

Applicant: Property Alliance Group Ltd

Location: LAND DUMERS LANE AND MORRIS STREET, RADCLIFFE

Proposal: OUTLINE - MIXED USE DEVELOPMENT OF UPTO 215 DWELLINGS AND 12734 SQ M OF EMPLOYMENT FLOORSPACE (USE CLASS B1, B2 AND B8) TOGETHER WITH RIVERSIDE PARK INCLUDING ASSOCIATED LAND RAISING, NEW ACCESSES, LANDSCAPING AND FLOOD MITIGATION MEASURES

Application Ref: 50887/Outline Planning
Permission

Target Date: 21/04/2009

Recommendation: Minded to Approve

Referral Back to Planning Committee

This planning application was presented to the Planning Control Committee on 21 April 2009 and it was agreed by Members that the application be Minded to Approve subject to the completion of a s106 agreement, relating to the phased implementation of the scheme in relation to the delivery of the employment land within the development against residential development.

During the process of working through the s106 agreement, the applicant has requested a number of changes.

- The life of the planning permission be extended to five years not three;
- To add use class B2 into the scope of the development;
- That the planning conditions be amended to allow the remediation and site preparation to be done for the whole of the site in a single initial phase before any development takes place;
- That the planning conditions be amended to allow the reserved matters to come forward for separate parcels of land within the site reflecting the ability for different developers to take up small parcels of land and satisfy the reserved matters conditions for the parts that they have interest in to develop;
- To break down the delivery of the housing into the following tranches - 50%, 62%, 75% and 100%; and
- To deliver 100% of the employment land between the delivery of 50% and 75% of the housing phasing.

Life of the permission - The applicant has requested to lengthen the 'life' of the planning permission from the standard 3 years to five years. The Planning Acts do allow Local Planning Authorities (LPA) to vary the life of a planning permission where, as is this case here, the scheme may be particularly complex, sizeable or phased. In the situation of a phased implementation, the additional time period on the planning permission would give the greatest opportunity to allow the whole of the site to be developed, at different stages and possibly, as is likely to be the case on this site, by multiple developers.

There are clear precedents for this approach including schemes within the Borough (45598 - Former East Lancashire Paper Mill where the permission was granted for a 6 year period).

Additional Class B2 Use - The proposals affect land within an allocated Employment Generating Area, where the Council would permit all Class B uses (B1 - Business, B2 General Industry and Class B8 Storage or Distribution, in principle, as a land use. The original proposals did not include the B2 use class and it is requested that this use be included within the development proposals.

The Use is an appropriate one for the site and detailed matters of siting, scale, design,

access, appearance would be subject to full reserved matters should the proposals be accepted. The inclusion of Class B2 uses would widen opportunities the delivery of new employment.

Issues Relating to the Requested Amendments to Conditions- The key changes reflect the ability to implement the scheme in a phased manner. Many of the conditions now include the statement that "the development can be carried out in a phased manner", which allows the reserved matters to be submitted by a single developer to develop their own building and plot without having to satisfy the conditions for all of the site.

It is important to note that the proposals as they would now be would still provide a firm commitment to the site as a whole as the initial works are all aimed at delivering a ready to develop site.

Condition 2 takes this commitment further by requiring a comprehensive layout for the whole of the site to be submitted at the first reserved matters stage together with an indicative master plan for phased implementation. This was requested by the Planning Control Committee when the item was first considered.

Condition 3 requires the full extent and content of any phases to be submitted and approved.

Conditions 10 and 11 require the river bank and flood protection works to be carried out first. Again, this is a clear commitment placed upon the developer to bring the whole site forward for development. As such it is considered that the amendments to the condition reflect a sensible approach to the development of the site in the event of the implementation being phased, which is currently a probable scenario given the size and mix of uses within the site.

The Environment Agency have confirmed that they have no objections to the amendments to the conditions in relation to flooding issues.

The conditions have been renumbered and a further condition has been added (condition21), which states -

- The importation of materials to the site shall comprise only inert waste and there shall be no putrescible waste brought into the site.
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.

The planning Agreement - The s106 agreement has been drafted and its content and mechanisms to deliver the employment land against the housing is agreed between the LPA and the applicant. The agreement needs to be signed by the developers lender/backer/banker but the agreement could not be put to this third party until the amended drafted conditions have been accepted by the LPA. However, it is understood that this is not likely to be a significant concern to the agreement.

The original proposed agreement was based upon four 25% splits of housing with three splits of employment at 33% required to be delivered in between each of the housing tranches, allowing 25% of the houses to be occupied prior to employment development taking place but also ensuring that 100% of the employment development was provided prior to the commencement of more than 75% of the houses.

The Council's main consideration and concern for the site is to ensure the delivery of employment opportunities within the scheme and has accepted a staged implementation of employment land against proportions of residential development, hence the original phasing splits.

