE, WHITEFIELD

Proposal: OUTLINE APPLICATION FOR ERECTION OF PRIMARY SCHOOL
(RESUBMISSION)

Application Ref: 51254/Outline Planning
Permission

Target Date: 20/07/2009

Recommendation: Refuse

Description

Outline approval is sought by the trustees of the school for a replacement primary school with associated outdoor recreation and sports facilities, nursery and creche on a Greenfield site to the west of Old Hall Lane. Reserved matters approval is sought for access, layout and scale of development. The design and landscaping would be dealt with by a subsequent reserved matters application.

The existing Bury and Whitefield Primary School is a single form voluntary aided Jewish Primary school located off Parr Lane Unsworth. The site was acquired from the Local Authority by the trustees in 1984 following the closure of the former St. George's Primary School. Access is from Parr Lane and runs adjacent to No.110.

The existing school site, enclosed by railings and including the Local Authority owned playing field, measures 1.172ha. The school buildings, hard play areas, parking and driveways measures 0.442ha. The whole playing field measures 0.730ha. That part of playing field owned by School measures 0.101ha. A layout of the existing school site and adjacent playing field is attached at Appendix 1.

The existing school building itself is single storey with mono-pitched flat roofs. It is an ageing building which is described by the applicants as displaying significant condition problems which in turn has limited opportunities for the school to develop.

The site of the proposed new school covers approximately 6.8ha and is currently in use as agricultural pasture land. The land is irregular in shape and falls gradually from north to south with a lesser fall from east to west. The site itself is bounded to the west and east by hedgerows. To the north is open pasture and three detached residential properties on Copper Lane. Snape Wood lies to the south. To the east of the site are residential properties located along Old Hall Lane, Rye Croft and Marle Croft and which form the edge of a residential estate of similar properties to the east. Location plans for the existing site and the proposed site with photographs are attached to this report.

The applicant has indicated that a site of at least 1.2ha is required for the school and 1.1ha for a two storey building. The new primary school would accommodate 210 children with the nursery and creche accommodating 30 and 15 children respectively in the same building. The new building would be located within the southern section of the site and have a floor area of 2312sq metres (0.23ha). The proposed outdoor sports provision and hard play areas take up 0.78ha. Design details would be submitted as reserved matters but it is indicated that the building would be single storey with a 'green roof'.

A new access point would be formed from Old Hall Lane at its junction with Sergeants Lane. It is at this junction that a new mini roundabout would be formed. A new road would connect Old Hall Lane at its junction with Copper Lane with Ringley Road to the north. The existing

90m section of Old Hall Lane from Ringley Road would be formed into a cul-de-sac. The access road into the site would extend approximately 200m to a service area on the western side of the school building. A secondary spur would extend from the main access road and form a drop-off point with a bus lay-by on the western side of the site.

A Transport Assessment was submitted with the application. The assessment indicates that:

- The existing school on Parr Lane recorded a total peak of 122 cars dropping pupils off during the afternoon peak.
- It is predicted that there would be an increase of 44 vehicles on the west arm of Ringley Road and 32 vehicles on the east arm during peak hour. The table below sets out the % increases on Ringley Road:

Arm	AM % Increase	PM % Increase
Ringley Road (E)	5.1	4.3
Ringley road (W)	8.9	10.9

- No recurring accident problems appear to be associated with the area around the site.
- An increasing number of children are likely to walk or cycle to school or take the school bus.
- There would be no significant increase in traffic or traffic related problems as a result of the proposal.

The Justification Report prepared by consultants and surveyors Stewart Pearl Associates and submitted with the application states that the new school is needed because the existing school is inadequate in that it is in poor condition and does not satisfy current guidance published by the Department for Children, Schools and Families - Building Bulletin 99 (BB99). This document sets out non-statutory area guidelines for primary school buildings. The table below, submitted with the application indicates how the existing school falls short of the BB99 criteria. The figures are based on a school roll of 210 although it is noted that there are only 129 pupils at present, excluding the nursery.

Total site area (excluding adjacent playing field)	5,400sqm	
Less Area for Road and Parking		980
Less Area for existing Nursery		296
Site Area Remaining for Development	4,124	
Area Required for Hard Play by BB99	3,195	
Remaining Area available for School Building	929	
Minimum Area Required for School Building	1,250	
Area Shortfall		321sqm

The applicant's report states that whilst the overall school building compares reasonably well with the BB99 standards, closer examination of the schedule reveals inadequacy within the school such as:

- The building is poor quality and nearing the end of its useful life.
- People having to pass through the hall to access classrooms and library.
- Undersized staff areas.
- Lack of disabled facilities.
- Lack of storage.
- Lack of toilets for kitchen staff.
- Inadequate hard play area.
- The playing field is owned by Bury Council and is used by non-school football teams. It therefore cannot be converted to a hard play area.
- Vehicular access is inadequate and conflicts with residents access and parking and can lead to congestion.
- Service vehicles have to do 3 point turns to exit the site.
- The access and parking arrangements are a safety risk.

It is indicated by the applicant that rebuilding or major remodelling on the existing school site would not be an option for the following reasons:

- It would not solve the access and parking problems.
- Any extension would reduce the amount of hard play area even further.
- For the above reason extensions could not be provided.
- Increasing space in some areas would reduce space in others.

Given the apparent inadequacy of the present site, a Study of Potential Sites for New School Facilities has been submitted by the applicant. It sets out the five main stages for assessment of sites within the school catchment area (area within which 80% of the pupils reside) plus 1km.

Stage 1. Identification and Elimination of Constrained Areas

Stage 2. Identification of Sites within the Urban Area.

Stage 3. Assessment of Sites within the Urban Area

Stage 4. Identification of sites outside the urban Area

Stage 5. Assessment of sites outside the urban Area

The site search comprised:

- Previously developed land and buildings within the urban area.
- Open space/undeveloped land within the urban area.
- Previously developed land on the edge of the urban area.
- Undeveloped land on the edge of the urban area, which is designated as Green Belt.

Stage 1 recognised a number of primary constraints:

1. Protected Areas - Special Landscape, Protected Recreational Provision. Policy RT1/1 provides three exceptions where development may be allowed on protected recreation sites.

- Facilities can be retained and enhanced by the redevelopment of a small part of the site.
- Alternative provision of equivalent community benefit is made available.
- It can be demonstrated there is excess recreational provision in the area.

The applicant indicates that last of the three exceptions can be ruled out as there is a recognised shortfall in formal sports provision in Whitefield and Prestwich in comparison to National Playing Field Association (NPFA) standards.

2. Access to Public Transport - Applicant suggests that the site has safe and convenient public transport.

3. Natural Environment - Applicant suggests that the site should not be subject to ecological constraints.

4. Historical Environment - Applicant suggests that the site should not have significant historic value.

5. Current use - Areas which are already used for formal recreation were discounted eg. golf courses, football pitches.

Areas subject to the above constraints were not considered in the study.

Stages 2 to 5 identifies and assesses individual urban and non-urban sites within the search area. Appendix 2 contains details of each site and how it was assessed.

A summary of the applicants case for 'very special circumstances' is attached at Appendix 3.

Relevant Planning History

Existing site - 36589 - Single storey Extension - Approved 21/07/00

43960 - Security Fence - Approved 2/03/05

45865 - Shelter for Play Area - Approved 24/02/06

Proposed Site - 50250 Outline Application for Erection of Primary School - Withdrawn 21/11/2008

Publicity

Press notice posted in the Bury Times and the Prestwich and Whitefield Guide on 30th April due to proposal being a major application, a departure from the Development Plan and Affecting a Public Right of Way.

Two site notices posted on 29th April.

Letters of notification were sent to the following residents on 22nd April.

The great majority of the 586 representations objecting to the proposal have been received from households in Whitefield. Other objections are from Radcliffe, Prestwich and other parts of Bury and Manchester. Objections include the Old Hall Park Residents Association and the National Farmers Union.

The objections are summarised below.

Relocation Issues.