The developer has asked that this phasing be amended and has provided supporting financial appraisals to amend the original splits of the delivery of the employment land against the housing development. The justification for this is that there has to be a significant amount of 'front end' works to bring the site into a developable state, free from flood risk issues and also contamination. These works together with site clearance and preparation works represent a significant cost of in excess of £4m.

In short the proposals now seek to increase the % of houses to be built prior to any employment development from 25% to 50%.

Given the extensive 'front end' remediation and site preparation costs, the request is to permit up to 50% of the housing to be delivered on the site in the first tranche of development. The remaining housing and employment would come forward in a phased manner as previously proposed, although there is no impediment to the employment land coming forward sooner.

The costs supplied for the works have changed since the original submission insofar as they have increased and in some areas of preparation works, significantly. It is considered that the proposals put forward do seem reasonable and represent a significant commitment to the remainder of the site and it is recommended to accept the proposal to permit up to the first 50% of the housing to be delivered.

This proposal would permit the significant initial works to be carried out to allow the whole of the site come forward, would allow finances to be fluid and ensure the primary objective of delivering the employment land.

The developer has further requested that the last tranche of housing be reduced to 10% but has been advised that this would not ensure that the ratio of employment uses to residential uses would be acceptable.

This process has been accepted by the developer and the s106 agreement is being drafted to reflect this arrangement.

Recommendation - As such the recommendation is Minded to Approve subject to the completion and signing of the s106 planning agreement that specifies the phasing, delivery and implementation of the employment provision within the site against the delivery of the residential element contained within the proposals pursuant to UDP Policy EC2/1. 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 and Development Services under delegated powers.

Below is the Original Officer Report to the Planning Control Committee together with the new proposed planning conditions.

Description

The site that is the subject of the application comprises an area of 10.5ha situated on the south-easterly side of Dumers Lane in Radcliffe and constitutes part of a wider area of predominantly employment uses in the Dumers Lane Area. The north easterly, south easterly and southerly boundary of the land is formed by the River Irwell and its embankments and there is a river meander surrounding a large portion of the land. Terraced houses are adjacent to the site on the north-westerly side. There is a back street here adjoining the site boundary, with the rear of houses on the opposite side. Morris Street, with terraced houses on both sides, is a cul-de-sac off Dumers Lane and terminates just within the site. To the south west of Morris Street there is a 0.2ha square unused open area within the site. Beyond this to the south west there is an electricity sub-station and a small industrial estate.

Land on the opposite side of the River Irwell includes the large Blackford Bridge Sewage

Works to the south. On the opposite side of Dumers Lane to the north and north west of the application site are significant areas of industrial and office developments sitting within the wider area of employment uses. To the west of the application site lies an area of residential uses.

The site is currently in industrial use and prior to its closure, was primarily occupied by the Hall's confectionery works together with other industrial users, including a joinery workshop. The former industrial users have vacated their premises some time ago and for a period it was being used for an unauthorised activity, involving the importation and deposit of waste materials. This use subsequently ceased leaving the site entirely vacant. The industrial buildings are concentrated on the central and southerly sections with the north easterly portion largely open. A 0.2ha area near to Morris Street was originally a bowling green but has been disused for some years.

Vehicular access is at two locations. There is a main entrance on Dumers Lane next to the northernmost point on the site, adjacent to Hardy's Gate Bridge where Dumers Lane crosses the River Irwell. Morris Street provides vehicular access into the southerly part of the site.

The application is for outline planning permission for a mixed development including residential, employment (Classes B1 and B8) and a riverside park including associated land raising, creation of new accesses and landscaping with all matters of detail to be reserved for subsequent approval. The illustrative masterplan shows the employment element as involving conventional area of industrial units on the north-easterly portion of the site, a block of two storey offices near the bridge on Dumers Lane and a separate much smaller innovation centre development at the southwesterly end off Morris Street. The central portion of the site is shown as being for residential development, mostly houses but with two blocks of three storey flats included and some more flats within the general housing layout. All of the current buildings would be removed. However, the application does stipulate the number of dwellings as approximately 215) and specifies the total employment use floorspace as about 12,734sq m.

The supporting documents accompanying the application include the following:

- Planning Supporting Statement
- Design and Access Statement
- Supporting statement concerning employment land and viability issues
- Transport Assessment
- Crime Impact Statement
- Flood Risk Assessment
- Ecological Position Statement
- Breeding Birds Statement
- Bat Survey
- Noise Assessment
- Consultations Assessment Report
- Geo-environmental Desk Study
- Site Investigation/Geo-environmental Assessment and Outline Remedial Plan

Relevant Planning History

31609/95 - 12 Dwellings on land rear of 1-12 Morris Street. Refused on 16th April 1996 for reasons that there would be overdevelopment of the site, conflict with UDP Deposit Plan policies EC2/1 - Employment Generating Areas, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, RT1/1 - Protection of Recreation Provision in the Urban Area and RT2/2 - Recreation Provision in New Housing Development, unacceptable loss of a boundary hedge, the applicant does not control and is unlikely to achieve control of a required visibility splay on Dumers Lane and the access design is substandard.