- A new school in the Green Belt is unnecessary and the case has not been proven for exceptional circumstances.
- According to the Education Department the existing school is currently 11th out of 64 schools in the borough when measured by the quality of their accommodation. Therefore the school is not exceptionally poor.
- A new larger school is not required since the school roll at the school has fallen significantly over the last few years.
- There is enough room on the existing school site to satisfy and indeed improve upon guidance criteria within BB99. Some of the figures used to justify relocation from the existing school site are incorrect in a number of instances. In particular the area required for hard play (hard play, games courts, habitat and 'float') would not be 3195sqm. The error stems from the applicants having allocated the whole of the float of 1050sqm to the three categories of games courts, hard play and habitat and have not allocated any of the float to soft play and playing pitches. This is contrary to advice in BB99 which indicates that the float be used to enhance all five categories so that the recommended area for each is greater than the minimum and averages around the middle of each of the stipulated zones. A second error involves the omission of the recommended areas of soft play, hard play and habitat for the nursery which totals 260sqm. In rectifying these two errors there would be an area of 2699sqm for hard play, games and habitat which in turn would leave 1425sqm available for the school building. This is greater than the 'minimum new build area' of 1250sqm (approx 1344sqm gross which includes external walls etc).
- The applicant states that the grassed area would accommodate a junior football pitch without any surplus area. This is incorrect as there is at present a junior football pitch on the field with a significant amount of space around it. The grassed area could support the recommended pitch area and the recommended soft play area.
- The use of an 'all-weather' facility would be 'double counted' and reduce the requirement for space about the school further.
- Further errors in the applicant's figures have led to the false conclusion that an enhanced school cannot be built the existing site. However rather than there being a shortcoming of 996sqm there would be a surplus of 589sqm, even allowing for a new nursery building (see Appendix 6).
- Errors are also evident in the applicant's case against a two storey school.
- Errors in the estimated costings eg. the cost of providing alternative accommodation (£538K) would not be needed should the new school be constructed on the adjacent field. Nearby school playing fields (Castlebrook High School) could be used for sports. This 'site swap' has occurred in a number of instances and appears to be the most economical option.
- The school could increase its hard play area by extending into that part of the field owned by the school (1000sqm) without compromising the pitches and soft play.
- The school could extend its building on to this area if need be, again without compromising pitches and soft play.
- If the site were classified as 'confined' standards could be reduced further.
- The problems of the school in terms of the condition of the buildings are not serious

compared to other schools in the Borough as indicated by the LEA's 2008 document 'Primary Strategy for Change'.

- Problems experienced within the school such as circulation, could be overcome by reconfiguring the existing layout.
- King David's Primary School could combine with Bury and Whitefield School to avoid building in the Green Belt.

Alternative Site Search Issues.

- The way the search area for alternative site has been drawn is not reasonable given the nature of the school and the dispersal of the Jewish community within Bury and Manchester. Given that the Jewish community is moving in all directions it is inappropriate to have such a restricted search area and preclude much of Prestwich.
- The search for potential alternative sites is flawed and does not realistically present the case for alternative sites.
- The search area for alternative sites was too tight and could have included areas in Manchester where there are Jewish communities.
- The site search was restricted to sites within 400m of high frequency bus routes. However the site search study refers to the acceptable 1000m walking distance to schools set out in the Institute of Highways and Transportation (IHT) Guidelines for Providing Journeys on Foot.
- Some of the reasons for dismissing particular sites within the site search report are questionable.
- Rejecting sites because they are south of the M60 motorway which would form a barrier, is a nonsense.
- Many existing school sites, particularly where they are located close to open space or recreational space, have been unreasonably discounted.
- 'Uneconomical' land values on alternative sites should not constitute a valid reason for allowing development in the Green Belt.
- Dismissing a site because of potential noise and disturbance to residents from a primary school of this size seems unreasonable given that the same situation exists throughout the Borough without a problem.
- Dismissing a site because of the impact of noise from surrounding uses or motorway's is not reasonable as there are examples of schools close to industry and motorway's.
- Other Green Belt sites which would be more appropriate than that proposed have been dismissed without valid reason.

Environmental Issues

- The proposal is contrary to Green Belt policy and its objectives and the Regional Spatial Strategy for the North West and will lead to the deterioration of the countryside.
- Conservation should be put before development.
- The area functions as a 'green lung' to the residents of Radcliffe, Whitefield and Outwood and has helped focus development back into the urban area.
- Loss of visual amenity.
- The proposed access is poor and will be situated on a site where there are protected species.
- Increasing traffic congestion and parking problems particularly during the start and end of the school day.
- The road layout is impractical and a mini-roundabout on the country lane would be inappropriate.
- Reduce highway safety.
- Increase carbon emissions and generally add to increasing pollution levels.
- Loss of farmland.
- Reduction in the quality of life for local residents.
- Detrimental impact on the SBI, local ecology and wildlife.
- The proposal would exacerbate existing drainage problems.
- The development would detrimentally affect views of the countryside from neighbouring estate and public footpaths.
- Loss of trees.

- Increasing noise pollution from activities at the school and traffic generated.
- Detrimental impact on the ecology of the area which include bats, deer, badgers, great Crested Newts and birds etc.
- Detrimental impact on surrounding Public Rights of Way and walkers.
- Loss of value to houses.
- Approving the school may possibly lead to resentment against the Jewish community.
- The development impinges on Human Rights.
- Approving the application would set a dangerous precedent for further development in the Green Belt.

348 letters has been received in support of the proposal from residents in Bury, Whitefield and Radcliffe. Comments are summarised below:

- The grounds for justification for a new building in the Green Belt are valid.
- The school is facilities are sub-standard and not fit for purpose.
- The new School would improve educational opportunities for Jewish children.
- The Jewish community in Bury and Whitefield is large and growing and a new school would benefit families in the local area.
- The new school would benefit special needs children.
- The school would add to the community feel of the neighbourhood.
- The new traffic signals will ease the traffic situation.
- Currently children attending King David School have to travel long distances. The new school would reduce journeys and travel time and reduce congestion.
- The proposal would blend in with the surroundings.
- There is no other viable location for a new school.
- A new school would increase local house values.
- The building would bring much needed jobs to Bury.

All the people who have commented on the application have been informed of the Planning Control Committee meeting.

Consultations

Highways Section - No objection.

Greater Manchester Transportation Unit - The overall conclusion is that the relocation of the school would be beneficial in terms of sustainable transport as it would reduce travel distances for most pupils and likely to increase walking and/or cycling to and from the school. However the following concerns need to be addressed.

- As parking spaces have been reduced, it is important to encourage walking and cycling to prevent problems relating to drop-off and pick-up.
- Plans suggest high probability of conflict between pedestrians and vehicles. Consideration should be given to the provision of crossing facilities.
- The Transport Assessment does not refer to future traffic growth and assumes no changes to the road network in the area. It is suggested that a future year assessment of 5 years would provide a robust assessment.
- Detailed plans required of the junction layouts are required.
- Appropriate financial commitments for highway related works, on-site parking, bus stop improvements should be made.

Environmental Health (Pollution) - Recommend noise and vibration mitigation measures with regard to any proposed piling.

Environmental Health (Contaminated Land) - No objection subject to contaminated land conditions.

Education - The condition of the existing school is poor. However, in strategic terms rebuilding would not be a priority due to other schools in more deprived areas being in worse condition. In terms of demand within the mainstream Jewish community, this is met by Bury and Whitefield and King David Primary School in Manchester. As with the general

pupil population, school rolls have been declining in recent years. Notwithstanding this it is forecast that demand in future years will be sufficient to sustain both King David School and Bury and Whitefield Primary Schools.

Wildlife Officer - No objection in principle.

Greater Manchester Ecology Unit - No objection in principle.

Natural England - No comment to date.

Greater Manchester Archaeological Unit - No objection in principle.

Environment Agency - No objection.

Greater Manchester Police - No objection.

United Utilities - No objection in principle provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse to meet requirements of government guidance in PPS25.

GMPTC - No objection.

Leisure Services (Parks and Recreation) - No objection in principle subject to an adequate site selection procedure.

Sport England - No objection in principle to the proposed new school.

Ramblers Association - No comment to Date

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL4	Agriculture
OL4/1	Agricultural Land Quality
OL4/2	Protection of Farm Holdings
OL4/3	Development Impact on Farming Areas
OL5	River Valleys
OL5/2	Development in River Valleys
EN1/1	Visual Amenity
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN4	Energy Conservation
EN4	Energy Conservation
EN4/1	Renewable Energy
EN4/2	Energy Efficiency
EN5	Flood Protection and Defence
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN6/2	Sites of Nature Conservation Interest LNR's
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN7/4	Groundwater Protection
EN8	Woodland and Trees
EN8/1	Tree Preservation Orders

EN8/2	Woodland and Tree Planting
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
CF5/1	Childcare Facilities in New Developments
HT2/1	The Strategic Route Network
HT2/4	Car Parking and New Development
HT3	Public Transport
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
SPD12	Travel Plans in Bury
RPG13	Regional Planning Guidance for the North West
PPS1	PPS1 Delivering Sustainable Development
PPG2	PPG2 - Green Belts
PPS9	PPS9 Biodiversity and Geological Conservation
PPS11	PPS11 Regional Spatial Strategies
PPS12	PPS12 Local Development Frameworks
PPG13	PPG13 - Transport
PPS22	PPS22 Renewable Energy
PPS23	PPS23 Planning and Pollution Control
PPG24	PPG24 - Planning and Noise
PPS25	PPS25 Development and Flood Risk
RSS 13	Regional Spatial Strategy for the North West
RT1/1	Protection of Recreation Provision in the Urban Area
RT2/3	Education Recreation Facilities
RT2/4	Dual-Use of Education Facilities

Issues and Analysis

Principal Policies - The site is within the Green Belt and River Valley. The proposal should therefore be assessed in particular against UDP Policies OL1/2 New Buildings in the Green Belt, OL5/2 River Valleys and EN1 /1 Visual Amenity.

Policy OL1/2 New Buildings in the Green Belt states that new buildings should be for the following purposes:

- agriculture and forestry
- essential facilities for outdoor sport and recreation
- limited extensions to existing dwellings
- limited infilling in existing villages.

Policies OL5/2 River Valleys states that within River Valleys, new buildings or the change of use of land will not be permitted. The only exceptions considered acceptable will be those where the development would not lead to the division of the open parts of the valleys into sections and it falls within the terms of the established Green Belt policy.

Policy EN1 /1 Visual Amenity supports the aims of the above policies in stating that development will not be permitted where proposals have a detrimental effect on the visual amenity of areas such as the Green Belt, Special Landscape or River Valleys.

It is clear that the proposed school does not satisfy the criteria within Green Belt or River Valley Policies OL1/2 and OL5/2 respectively. Proposals that do not fall into the criteria are by definition inappropriate development and harmful to the Green Belt. When planning permission is sought for an inappropriate development it will be for the applicant to demonstrate the 'very special circumstances' why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by

reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In their various supporting documents, the applicant recognises that the proposal does not fall into any of the categories of development listed in OL1/2 and have set out their case for approval by describing what they see to be 'very special circumstances'.

Policy CF2 - Education Land and Buildings states that proposals for the provision, improvement and dual use of educational facilities will be considered favourably.

Policy RT1/1 - Protection of Recreation Provision within the Urban Area states that development will not be allowed on recreation sites unless alternative provision is made available or it can be demonstrated that there is an excess of sports provision and public open space in the area.

Policies RT2/3 and RT2/4 relate to education facilities. RT2/3 indicates that development will not be allowed where it would result in the loss of education recreation facilities unless it is demonstrated that the site is no longer needed, there is no demand and there is an adequate supply of recreation space within the neighbourhood. Policy RT2/4 supports the dual-use of education facilities and playing fields by the community.

Policies OL4, OL4/1 and 4/3 relate to agricultural land and seek to protect farming activities and the best and most versatile agricultural land. proposal that would result in the loss of good quality farmland or detrimentally affect agricultural area will not be permitted.

Policies EN6, 6/1, 6/2, 6/3 and 6/4 seek to protect the environmental ecological interests whilst EN8, 8/1 and 8/2 deal with woodland and tree issues.

Need - In order to set the issues in context, below are a number of points relating to primary schools within Bury.

- 64 Primary Schools in Bury, 22 of which are Voluntary Aided.
- Schools range in size (floor area) from 0.053ha to 0.39ha.
- The population within Bury is expected to grow by 10,000 (5%) over the next 15 yrs.
- The growth in population is mainly from in-migration.
- Population of 0-19yrs is set to fall from 47,800 to 45,700 over the next 15yrs.
- Performance of schools has been consistently above the national average.
- Due to declining birthrate demand for places within Bury as a whole has dropped over over a number of years although the rate of decline has differed across the Borough. Over last 20yrs the number of children travelling to school by car has doubled. During term 1 in 5 cars on the road are on a 'school run'.

Although school rolls within the more orthodox Jewish schools in the Manchester and Bury area are increasing, the numbers within the mainstream Jewish schools have been falling in recent years. The latest school roll, excluding nursery, is 129 pupils. In comparison the school roll in 2000 was 181. This represents a reduction of 52 children or 28.7%. It is therefore not accepted that the school roll would necessarily increase to 210 from 129 in future years. However, given that there is a need to allow for some fluctuations in schools rolls over the years it would be reasonable to allow for an increase from 129. A school roll of 210 represents a one form entry school and it is accepted that it should be assessed on this figure. Even when basing the case on a roll of 210, there are still considered to be fundamental shortcomings in making the case for the proposed new school both in terms of assessing the existing and alternative sites but also in terms of their general approach, including the extent of the site search area and sites outside it.

Existing School Site - The applicant indicates that, in addition to significant traffic problems in and around the existing site, there is a serious enough shortfall in terms of space requirements and condition of the building stock to warrant moving to a new site. This view is not supported for the following reasons:

The existing school site, with the adjacent playing field, is considered to be big enough to accommodate a one form entry school with a roll of 210 and satisfy the guidance criteria within BB99. Whilst it is recognised that the condition of the school building is aging and both the internal configuration and arrangement of external areas may not be ideal, the case for rebuilding a new school in the Green Belt, or indeed anywhere else, has not been made. The application fails to consider adequately the options for refurbishment or redevelopment of the existing school or alternative sites within the area.

A current document 'The Future of Primary Learning in Bury: Primary Capital Programme - The Strategy for Change', produced by Children's Services sets out the capital investment programme for primary schools up to 2022. This is in response to central government's Children's Plan published in January 2008. The Council's capital investment programme identifies schools that would fall into 4 categories:

- Rebuild - Priority schools with severe problems.
- Modernisation - Rebuilding is not economical but major alterations are required.
- Refurbishment - Significant refurbishment is required.
- Targeted - Building stock is generally good but areas that need investment.

The criteria by which each school would be assessed in terms of investment priorities are:

- Condition of building stock.
- Levels of Deprivation in the Community.
- Number of surplus Places.
- Shortfall in facilities based on government guidance contained in BB99.
- Performance Standards

Of the 64 primary schools, including voluntary aided schools, within the Borough, only one school (Millwood) has been formally earmarked for rebuilding although it is suggested that there may be 1-3 other schools could be brought into this category after further appraisal. 16 schools would be subject to modernisation or possible rebuild. A further 16 would be refurbished or targeted. It is noted that Bury and Whitefield Jewish School is not included within any of the four categories. The report recognises that there are schools that do not meet the criteria for investment because of high standards, low levels of deprivation but still have issues with regard to building stock. Because of this the Council continues to utilise other funding streams (DFC, LCVAP) to support improvement schemes in schools not prioritised within the programme. Appendix 4 contains extracts from the Capital Programme which gives an overview of the Council's investment priorities based on relevant criteria.