33354/95 - Outline for residential development on land at the rear of 2-21 Morris Street. Refused on 16th October 1997 for the reason of conflict with UDP policies EC2/1 - Employment Generating Areas and H1/2 - Further Housing Development. The subsequent appeal was dismissed.

33719/97 - Outline for Class B1 (Business) use on land at the rear of 2-12 Morris Street, Radcliffe. Approved on 18th March 1998.

33744/97 - Outline for residential development on land rear of 2-12 Morris street. Refused on 5th February 1998 for the same reasons as 33354/95 above.

48909 - Change of use of land to demolition contractor's yard. Application withdrawn.

48578 - Outline for mixed use development consisting of 8500m2 of employment floorspace (Classes B1 & B8), 310 dwellings and riverside park, including creation of new accesses and landscaping. Refused on 19th December 2007 for reasons including loss of employment land and land allocated for Business (B1), General Industrial (B2) and Warehousing (B8) uses to non-employment uses, release of the site would add to the oversupply of housing, insufficient information provided to demonstrate that the development would not be at an undue risk from flooding and to enable the impact on the surrounding highway network to be properly assessed.

Publicity

The application was publicised in the Bury Times on 22 January 2009. A site notice was posted on the site on the site on 22 January 2009. Letters were sent to 578 properties on 22 January 2009. A full list of addresses can be found within the working file. As a result of this publicity, 8 representations have been received - 2 comments for further information, 4 objections and 2 letters of support.

Seaham Estates Ltd and Cantt Pak Ltd (nearby employers) - support the principal of the proposed development located off Dumers Lane due to the established mixed use nature of the area which provides both employment opportunities and residential units. However, there are concerns insofar as:

Flood Risk Assessment

- Bury MBC has commissioned a Flood Risk Assessment level 2 to update the sub regional level 1 SFRA which will supersede all existing flood mapping information available to Bury MBC. The level2 SFRA will provide Bury Council with a borough wide assessment and enable them to fully assess planning applications on a strategic level.
- The issue with submitting a flood risk assessment at this time is that Bury Council has no point of reference in assessing the overall impact of the development and the cumulative impact of other developments in the Core Strategy.
- It is our contention that the assessment of the planning application by the Council on grounds that the planning application has been submitted prematurely. Bury Council as yet have not received the outcome of an independent level2 SFRA and as such the councils position in terms of flood risk for the application site is subject to change.
- Layout and curtilages – The proposed layout is acknowledged as being a reserved matter but the layout does not reflect good integration with the existing properties. The layout appears to turn its back to the wider area, appears disconnected and segregated.
- The first floor properties whilst adding interest appear to provide for a 'cramped development'. The overall layout is generally acceptable but the indicated three storey units do not show a successful integration into the site.
- Traffic Assessment – as the numbers of residential properties are still subject to outline consideration, the overall parking requirements should also be subject to further consideration. There is a general concern about the overdevelopment of the site in relation to the residential element of the development and therefore those properties that would share parking facilities should be highlighted.

Thumbs Up

- They oppose the development. Why should the development of the site include non-employment uses? Presumably when the site was purchased, the developer knew that the difficulties of the site were reflected in the price paid for the site.
- There have been many sites recently been granted permission for 'mixed use'. It is difficult to see where there is a need within the Borough for a further 215 dwellings.

- Existing adopted employment policy is being eroded by permitting mixed use developments. The ratio of housing land to industrial land is 3.65 to 1, which is not consistent with the UDP.
- Traffic pressures upon Dumers Lane is significant and certainly Morris Street should not be a principal means of access to the site. Further traffic concerns would arise from the development of some 215 dwellings.
- Thumbs Up have a pumping station which has been affected detrimentally from additional burdens placed upon it and the sewerage system from recent residential developments in close proximity.

12 Morris Street - wished to know what was intended to be built behind their property and they do not want any development to affect their property unduly.

516 Manchester Road - The development would add to the already busy surrounding highway network.

238 Dumers Lane, 10 Morris Street - The site needs to be developed to remove the total dereliction that is currently there. The riverside walkway would be a benefit to the area.

The people who have made representations have been informed of the date of the Planning Control Committee date.

Consultations

Highways Team - No objections subject to conditions relating to the access into the site. Conditions are suggested for any future reserved matters application relating to the access into the site.

Drainage Team - Recommend a condition requiring details of foul and surface water drainage to be submitted and approved prior to development commencing.

Environmental Health (Contaminated Land) - Recommend land contamination conditions and refer to the need to secure the eradication of Japanese knotweed present within part of the site and to ensure appropriate remediation of the site from past industrial workings.

Environmental Health (Pollution Control) - No response.

Projects and Wildlife Officer - No objections subject to the acceptance of the results relating to otters. A report has been submitted to deal with this issue and Members shall be updated on the progress of this.