The Asset Management Plan (AMP) for Bury and Whitefield Jewish School, produced in 2005, sets out what facilities the school has and helps build a picture of its condition in relation to the rest of the schools in the Borough. From the information contained in this plan it is clear that the school needs improvement. However it was indicated that there was no need for any serious remedial work and that the school was certainly not in so serious a condition as to require demolition and relocation to another site either within the urban area or the Green Belt. Whilst the AMP builds a picture of a school that needs refurbishment this is not untypical within the range of primary schools in Bury and this is reflected in the fact that it has not been prioritised within the Primary Capital Programme produced in 2008. The Primary Capital Programme does indicate the number of schools that are in relatively poor states of repair and those that fall short of the BB99 guidance criteria. Bury and Whitefield Jewish school is not among those prioritised schools. The executive summary for the Asset Management Plan for Bury and Whitefield Jewish Primary School is attached at Appendix 5 and states that there has been significant refurbishment schemes have been implemented in recent years including:

- Re-roofing in 2003
- New UPVC cladding and facias throughout the main building.
- Single storey extension to provide IT suite in 2000.
- Single storey extension in 1997.

In terms of basic space requirements, if the school were to utilise the strip of open space

within the Trustees ownership, between the existing school building and the Council owned playing field, it would allow a significant amount of space to be utilised for either hard play area and/or additional building space without seriously compromising the provision of soft play facilities or the sports playing field. On a constrained sites in particular a school could optimise its hard and soft play even more by creating an 'all-weather' area which could be used for both hard and soft play. It is considered that extending onto part of the grassed area adjacent to the school building, together with other improvements, could enable the school to improve its facilities and meet, and quite possibly improve upon, the requirements of BB99 in terms of external and internal areas without unacceptable loss of playing field.

In addition to incorporating the strip of land referred to above, many of the existing problems relating to space the school has at present could be rectified by redesigning the internal and external areas to create more effective spaces without having to rebuild the whole school. Appendix 6 contains a breakdown of figures, based on BB99, relating to the requirements for a single form entry primary school and figures relating to the existing primary school site. The figures, submitted with an objection letter from the occupier of 56 Marle Croft appear to be accurate and indicate that the school does have sufficient space to meet the criteria within BB99.

Building on the Adjacent Playing Field - Building a new school on the adjacent playing field would be an obvious option if an appropriate amount of playing field were to be created on the existing school site as a means of compensation. Whilst it is considered that a single storey school could be located adequately within the existing playing field, a two storey development cannot be ruled out if concerns over space arise or the school required facilities well beyond those required by BB99. Concerns about the loss of the playing field would not arise given that a new playing field would be located on the existing school site. The replacement playing field could even be improved by the provision of an all-weather facility on part of the site. The Council and Sport England have indicated that, in principle, this arrangement could be an appropriate solution.

In their submission, the applicants indicate that a major problem arises from the fact that the existing school playing field is not within the control of the school and is used by a number of non-school groups although the details are not made clear within the application's supporting information. It is noted however that the playing field is not public open space but is completely enclosed by the existing school's boundary fence and cannot be accessed by the general public without permission from the school itself. It therefore has very limited recreational value to the general public and is in practice controlled by the school.

With regard to access, the existing problems would not disappear if the school vacates the site as the land and buildings could still be utilised as an educational establishment or indeed another use with similar traffic levels. However if the existing school were to be improved or a new school built on adjacent land, it may be that the access arrangements to the site could be improved.

Sites not identified in Site Selection Report - The report omits a number of sites that may have warranted at least an initial consideration as to the possibility of siting a new primary school. This is due to the somewhat arbitrary limitations applied to the site search area drawn up in the Site Selection Report. Given the widely dispersed nature of the Jewish population within and around Bury and pupils attending the existing school it is considered that the site search area could be significantly wider, particularly in a more southerly direction to cover southern Prestwich. It is considered that a potential school site within the Prestwich area, but outside the site selection area, would not be significantly more difficult to access than many of the potential sites within the site search area.

Sites Identified but Dismissed as Unsuitable - Many of the sites identified within the Site Selection Report have not been adequately assessed and have been unreasonably dismissed. Some of these reasons have already been highlighted by objections raised within the 'Publicity' section and include;

- Some of the sites are dismissed because they are too far from where the highest concentrations of the pupils live. Given the nature of the school and the dispersed pockets of pupils over a wide area this is considered inappropriate and has, in reality, lead to a significant reduction in the site search area beyond that identified in the report.
- Dismissing sites within the site search area because they are more than 400m from a High Frequency Bus Route is too limiting particularly given that the applicant's alternative option would be to build on a 6.8ha site in the Green Belt.
- The impact of noise and disturbance from the primary school on neighbouring residents. This is in many cases not a valid reason given that most primary schools are located within residential areas.
- The impact of noise, disturbance and pollution from surrounding commercial uses and traffic on pupils and staff. The impact of noise and pollution can in many cases be mitigated.
- Topography problems. These can be overcome in many cases by leveling and groundworks.
- Uneconomical land values. This is not a strong reason to discount a site on planning grounds.
- Loss of recreational land/playing fields. Loss of recreational sites can be mitigated by improvements to existing facilities or by replacement with similar facilities on a nearby site. Sport England state that this could be an appropriate option in certain circumstances.
- M60 would create a 'barrier to accessibility'. Given the dispersed nature of pupils at the school, this is not a valid reason to dismiss a site outright.
- A new school on an existing school site would prohibit further extensions to existing schools. This is a very site specific reason and one which has not been properly investigated.
- Traffic generated by a primary school on surrounding roads. Traffic from a primary school is not unusual in a residential area.

A detailed assessment of every one of the alternative sites identified by the applicant would not be appropriate within this report however a number have been highlighted to demonstrate how the alternative site report has failed to adequately assess the development potential.

Site 2 - Land East of Johnson Street, Radcliffe. This site is dismissed because it is employment land although the report also states that its value is likely to reflect a future residential use, making it uneconomical. In response, a recent Employment Land Review, considered to be unsuitable for employment purposes and as such it would not be carried forward as an employment site. As such, their justification for dismissing the site on employment grounds is not substantiated. The fact that the land value may increase as a result of it losing its employment land status is not a material planning reason to discount it outright.

Site 29 - Mersey Drive Primary School Whitefield. Dismissed due to the loss of playing fields and the impact on the ability of the existing school to extend. It is also reported that there would also be a detrimental impact on the amenity of nearby residents. In response to the loss of playing fields, any new build on the site could be offset by the development of additional playing fields within the adjoining open space to the east. The applicants have also failed to investigate the possibility of redeveloping the existing music centre next to the primary school without the need to encroach on playing field. The possibility of exchanging the music centre with the Jewish primary school site is also worth exploring.

Site 33 - Whitefield Community Primary School, Whitefield. This site is dismissed because of the impact it would have on surrounding residents, the loss of playing field, and limitations on access. In response the applicants have not investigated fully the potential for locating a new school on the playing field and creating new playing pitches on the adjacent public open space which may improve overall community recreation provision.

A number of other sites have similarly been discounted on seemingly arbitrary grounds and

what the report suggests are insurmountable policy constraints. The UDP Policies RT1/1 and RT2/3 relating to Recreation and Education Land respectively are used in a number of instances to dismiss sites. However, there is provision within RT1/1 to allow for the redevelopment of such sites on condition that alternative provision of equivalent community benefit is made available. Such provision could, for example, be made in accessible locations on the fringe of the urban area - outdoor recreation being one form of development that is acceptable in Green Belt terms. On a similar principle the development on educational land (RT2/3) could be acceptable if the loss of playing fields on one site is off-set by the provision of playing fields on an adjacent or nearby site.

The Council are in the process of undertaking an 'Assessment of Needs and Opportunities for Open Space, Sport and Recreation', based on an audit of sites in 2006. These standards are in draft form and have not been adopted. However it is clear that the NPFA standards have limited worth.

Visual Amenity and Green Belt - The site and surrounding countryside within the Green Belt has a high amenity value in that it is an open and attractive landscape that affords extensive views from surrounding roads, public footpaths and properties. It is noted that there are well used Public Rights of Way along Copper Lane (No.41) and Old Hall Lane (No.39 and 43).

Although the school is single storey and located on lower lying land within the site, it is considered that the new building, with a footprint of 2,312sqm, together with the associated roads, parking areas, hardstanding, boundary treatment and lighting would have a significantly detrimental impact on the openness of the Green Belt in general and in particular the setting of Snape Wood within the open landscape to the south. Measures to mitigate the visual impact on the landscape such as a the 'green roof' and screen planting are commendable, but they do not sufficiently mitigate the overall impact of the development on the Green Belt.

The development would therefore have a seriously detrimental impact on the openness of the Green belt and be contrary to PPG2 and UDP Policies EN1/1 Visual Amenity and Green Belt and River Valley Policies OL1/1, OL1/5 and OL5/2.

Residential Amenity - The visual impact on the immediate residents to the north on Copper Lane and within the residential estate to the east of the site would be significant, not minimal as described in the application. Despite being set down relative to Old Hall Lane the new building and associated roads, hardstanding, enclosed 5-a-side area, lighting and boundary treatment would be visible from properties to the north and east. Without reasonable justification as to very special circumstances referred to above, the development would have an impact on residential amenity but not to such an extent that it would be serious enough to warrant a reason for refusal.

There would be an increase in noise and disturbance for properties on Copper Lane and those fronting Old Hall Lane from both traffic movements and activity within the site. Given the distances across the site to the main play areas it is considered that noise from general school activity would not be significant. Noise and disturbance from traffic movements would be more significant particularly at the start and end of the school day. Given adequate access, parking and drop-off/pick-up facilities the impact of traffic could be adequately mitigated by screen planting and boundary treatment. This element of the proposal therefore complies with UDP Policy EN7/2.

Loss of Agricultural Land - In terms of agricultural quality, PPS7 (2004), PPS1 Climate Change Supplement (2007) and RSS (2008) recognise the importance of the most versatile agricultural land for rural enterprise and economic development reasons as well as its role in mitigating and adapting to climate change.

Land is graded from the best and most versatile (defined as grades 1,2 and 3a of the Agricultural Land Classification). There is no grade 1 or 2 agricultural land within the Borough, however there are small pockets of Grade 3a land, limited to the Unsworth,

Pilsworth and Simister area and grade 3b and 3c (North West and South West parts of the Borough). The site of the proposed new school is Grade 3c but sits within a wider zone incorporating a mosaic of 3b and 3c zones, and adjacent land of poorer quality.

Grade 3c land is not considered to be the best and most versatile land and as such its loss would not be contrary to the requirements of PPS7, RSS and UDP policies OL4, OL4/2 and OL4/3.

Recreation and Access to the Countryside - There are no Public Rights of Way through the site although there are public footpaths (Nos.39 and 41) running along Old Hall Lane and Copper Lane respectively.

There is concern that parking and dropping off/picking up along Old Hall Lane may have a detrimental impact on walkers and the surface of the public footpath. Whilst this is a concern, given that there is a specific drop-off area within the site and appropriate road markings could be implemented, this issue could be adequately controlled.

The argument that the provision of the playing field within the site adds to the overall recreation provision within the area is accepted although it is noted that there is no indication that the facility would be used by the wider community. Despite this, the proposal would comply with national government guidance within PPG2 and UDP policies OL1/1 and OL1/2.

The hard play areas and 'all weather' facilities indicated on the site would not comply with these policies and guidance given that they are more urban nature and therefore not appropriate in the Green Belt and be contrary to the above policies.

Trees and Landscape - Although the application is in outline with landscaping reserved for future approval a Landscape and Masterplan Appraisal includes indicative plans and cross sections through the site. Whilst in isolation the proposed new planting plans appear, in principle to be of a high standard, in the context of this sensitive Green Belt site where reasonable justification has not been proven landscaping would not mitigate the impact on the Green Belt to an adequate degree.

Ecology - It is considered that the proposal would have some detrimental effects on a number of specific ecological assets. However, the application proposes an extensive range of mitigation measures to offset these affects on the local ecology. Given that any reserved matters application would include detailed mitigation measures it would not be considered contrary to UDP Policy EN6/3 Features of Ecological Value.

Highways - The traffic section within the Council and the Greater Manchester Urban Traffic Control Unit are satisfied with the proposed new road layout and access.

Contamination - Subject to the standard contamination conditions there is no objection to the development.

Flood Risk - In terms of flood risk, the Environment Agency has no objection to the principle of the proposal.

Conclusion

The applicant's ambition to provide a new school is laudable and the Council would not normally wish to oppose such an investment. The existing school may not be a high priority for replacement, when assessed against the usual education criteria, but nonetheless a new facility would generally be welcomed. However this is not the issue which is key to the application being considered.

The test which must be applied in determining this application is whether the applicant has demonstrated that there is a need for a replacement facility with no other alternative solutions and that this amounts to a **very special justification** for building in the Green

Belt.

Committee is advised that the applicant has not demonstrated this case and that there are a number of areas where the case has not been substantiated, I have therefore concluded that the applicant has not proven the very special circumstances necessary to justify building a new primary school on this site within the Green Belt. The proposal is therefore contrary to UDP Green Belt and River Valley policies, the Regional Spatial Strategy for the North West and national guidance contained within PPG2 - Green Belts.

Planning Regulations 1992 indicate that the Secretary of State should be notified of all inappropriate development. Consequently, if the Committee is minded to approve this application, it will be referred to the Secretary of State for consideration as to whether it should be 'called in' and duly considered in the light of PPG2.

Recommendation: Refuse

Conditions/ Reasons

1. The proposed new school is an inappropriate form of development within the Green Belt and the case for 'very special circumstances' to justify such development has not been adequately made. The development would therefore cause serious harm to the objectives of the following Unitary Development Plan Policies and associated national guidance;
OL1 Green Belt
OL1/2 New Buildings in the Green Belt
OL5 River Valleys
OL5/2 Development in River Valleys
EN1/1 - Visual Amenity
PPG2 - Green Belts
and Regional Spatial Strategy for the North West.

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

Ward: Bury West - Elton

Item 09

Applicant: Mullberry Bush Nursery

Location: MULBERRY BUSH NURSERY, STEWART STREET, BURY, BL8 1SU

Proposal: SINGLE STOREY DETACHED BUILDING AND ASSOCIATED PARKING

Application Ref: 51265/Full

Target Date: 17/06/2009

Recommendation: Approve with Conditions

Description

The application site is The Mulberry Bush Nursery which is located on the easterly side of Stewart Street, off Walshaw Road. Opposite to the west are residential terrace properties on Stewart Street, to the east are playing fields and to the south are the terrace properties fronting Walshaw Road. The existing site comprises of the nursery building, storage sheds, car parking for 9 cars and outside play area.

It is proposed to erect a new single storey detached building on the unused grassed area to the south of the existing nursery building. It would be made up of 5 modular units which would be joined together on site and in total would be 16m long by 12m wide and 3m high. The walls would be rendered panels and painted blue to match the existing building and the roof mono pitched with felt finish. There would be an additional 6 parking spaces provided for staff adjacent to the eastern elevation of the new building with access as existing off Stewart Street. An access ramp would be provided to the main entrance of the new building and a new 1700mm wide path formed between the new building and the outdoor play area. The nursery is registered with Ofsted for a maximum of 62 children each day. The extension would allow 36 additional child care places to be provided. There would be an additional 7 full time jobs created, totalling 18.

Relevant Planning History

51093 - detached single storey nursery building - Withdrawn by Applicant to resolve parking provision issues - 06/04/2009

51345 - new roof to nursery building. Current application yet undecided.

Publicity

Neighbours at 1-27 (odds) Stewart Street; 200, 228-254 (evens) Walshaw Road were notified on the 28/4/2009.