Environment Agency - No objections in principle. They recommend conditions to ensure that flood risk mitigations are incorporated requiring prior approval for the following:

- Existing and proposed finished floor levels.
- A scheme to re-section the river bank.
- A scheme to improve the existing surface water disposal system.
- A detailed scheme for the creation of a new two stage channel along the River Irwell.
- A landscape management scheme.
- A detailed method statement for the removal/eradication of Japanese knotweed and giant hogweed.
- Measures to mitigate against land contamination.
- Part of the new flood channel habitat creation scheme and new riparian habitat should be actively designed for otters.
- The Agency wishes to be involved in the design of the new habitat creation scheme adjoining the river.

GMP Architectural Liaison - No objections but have some concerns as follows:

- The courtyard parking is gated and well overlooked by the dwellings of the car owners and that apartments should have secure car parks immediately next to the blocks.
- Cul-de-sacs should be designed to give the impression of being private space and not to be 'leaky'.
- Roads and footpaths should be designed and located to ensure that they do not become little used.
- Dwellings backing onto the rear alleys of the adjacent Victorian properties need to

have particularly secure walls/fences.

- The materials of construction should be robust with defensible space all around each property with optimisation of natural surveillance.
- Apartments should be set in secure grounds.

National Grid Transco - No response received.

Waste Management - Have commented that further consultation will be required for the provision of waste management facilities to include the Borough's recycling services. The Design and Access Statement makes no reference as to how waste management provision would be built within the development.

United Utilities - Object to the residential element on the grounds that the site could be subject to disturbances from the close proximity of Bury Sewage Works which is 24 hour operational site that could in turn cause noise and traffic disturbances. The site must be drained on a separate system with foul drainage connected into the foul sewer. Surface water should discharge to the water course and may require the consent of the Environment Agency.

Greater Manchester Ecology Unit - confirm that there are no objections and that planning conditions should be imposed to ensure compliance with the ecological mitigation report and the recommendations of the Council's Ecologist.

GMPT - The pedestrian environment both within the site and between it and the nearby bus stops should be designed to be as safe and as convenient so as not to discourage people from accessing the site on foot/by public transport. Welcome the inclusion of a Framework Travel Plan with the application and Interim Travel Plans (work based and residential) should be submitted at the reserved matters stage.

Greater Manchester Ecology Unit - There is a need for full details of measures to protect otters, a European Protected Species, which should be submitted prior to the application being determined. A finalised report has been received, which has incorporated both the Council's and GMEU's comments and their response will be reported in due course.

Greater Manchester Archaeological Unit - The site retains an archaeological interest but there is no reason why a planning condition could not be imposed to undertake archaeological investigations.

BADDAC - Would expect to see a commitment to provide Lifetime Homes throughout this major development. All employment use buildings are expected to be fully accessible and good quality disabled access to be provided to the recreational area adjacent to the river. Concern that the Design and Access Statement only provides a commitment to meeting the minimum access requirements of Part M of the Building Regulations.

Unitary Development Plan and Policies

EC1	Employment Land Provision
EC1/1	Land for Business (B1) (B2) (B8)
EC2	Existing Industrial Areas and Premises
EC2/1	Employment Generating Areas
EC5/3	Other Office Locations
EC6/1	New Business, Industrial and Commercial
H1	Housing Land Provision
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/6	Public Art
EN5/1	New Development and Flood Risk
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN9	Landscape

OL5/3	Riverside and Canalside Development in Urban Areas
RT1/1	Protection of Recreation Provision in the Urban Area
RT2	New Provision for Recreation in the Urban Area
RT2/1	Provision of New Recreation Sites
RT2/2	Recreation Provision in New Housing Development
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
RSS 13	Regional Spatial Strategy for the North West
PPG	Central Government Guidance
PPG	Central Government Guidance
PPS9	PPS9 Biodiversity and Geological Conservation
PPG13	PPG13 - Transport
PPG	Central Government Guidance

Issues and Analysis

Employment Land - In recognition of the industrial use of the site and its function within the wider concentration of employment uses in the Dumers Lane area, the site falls within an Employment Generating Area (EGA) as identified under UDP Policy EC2/1. In particular, the Dumers Lane EGA is specifically recognised as being suitable for Business (B1), General Industrial (B2) and Warehousing (B8) Uses under EC2/1/9. In addition, 2.74 hectares of the site is specifically allocated for B1, B2 and B8 development under UDP Policy EC1/1 (Proposal EC1/1/19).

The proposal involves a mixed-use scheme including 12,734 sq.m. of B1 and B8 development and 215 dwellings. In the context of Policies EC2/1 and EC1/1, the employment element of the mixed use proposal is clearly in accordance with both policies. However, it is the introduction of residential uses into the EGA that is not, on the face of it, strictly in accordance with employment policy and requires greater debate.

In terms of EGA policy, EC2/1 specifies that in the defined EGAs, development will only be allowed for the uses specified (i.e. B1, B2 and B8). Other uses will only be permitted where they constitute limited development or do not substantially detract from the area's value as an EGA. The degree of residential use involved in the proposal cannot be construed to be 'limited development' in the context of Policy EC2/1. The issue is, therefore, whether the proposal would substantially detract from the area's value for generating employment.

It is accepted that the nature of the site and the degree of remediation required to bring the site forward for development is such that the redevelopment of the entire site for employment uses will not be a viable proposition and that there is a need to include some element of other uses (i.e. residential in this instance) to cross-subsidise the development of part of the site for employment purposes. The mixture of uses on the previously refused application was considered to be disproportionately in favour of residential use. However, since then, the applicant has been prepared to negotiate on the proportion of the site to be developed for employment uses and the result of this negotiation has been a significant increase in employment use, a decrease in residential use and this is reflected in this current application. This re-negotiated position still demonstrates an economical viability of the site whilst maintaining compliance with employment objectives of the land allocation on this site.

Given the constraints on the site, the proportionate split of residential and employment uses is considered to represent an acceptable compromise that will result in a satisfactory level of employment floorspace. On this basis, the revised proportional split of the site and the amount of employment floorspace proposed, is not considered to substantially detract from the area's value for generating employment and is not, therefore, considered to conflict with Policy EC2/1.

The acceptability of the proposal is strictly on the basis that the proportional split of the site remains and on 12,734 sq.m. of employment use coming forward for development. The applicant has responded to this requirement by offering to enter into a legal planning agreement to deliver the industrial development on a phased basis. The phasing proposes that after the initial site remediation and increase in levels of the site, the provision of services and traffic signalisation would involve the delivery of housing in 4 parts, with the employment delivered in three tranches in between the residential phases. The timing and delivery would need to form part of a s106 legal agreement and the applicant is willing to enter into this. The details of the agreement are under negotiation and an update on this shall be presented to Members. The agreement will specify the proportions of the site to be allocated to both residential and employment uses and will specify a requirement to deliver employment development in conjunction with progress on the residential element of the scheme.

The Indicative Masterplan – The application is submitted for outline planning permission with all matters of detail to be reserved for subsequent approval. However, in the application the parameters are being put forward indicating the areas for residential, employment and open space with the approximate number of residential units and amount of Class B1 and B2 employment floorspace shown. The proposal is supported by a Design and Access Statement and Proposed Indicative Master Plan showing these intended zones for the specified uses with a sketch layout of roads and buildings, including access points.

The information provided is an indicative illustration only and if outline planning permission is granted it would be at the reserved matters stage that proper consideration would be given to issues such as the extent to which the development would be integrated with the existing neighbourhood, the main access arrangements, the highway pattern within the development, the relationship of the built form to the riverside setting, the built appearance of the development, the inter-relationship between buildings both within the scheme and with existing development, details of landscaping including the extent and treatment to buffer areas, public open space provision, including the treatment to the riverside area, crime impact mitigation and inclusive design.

Flood Risk – The application has been submitted with a flood risk assessment as the site lies within a known flood plain. The scheme proposes that the site would be raised so that itself it would not flood. Materials for this in part would be derived from the demolition materials of the existing buildings. In total some 90,000 cubic metres of fill would be required. However, the flood risk assessment must deal with the flood capacity of the site itself without further worsening the impacts of flooding elsewhere beyond the site. In order to remove the site from the floodplain the imported material would be remodelled and reshaped to create a platform with a lowered shelf. The shelf would be approximately 25m wide and would be landscaped to provide a parkland area.

The scheme would incorporate two lowered roads within the scheme to deal with overland waterflow in the event of flooding and these roads would act as a flow channel to convey floodwaters back to the River Irwell.

A 2-stage channel would be created and sized around the development to accommodate the 100 year flood event, which in addition to the land raising, would remove the proposed site from the flood zone. Hydrological and hydraulic modelling has sought to demonstrate that, as a result of these measures, the site would remain dry in the 100 year plus climate change flood event. The site would therefore be raised to lie within, at a minimum, within flood zone 2.

This work would greatly reduce the flood impact beyond the site itself, according to the flood risk assessment, and would minimise the numbers of properties at risk both within and outside the development site boundary.

The proposals are seeking to change the levels of the site to being level with Dumers Lane at the northerly entrance into the site (68m AOD). In some areas this would result in an

increase of land levels by upto 2.0m. This generally would only create issues where development would come close to existing buildings principally along Morris Street and to the rear of Dumers Lane. The layout of the development is not fixed by the proposals in this outline stage of the application. However, the aspect relationships between the properties to be built against those existing would be crucial to consider at a later stage.

The Environment Agency have been a significant consultee given the relationship of the site to the river and the proposals to the floodplain. The proposals would ensure that the residential element of the site would not be at risk of islanding following redevelopment. However, the Environment Agency have suggested that it would be prudent to have emergency evacuation procedures relating to the innovation area indicated to the westerly side of Morris Street as this area is vulnerable from possible flood warnings further upstream.