Five letters of objection have been received from 230 Walshaw Road and Nos 1,3, 5 and 9 Stewart Street and their objections can be summarised as follows:

- Another building on their door step would create more dust and mayhem, as does the one at the old Elton Cop Dye works.
- Invasion of privacy from overlooking through windows and doors.
- Noise problems from the building works and noise from the children when completed.
- The building would block their view to the playing fields.
- Affect the value of their house.
- The upset on the environment, pets and overall loss of view would be too great.
- Highways issues -
 - Increase in cars being driven into Stewart Street at peak times of the day to drop off and pick up children.
 - All the extra traffic would effect the residents parking outside their houses.
 - Increase in danger to people crossing the road.
 - Highway safety issues from Stewart Street onto Walshaw Road and vice versa.
 - The proposed extra parking would not alleviate the existing problem.

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

Consultations

Traffic Section - no objections subject to demarcation of the car park prior to use.

Drainage Section - no objections.

Environmental Health Contaminated Land - no objections subject to conditions.

Greater Manchester Police - designforsecurity - no objections.

Baddac - No objections. Revised plan received showing ramp details.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
CF1/1	Location of New Community Facilities
CF5	Childcare Facilities
EN1/5	Crime Prevention
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Principle - Unitary Development Plan Policy CF1/1 - Location of New Community Facilities and CF5 - Childcare Facilities, encourages proposals for new and improved community facilities where these do not conflict with amenity or the local environment. The proposal for the erection of a single storey detached building is within the existing Mulberry Bush Nursery site and would improve the provision of childcare facilities within the local area. Subject to details of design, siting and scale, the proposal would be acceptable in principle and comply with CF1/1 - Location of New Community Facilities and CF5 - Childcare Facilities.

Residential amenity - The proposed building would be single storey and 3m at the maximum height. The southern elevation of the nursery would be 16m from the rear elevations of the terrace houses on Walshaw Road. These houses have 2m high rear boundary brick walls and there is also an unmade track which runs in between the site and the houses. As such, there would be sufficient screening and separation distance from the proposed building to these houses on Walshaw Road for there not be an issue of overlooking, or impact on the privacy of the occupants of either the houses or the nursery.

The building would be visible from the front of the houses on Stewart Street. However, there would be a separation distance of 35m and given the new build would be single storey, it would not adversely impact on their outlook. Whilst there may be an increase in noise from the additional children attending the nursery, there is already a certain amount of noise and disturbance associated with the use as a nursery and this is unlikely to significantly increase with the amount of development proposed. It would comply with UDP Policy CF1/1 - Location of New Community Facilities.

Visual amenity - The proposed building would be modular in design and the external elevations would match that of the existing nursery building. Set within the nursery site and viewed against the backdrop of the existing building, the development would be appropriate for the proposed use and would not have an adverse impact on the surrounding environment. It would comply with UDP Policy EN1/2 - Townscape and Built Design.

Highways - There is existing parking for 9 cars and it is proposed to provide an additional 6 staff parking spaces. Development Control Policy Guidance Note 11 - Parking Standards in Bury, requires 1 parking space per full time member of staff employed. There would be 18 full time members of staff employed which would leave a deficit of 3 spaces. However, these standards are maximum requirements and it should be recognised that lower parking thresholds than those stipulated may be acceptable. In this instance, the applicant has submitted details of their traffic management proposals which include car sharing and cycle policies. In addition, some of the staff live within walking distance and the nursery site is also on a main bus route. The additional parking spaces would remove the need for staff

to park on Stewart Street and would alleviate some of the parking pressure on this street throughout the day. It is considered there would be sufficient parking provision and the scheme complies with DCPG Note 11.

The development would potentially result in an increase in the amount of traffic to and from Stewart Street at drop off and pick up times. There is an existing turning area within the site to the north of the nursery building which is suitable for vehicles to enter and turn around, which would alleviate some of the traffic pressure on Stewart Street at peak times. In addition, the applicant has demonstrated in their Management Plan it is their intention and in their best interests to manage the traffic situation at busy periods.

Whilst it is accepted that the proposal would result in more cars turning from and into Walshaw Road, the increase in traffic would not be of such significance to adversely impact on highway safety. The Highways Team do not object to the proposal and it would comply with CF1/1 - Location of New Community Facilities and HT2/2 - Car Parking and New Development.

Access - Disabled access to the new building would be via a new ramp to the main entrance. Internally, all passages and door openings would be wide enough for wheelchair access, and there would be provision of a disabled toilet. The proposal complies with UDP Policy HT5/1 - Access for Those with Special Needs. BADDAC have raised no concerns.

Objections - The objections relating to highways issues, parking and impact on residential amenity and visual amenity have been covered in the above report. Noise as a result of the building works and affect on house prices are not material planning considerations.

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 scheme improves an existing community facility. The proposed development will not harm the character of the area nor the amenities of neighbouring residents. The scheme includes adequate parking provision and 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 No1 and No 2 Revision 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. The car parking indicated on the approved plans (No 2 Revision B) shall be surfaced and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained and available for use 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.
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. Following the provisions of Condition 4 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: Ramsbottom and Tottington -
Ramsbottom

Item 10

Applicant: Morrisons Supermarket PLC

Location: FORMER CO OP STORE (MORRISONS), KING STREET, RAMSBOTTOM, BL0
9AS

Proposal: INSTALLATION OF VARIOUS ILLUMINATED NEW AND REPLACEMENT SIGNS:
INCLUDING 1 INTERNALLY ILLUMINATED TOTEM SIGN.

Application Ref: 51266/Advertisement

Target Date: 18/06/2009

Recommendation: Approve with Conditions

Description

The site comprises of the former Co-op store, its car park and service area in Ramsbottom Town Centre. It is not within but is adjacent to the Conservation Area.

The application is for replacement signage to the building which is to be occupied by Morrisons.

Signs 1,2,3 are lettering to the three north elevations of the building displaying the store name in a yellow colour and externally illuminated. Those to the North and North West elevations would be 6.1m wide, 0.7m high and 6.5m from ground. The lettering to the North East corner of the building would be 0.6m high and 4.9m across and 3.6m from ground level.

Signs 4 and 9 are two internally illuminated box motifs with a white and yellow background with green lettering and in an area 1.2m across and 1.3m high. One on the on west side elevation 3.4m from ground level and one on the south elevation 3.3m from ground level.

Signs 6a and 10 are illuminated box signs to the entrances. One 4m wide, 0.8m high and 2.4m from ground level above the King Street entrance and one 0.6m high 4m wide and 3.5m from ground level located on the entrance from the car park. Both are green lettering on a yellow background.

The internally illuminated totem sign is 5.5m high and 1.6m wide with the store logo, opening hours and store details and located in the same position as the existing totem in the Irwell Street car park.

After negotiations with the agent signs 5, 6, 7, 8 which were located around the structure on the roof have been withdrawn and the internal illumination to signs 1,2 and 3 replaced with external illumination.

Relevant Planning History

49996 - 27 signs (including fascia, totem and fixed panel signs - some illuminated) - retrospective -Approved with conditions 30/07/08

50159 - Part change of use retail (class A1) to office (class B1) on ground floor; 4 new windows on rear elevation - Approved with conditions 16/09/2008

51214 - Formation of new customer entrance and temporary post office entrance - Approved with conditions 07/05/2009

Publicity

Notification letters were sent to 2-18 St Johns Court, 2-8 & 7 Princes Street, 1,2,3,4 & 5-12 Princes Court, 21, 21A Union Street, Tesco King Street, Empire Garage King Street, Damar

Packaging Square Street, Tiddly Winks Square Street, 23-27 & 34-60 Square Street, 123-139 & 141 Kay Brow, 16 Scotland Place.

One comment from a resident at 42 Square Street suggests that the illumination should be during opening hours only to save energy and reduce light pollution.

A letter has been received from the Ramsbottom Heritage Society objecting to signs 5, 6,7 and 8 around the roof feature. They have a general concern regarding the number of illuminated signs, especially around the entrance, and feel that external illumination would be more appropriate with the level the same as that approved for that of the adjacent Tesco and for illumination during opening hours only. The totem should not exceed the height of Tesco's at 5.5m.

The two parties who have commented on the application have been notified of the Planning Control Committee.

Consultations

Traffic Section - recommend a condition regarding the luminance level.

Baddac - no objection.

Conservation Officer - no objection in principle to the scheme.

Unitary Development Plan and Policies

EN1/9 Advertisements

Issues and Analysis

Policy EN1/9 – relates to adverts and signage and states that proposals should have regard to the character of the locality, scale of the existing building and land use.

Amenity – The signs are all located on or adjacent to the existing supermarket and the design and colours are the corporate identity of Morrisons. Signs 1, 2 and 3 were originally to be internally illuminated lettering but will now be externally illuminated which is considered more appropriate to their location adjacent the Conservation Area. The signage identifies the building and its use and respects the scale and massing of the store and will not appear out of place. They will be viewed from three approaches to the store towards the entrances.

The signs that are proposed to the entrances are useful and directional to customers and in a location where signage would be expected.

The box motifs replace existing signage and whilst they are illuminated the level and hours are controlled by condition.

Conditions are added for the level of luminance and that it shall be during store opening hours only.

Safety – the signs are located on the building in positions where they will not cause hazard to pedestrians or motorists and the totem sign positioned similar to the existing one.

Response to the objection - The signs proposed on the roof feature have been withdrawn from the proposal and the internally illuminated lettering to the north elevations replaced with external illumination. The lettering identifies the store and those above the entrances, one of which is new, are directional for customers and in a position where signage would generally be expected. As such they are considered appropriate to the building and its use without causing visual clutter. As previously stated the level and hours of illumination of signs 4 and 9 would be controlled by condition and as such would advertise the store during its opening hours only. The totem sign is stated on the plans to be 5.547m and a condition is added for the development to be carried out in accordance with the approved plans.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The signage hereby permitted shall not be illuminated outside the hours that the store is open.
Reason. To safeguard the amenities of the area and pursuant to Policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
2. The luminance of the signs shall not exceed 600 cd/m² each.
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
3. This decision relates to the revised plans received 28 May 2009 and the development shall not be carried out except in accordance with the plans 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 **Jane Langan** on **0161 253 5316**

Ward: Prestwich - St Mary's

Item 11

Applicant: Tote Sport

Location: UNIT 5, THE RADIUS, FAIRFAX ROAD, PRESTWICH

Proposal: CHANGE OF USE FROM RETAIL (CLASS A1) TO LICENSED BOOKMAKERS (CLASS A2)

Application Ref: 51272/Full

Target Date: 18/06/2009

Recommendation: Approve with Conditions

Description

This application is an amendment to the previous consent granted in June 2008.

The application seeks to use solely Unit 5 (77 sqm) as a bookmakers and allow Unit 6 to be a retail shop as opposed to the previous consent that was for the use of both units (Total 103 sq m). The bookmakers already occupy a unit within the Longfield Centre and intend to relocate to this Unit should approval be given.

Customer and staff toilet facilities would be located in the area to the rear of Unit 5 Servicing for the unit is from the front and this will not change with the new use.

The frontage along this side of the Radius is 58m long and was originally made up of 7 separate units, although two of the units (8 and 9) have been combined in one larger retail unit. Two retail outlets, Superdrug and Qualitysave occupy the three largest units along this frontage whilst the four smaller retail units, including units 5 and 6, are currently vacant.

Relevant Planning History

50490 - Change of Use Unit 6 and Part Unit 5 To Licensed Bookmakers - Approved with conditions at the Planning Control Committee on 26th November 2008

49917 - Alterations to Existing Shop Front - Approved with Conditions at the Planning Control Committee on 16/06/2008.

Publicity

Site Notice posted within Longfield Centre public square 30/04/2009. Immediate adjoining shops at 462 to 468 Bury New Road, in the Radius Development and the Longfield Centre as well as residents in Granite Court, Zinc Court and Cedar Court in the Radius development have all been informed by letter dated 28/04/2009.

One objection has been received from the occupier of 123 Cedar Court and their objection can be summarised as follows:

- bookmakers are inappropriate in the area and that it will not fit in with the character of the area that the Council are trying to create.

The objector has been notified of the Planning Control Committee.

Consultations

Traffic Section - No objections

Drainage Section - No objections

Environmental Health Pollution Control - No comments

designforsecurity - object due to its position on a secondary frontage in the town centre with a relatively low amount of passing traffic.

Baddac - No comments

Unitary Development Plan and Policies

S1/2 Shopping in Other Town Centres
S2/2 Prime Shopping Areas and Frontages
Area The Longfield Centre/Bury New Road
PR1

Issues and Analysis

Principal - The premises are situated within the Prime Shopping Area of Prestwich Town Centre and, as such, any proposals are subject to UDP Policy S2/2 Primary Shopping Areas and Frontages. This Policy specifies that the Council will seek to maintain retailing (A1) as the predominant land use at the ground floor level.

Policy S2/2 lists criteria a) to d) on which any proposal would need to be assessed;

- a) the design and appearance of the proposed frontage
- b) the maintenance of a display window at ground floor level
- c) provision of disabled access
- d) impact of noise and disturbance.

In addition the policy goes on to state that where a proposal would lead to more than 10% of the frontage being in non-A1 use, the Council will take into account a number of other factors, namely:

- e) the location and prominence of the proposal within the prime shopping frontage;
- f) the number, distribution and proximity of other premises in non-retail (Class A1) use or with planning permission for such uses; and
- g) the particular nature and character of the use proposed, including the level of activity associated with it.

In terms of criteria a) to d) the proposal is considered to be acceptable in terms of shop front design as the application does not alter the existing arrangement, there is level access and the use would not present any serious noise and disturbance issues.

If the impact of the proposal is to be assessed purely against the frontage as identified in the UDP (i.e. the southern frontage only), it would lead to 11% of the frontage being in a non-A1 use. As such further criteria e) to g) should be considered.

With regard to the prominence of the new use, the unit faces on to the main square within the Longfield Centre, undoubtedly a focal point within the shopping centre. Given that the frontage would be 6.5m or 11% of the overall frontage the impact of the non A1 use would not be considered to be significantly detrimental to the character of the streetscape. With regard to other non-A1 uses, on the frontage the remaining units are in A1 use with the non-A1 uses on the western elevation. With regard to activity associated with the proposed use, a bookmakers, whilst not having a retail display window does not necessary create a 'dead frontage' and operates during daytime hours.

Residential amenity - Given the site is within the Town Centre and then scale of the operation and hours of opening, it should not present any serious issues with regard to noise pollution or general disturbance. Hours of operation are 08.00 to 22.00 and in line with the other retail units in the area. Residential amenity of the occupiers within the Longfield centre should therefore not be materially affected.

Security - the 'design for security' team have objected to the proposal due its location in the centre. However, this unit is immediately adjacent to the new 'main square' and whilst it is not on a main road frontage it is no less busy than the existing location in the older part of the Longfield Centre. As such, whilst security is always a concern, it is recommended that an advisory be placed on the application reminding the applicant about agreeing security measures with the Police and a condition be imposed restricting the hours of opening.

Objection - The position and location of licence bookmakers in town centres and other locations is always controversial. In this case the bookmakers are relocating from an existing site and given its position in a single unit out of 11 units fronting on to the new main

square and Library it is not considered that its impact on the character of the area would be sufficient to warrant its refusal.

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 change of use would not have a seriously adverse impact on the vitality or viability of Prestwich Town Centre or materially affect the residential amenity of nearby residents.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 21906 -1a & 6 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. Opening hours shall be confined to the following:-
0800 hrs to 2200 hrs Daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/2 Primary Shopping Areas and Frontages.