In terms of the comments raised by Seaham Cantt and Pak Ltd, it is correct that PPS 25 does require that LPA's undertake a Strategic Flood Risk Assessment (SFRA) for their allocations/DPDs, however without the site being tested through the DPD process and within the SFRA the Environment Agency have to consider a proposal at a site specific level.

Weetwood on behalf of the developer has undertaken a lot of modelling work for this site as part of the flood risk assessment and has demonstrated that flood risk can be adequately mitigated without having effects elsewhere. Therefore based on the outcome of this work the Environment Agency fail to see how submitting this application prematurely to the SFRA would have any effects on the outcome and their finalised response from the Environment Agency is that the proposals are acceptable subject to conditional approval.

Housing Policy – The *restriction on housing* development in SDP7, which was one of the reasons for the refusal of the previous application, no longer applies. The housing element of the proposal needs to be considered against Policy H1/2 and L4 of the RSS for the Borough to make provision of 500 dwellings per year and under the SPD, residential development should be directed to the urban area. This is previously developed land and, if the residential element is acceptable under Policy EC2/1, then there is no conflict with SPD7, H1/2 or L4.

The residential density achieved in the Proposed Indicative Masterplan should achieve the PPS3 objective of an efficient use of land (30+ dwellings/hectare). The applicant claims compliance and this needs to be verified.

There would need to be a 25% proportion of affordable housing to achieve the objectives of Policy H4/1 and SPD5. The applicant has confirmed that the development would be consistent with the policy and any consent would need to be subject to an appropriate condition.

The application has been submitted in outline and the housing layout shown is in a indicative form only. Consideration of the details would be at the reserved matters stage.

Public Art – The development is in outline and as such the provision for public art, linked to the development costs cannot be formalised at this time. As such it is considered that the provision for art, pursuant to UDP Policy EN1/6 and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art, be conditioned.

Recreation Policy - There is a need for a suitably located and usable area for recreational purposes to serve the housing development. The housing layout currently indicated does not provide for recreational amenity space. However, the submitted Indicative Masterplan shows that the riverside area would be treated and laid out to provide an opportunity for public access, amenity recreation area, habitat creation and flood relief works. This linear area (riverside park) would be provided for the benefit of residents and the wider area. However, as the application is currently in outline and the finalised details would need to

form part of a reserved matters for the landscape of the site. On this basis, a sensible rationale can be achieved to ensure compliance with UDP Policy RT2/2.

Sustainable Development – The proposals have been submitted with a renewable energy assessment report, which provides for different approaches to achieve an on site reduction of energy usage by 10% through on site renewables and low carbon technologies. The report confirms the applicant's wishes to address this issue at the earliest stage to ensure proper integration into the development. The document considers that the following would assist to achieve/contribute to the sites sustainability:

- Solar hot water collectors
- Photovoltaic systems
- Biomass
- Wind power
- Ground and air source heat pumps
- Combined heat and power

In addition to these BREEAM (Building Research Establishment, Environmental Assessment Methodology) provides a means testing base for development proposals and supporting assessments would be required to be submitted for the development by planning condition and the details be implemented to ensure compliance with the BREEAM approach and the applicants objectives.

Crime and Design – The application has been submitted with a Crime Impact Assessment, produced by Greater Manchester Police. The report acknowledges that the application is outline and cannot provide a detailed response at this stage. It does, however, provide positive and contentious points that would need to be included within any subsequent reserved matters application. Essentially the report finds no points of principle against the development of the site for residential/business mix. It is suggested that the issues referred to could, through the addition of a condition, carry through into the reserved matters stage as a design guide.

Traffic/Access Issues - The application is accompanied with a Transport Assessment, which has carefully assessed the likely demands placed upon the surrounding infrastructure from the quantum of development proposed within the scheme. The proposals indicate that the development would utilise an existing access to the site directly from Dumers Lane. Other connections are shown utilising the existing street network such as Morris Street, however as the means of access is a reserved matter, this proposition could change when considered in detail at a later stage. The Council has also consulted Greater Manchester Transportation Unit. It is considered that the surrounding infrastructure is capable of accommodating the development demands. The Highways Team have responded back with no objections to the proposals subject to the addition of planning conditions relating to the need to finalise access details. In addition to this, a planning condition is also suggested that no development commences unless and until full details of improvements to Quality Bus Corridor standards of the four bus stops and shelters on Dumers Lane adjacent to the site have been submitted to and approved by the Local Planning Authority. On this basis, the development in transportation and access terms is considered to be acceptable.

Ecology - Bats - A number of bat surveys have been carried out associated with both this and the previous application, noting that foraging and commuting occurs along the river as would be expected and that the buildings were of low value, with one roost found in building B4a in 2006. The recommendations of this survey have all now been carried out other than the resurvey of building B4a as this has now been demolished. Some buildings do however remain on site and though no evidence of bats was found in these in 2006.

Further surveys were carried out in 2008 in line with the recommendations of the 2006 report; however the report implies that the one dusk emergence that occurred was targeted at an area of trees rather than the buildings. However though all the buildings other than the one with roost were recorded as having a low potential and a resurvey is now required given

the time lapse and the fact that the building they where the roost was discovered appear to be of similar construction ie prefabricated and would no doubt been regarded as being of low potential too. A condition should be imposed to require this work to be done, which reflects the Council's ecologists views.

Wildlife Corridor - The proposed 40m approximately wide strip of ecological mitigation/flood zone is sufficient in to satisfy UDP policy EN6/4 in principle. Indicative species mix for this zone shownh are generally common species that are found locally. There are slight concerns relating to species such as betony, great burnet and quaking grass as they are absent/rare in the Borough and as part of any reserved matters relating to the landscaping of the site the Local Planning Authority would require that all species/seed be of native provenance.

Nesting Birds - There are trees within the site and although not subject to a Tree Preservation Order, nor of any significance botanically, provision should be made such that nesting birds are not affected, through the imposition of a planning condition.

Kingfisher and Sand Martins - Both species are known to breed in the banks of the Irwell in this area. As the proposals have a direct impact upon the bank of the River Irwell, a planning condition should be imposed to control the timing of the works to the river bank and flood channel.

Otters - Otter were found to be using the length of river below. It is therefore recommended that a planning condition be imposed to ensure that the Working Protocol contained within the Otter Method Statement April 2009 Ref. 090181 is implemented

Flood Channel Management - The Ecological Position Statement bullet points a number issues relating to the after maintenance of the Flood channel habitats under para 3.34. A condition relating to how these will be implemented is required to ensure that the longevity and effectiveness of this area is successful.

Response to objectors - The outline nature of the development is such that many of the issues raised would be subject to scrutiny at reserved matters stage. The objections to the issues relating to the mixed use development of the site, flooding and traffic are described in full in the report above.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;- The proposed development would still enable the employment benefits of the site to be provided under the provisions of the Employment Generating Use allocation of the site, whilst providing a mixed use development on the site. The delivery of the employment uses in a staged manner in relation to the housing proposals, would ensure that the development of the site remains economically viable and would be delivered through a Planning Obligation. The development would incorporate provisions to ensure that flooding is appropriately mitigated and would comply with Unitary Development Plan Policies and there are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. Applications for approval of reserved matters must be made not later than:
 - the expiration of five years beginning with the date of the grant of outline planning permission; and
 - The development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in

the case of approval on different dates, the final approval of the last such matter to be approved.

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. The first application for reserved matters shall include details comprising a comprehensive layout for the whole of the site and the means of access to all parts of the site together with a master plan showing phases for approval by the Local Planning Authority. Thereafter the site shall be developed in accordance with the approved details but subject to any variations the Local Planning Authority may approve in relation to phasing arrangements.

Reason - To secure the comprehensive redevelopment of the site pursuant to PPS1 and EC2/1 of the Bury Unitary Development Plan.

3. If the development is to be carried out in phases the approval of the Local Planning Authority must be obtained to the extent and content of any phase before the development of that phase is commenced. The Local Planning Authority is to be provided with plans and a description of any proposed phase and the work which is to be incorporated into that phase for the approval of the Local Planning Authority. Subject to:

- the approval being obtained; and
- the other conditions in this permission;

Prior to its implementation an approved phase may be amended with the prior approval of the Local Planning Authority.

Reason. To ensure the satisfactory development of the site and because this application is in outline only and may be carried out in a phased manner. The condition would be pursuant to PPS1 - Planning and Sustainable Development.

4. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the layout, scale, appearance, access thereto and the landscaping of the site. This condition may be satisfied in phases.

Reason. To ensure the satisfactory development of the site and because this application is in outline only.

5. This decision relates to drawing numbered AS040-01 REV B, AS040-20 REV A, C669/206D supported by the Planning Supporting Statement, Design and Access Statement including indicative masterplan, Supporting statement concerning employment land and viability issues; Transport Assessment; Crime Impact Statement; Flood Risk Assessment; Ecological Position Statement; Breeding Birds Statement; Bat Survey; Noise Assessment; Consultations Assessment Report; Geo-environmental Desk Study; Site Investigation/Geo-environmental Assessment and Outline Remedial Plan submitted with the planning application and the development shall not be carried out except in accordance with the drawings hereby approved.

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

6. The development hereby permitted shall not be commenced unless and until details of the proposed finished floor and surrounding ground levels has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall be fully implemented and subsequently maintained in accordance with the timing and phasing arrangements embodied within the scheme or any other period as may be subsequently agreed, in writing, by the Local Planning

Authority. This condition may be satisfied in phases.

Reason - To reduce the risk of flooding to the proposed development and future occupants pursuant to PPS25 - Development and Flood Risk.