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

Ward: Radcliffe - West

Item 12

Applicant: Miss Michele Howarth

Location: 52 AINSWORTH ROAD, RADCLIFFE, M26 4EA

Proposal: CHANGE OF USE FROM RESIDENTIAL TO SHOP (CLASS A1) AT GROUND FLOOR WITH FIRST FLOOR FLAT ABOVE (CLASS C3)

Application Ref: 51286/Full

Target Date: 23/06/2009

Recommendation: Approve with Conditions

Description

The site is a residential property within Local Shopping Centre 10 – Ainsworth Road/Water Street. It is within a terrace row of 14 properties that is a mixture of retail shops, a hot food take away, taxi booking office and residential houses. The properties directly on either side are a retail shop and another residential property. Behind the site is a Motor Engineers workshop, whilst facing is the rear of a residential flat development.

The proposal is for change of use from Residential (Class C3) to Shop (Class A1) at ground floor with first floor flat above (Class C3). The proposed hours of opening is 0900hrs to 1700hrs Monday to Saturday and 1000hrs to 1400hrs on Sunday and Bank Holidays. The application includes details of pilasters/fascia board to create a shop frontage around the existing ground floor window on the front elevation.

Relevant Planning History

36573 – Change of use of part of ground floor to Hot Food Take Away (Class A3); new shop front; flue and two storey extension at the rear – Approved Conditionally 30/11/2000.

Publicity

Surrounding neighbours notified by letter dated 07/05/2009 at 44-50, 54-58; 53 Ainsworth Road; 61-69 Shire Gardens; 10 Grindrod Street and Motor Engineer, Grindrod Works, Siddall Street – One letter of objection from the occupier of 44 Ainsworth Street. The concerns are summarised below:

- There is an abundance of empty business properties with living accommodation in the area so converting an existing residential property is inappropriate.
- The shops on the lower half of the row park in the back street blocking their access.
- Most of the businesses dump their rubbish in the back street which blows into their property.

The objector has been informed of the Planning Control Committee.

Consultations

Traffic Section – No objection

Drainage Section – No objection

Unitary Development Plan and Policies

S1/4 Local Shopping Centres

S2/1 All New Retail Proposals: Assessment Criteria

EN1/8 Shop Fronts

EN1/2 Townscape and Built Design

HT5/1 Access For Those with Special Needs

Issues and Analysis

Principle – The site is within a Local Shopping Centre where Bury Unitary Development

Plan Policy S1/4 – Local Centres seeks to maintain and enhance local shopping provision. Therefore the principle of creating a new retail unit is considered acceptable subject to compliance with other relevant saved policies of the Bury UDP.

Servicing – The yard area at the rear of the site is large enough for the storage of refuse but not large enough to be able to create any parking provision. However as this is the existing situation for the house and that the site is on a public transport route this is considered acceptable in this instance pursuant to Bury UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.

Visual Amenity – The painted wooden pilasters and fascia board for the proposed shop front are of a traditional design which are considered in keeping with the Victorian terrace and are therefore acceptable in this position pursuant to Bury UDP Policy EN1/8 – Shop Fronts.

Residential Amenity – The proposal included details of a soundproofing scheme to safeguard the occupiers of the adjoining residential properties from noise nuisance. The proposed hours of opening are typical day time opening hours for a retail outlet within a recognised shopping area. Therefore the proposal is considered acceptable in terms of residential amenity pursuant to Bury UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.

Access for All – The proposal includes lowering the door frame to create a level access that is in accordance with Approved Documents Part M and the DDA pursuant to Bury UDP Policy HT5/1 - Access For Those with Special Needs.

Comments on Representations – The site is in within a shopping centre that is a mixture of uses where properties change between residential and commercial uses without substantial impact of the surrounding area. The proposed change of use from residential to retail is an appropriate use which does not adversely alter the land use composition within the shopping centre.

Summary of reasons for Recommendation

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

The proposal is an acceptable use within a recognised Local Shopping Centre 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 received on 20th May 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 retail use (Class A1) hereby permitted shall not be open to customers outside the following times:

08.00 to 18.00 Mondays to Saturdays, and 10.00 to 15.00 on Sunday and Bank Holidays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/1 – All New Retail Proposals: Assessment Criteria.

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

Ward: Prestwich - Holyrood

Item 13

Applicant: 3UK Limited

Location: LAND OFF SANDGATE ROAD / ST JOSEPHS AVENUE, WHITEFIELD

Proposal: PRIOR APPROVAL FOR REPLACEMENT OF EXISTING EQUIPMENT CABINET & SUPPORT UNIT WITH NEW EQUIPMENT CABIN; INSTALLATION OF 1.8 M CLOSE BOARDED FENCE ON INSIDE OF EXISTING PALISADE FENCE

Application Ref: 51313/Telecom
Determination (56 Days)

Target Date: 26/06/2009

Recommendation: Approve with Conditions

Description

The application site is located on the north west boundary of the playing fields, which are located off Sandgate Road. To the north of the site is the M60 motorway, which is located within a cutting. There are playing fields to the south and east, with residential properties beyond. The football and associated facilities for Prestwich Heys Football Club are located to the west, with Sandgate Road beyond.

The site consists of an existing radio base station which is attached to an electricity pylon. There are currently two cabinets on site: one to the east of the pylon and one to the north.

The proposal involves the replacement of the cabinet and support unit, which are located to the north of the pylon. The existing cabinet has been vandalised and a larger replacement cabinet will be erected on site. A 1.8 metre high timber boarded fence will be erected inside the existing 1.8 metre palisade fencing for additional security.

Relevant Planning History

36949 – 6 No. sectored antennae & 2 No. microwave dishes situated upon a national grid pylon with associated equipment including cabin at National Grid pylon, land off Sandgate Road, Whitefield. Prior approval not required - 27 September 2000

Publicity

The neighbouring properties (33 – 75 (odds) Peveril Close; 15 – 23 (odds), 26 – 44 (evens), 41 St Josephs Avenue; 23 – 49 Parrenthorn Road; 11, 22 Duddon Close; 5, 10 Leven Walk; 61 – 79 Warwick Avenue; 2 – 8 (evens) Sandgate Road) were notified by means of a letter on 7 May and a site notice was posted on 7 May. One letter has been received, which did not provide an address, which has raised the following issues:

- Impact of the equipment upon health
- Impact upon property prices in the area
- Object to a large and unsightly cabinet

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section – No comments received

Drainage Section – No objections

Environmental Health – Contaminated land – No objections

Environmental Health – Pollution Control – No comments received

GM Police Architectural Liaison – No objections

National Grid Transco – No comments received

The Highways Agency - No objections

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/10	Telecommunications

Issues and Analysis

Health Issue – Current government guidance (PPG8) with respect to potential health risk, states that providing such proposals meet the ICNIRP guidelines, local authorities should not consider those aspects, to 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. The proposal involves the replacement of an additional cabinet and would not intensify the use at this site.

Supporting information - No additional sites have been provided by the applicant as the cabinet is required in connection with the existing equipment on the pylon, following the vandalism of the existing cabinet and support unit. Therefore, it is considered that the most appropriate location for the proposed cabinet would be the existing site. It is considered that the proposed development is required for the operation of the existing equipment on site and therefore, the submitted information justifies the need in terms of mobile coverage.

Visual amenity - The existing site consisted of an existing cabinet and support unit and the proposal would involve the replacement of these two units with a single larger cabinet. The proposed cabin would be larger as the equipment cabinet and support unit would be located inside the cabin structure. This would provide an extra layer of protection for the equipment and the exterior cabin would be locked. The proposed cabinet would be 2.8 metres in height. It is considered that the proposed cabinet would be partially screened by the existing trees and electricity pylon and would not be unduly prominent within the streetscene. Therefore, it is considered that the proposed development would be in accordance with Policy EN1/5 of the adopted Unitary Development Plan.

The applicant wishes to place a timber boarded fence on the inside of the existing palisade fencing to provide extra security and it is considered that the proposed fencing would not be unduly prominent within the locality. Planning permission would not be required for the fencing as it would measure 1.8 metres in height. Therefore, it is considered that the proposed development would not be a prominent feature in the locality and would be in accordance with Policies EN1/2 and EN1/10 of the adopted Unitary Development Plan.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
Having 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 SD-6019-001 A, SD-6019-002 B,

SD-6019-003 C, SD-6019-005 A 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**