7. There shall be no direct means of vehicular access between the site and Dumers Lane other than the emergency access(es) and proposed signalised junction at Dumers Lane/York Street/site access, unless otherwise agreed in writing with the Local Planning Authority.
Reason - To ensure good highway design in the interests of highway safety pursuant to UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development and H2/2 - The Layout of New Residential Development.
8. The development hereby approved shall not be commenced unless and until full details of improvements to Quality Bus Corridor standards of the four bus stops and shelters on Dumers Lane adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The improvement works subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use or first occupied, unless otherwise agreed in writing with the Local Planning Authority.
Reason - In the interests of bus passenger safety and in order to deliver sustainable transport objectives in accordance with PPG13 - Transport.
9. No development, building work or demolition shall take place unless and until a desk study, scoping report for a watching brief and a programme of archaeological works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved scoping report unless otherwise agreed in writing by the Local Planning Authority. The carrying out of the works may be dealt with on a phased basis.
Reason. To make a record of buildings and features of archaeological interest pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan.
10. The development hereby permitted shall not be commenced until such time as a scheme to re-section the river bank has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed phasing of the works, shall be submitted as part of the first reserved matter relating to any development proposals for the site and shall show that development levels will not be raised before completion of the two stage channel and any changes in the proposed phases must take this into account. Ramp access points to the lower "berm" level for machinery will also be required at the upstream and downstream ends of the re-profiles bank.
The scheme shall be fully implemented and subsequently be maintained in accordance with the timing/phasing arrangements embodied within the scheme, subject to conditions 2 and 3 of this permission or within any other period as may be subsequently agreed in writing by the Local Planning Authority.
Reason - To mitigate the impact of the proposed development on flood risk to the site and elsewhere pursuant to PPS 25 - Development and Flood Risk.
11. No development shall take place until a detailed scheme for the creation of a new two stage channel along the River Irwell is submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.
Reason. To reduce the increased risk of flooding and pursuant to PPS25 - Development and Flood Risk and to ensure protection and enhancement of the River Irwell wildlife corridor pursuant to PPS9 - Biodiversity and Geological Conservation.
12. Prior to the commencement of development a landscape management plan,

including long- term design objectives, management responsibilities and maintenance schedules for all areas within and any landscaped areas adjoining the new riverside park (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

- details of maintenance regimes
- details of any new wetland/terrestrial habitats created
- details and location of new cycleways/paths in the riverside park.
- details of treatment of site boundaries and/or buffers around riverside park
- details of extent and type of new planting (i.e., full planting schedule, and preferable use of locally provenanced stock)

Reason. To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site pursuant to PPS9 - Biodiversity and Geological Conservation.

13. No development shall occur unless and until a scheme for the after maintenance for the Flood channel habitats is in place and implemented in line with para. 3.34 of the Ecological Position Statement Ref. 090182 April 2009 and agreed in writing by the Local Planning Authority.

Reason - To ensure that the flood channel landscaping and mitigation measures secure the long term objectives pursuant to PPS9 - Biodiversity and Geological Conservation.

14. The development hereby permitted shall not commence unless and until a scheme to improve the existing surface water disposal system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may be subsequently agreed in writing by the Local Planning Authority. This condition may be satisfied in phases.

Reason. To reduce the increased risk of flooding and pursuant to PPS25 - Development and Flood Risk.

15. Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of Japanese knotweed and Giant hogweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed and Giant hogweed during any operations such as river bankside lowering, mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement. The implementation of the method statement may be on a phased basis.

Reason. To ensure that the site is free from Japanese Knotweed in the interest of UDP Policy EN9 - Landscape

16. 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.

17. Following the provisions of Condition 16 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. This condition may be satisfied on a phased basis.

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.

18. 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 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 Local Planning Authority in writing;
- A Site Verification Report detailing the conclusions and actions taken at each stage of the remedial and/or protective works including validation works shall be submitted to, and approved in writing by, the Local Planning Authority prior to the development being brought into use.

This condition may be satisfied in phases.

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.

19. Ground gas and/or contamination remedial measures shall be incorporated into the proposed development that are commensurate with those currently found within the existing property. These new measures shall be carried out without compromising the effectiveness of any existing remedial measures. Any variation or modification of existing or proposed remedial measures shall be submitted to, and approved in writing by the Local Planning Authority prior to development commencing, and;

A Remediation Verification Report for the new remedial measures, including any modification of existing measures, shall be submitted to and approved in writing by the Local Planning Authority prior to first use or occupation unless otherwise agreed in writing.

This condition may be satisfied in phases.

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.

20. Following the provisions of Condition 16 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.

This condition may be satisfied in phases.

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.

21. The importation of materials to the site shall comprise only inert waste and there shall be no putrescible waste brought into the site.
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.
22. Prior to the demolition of the building(s) permitted by this approval, a survey shall be conducted, and the survey results established as to whether the buildings are utilised by owls. A programme of mitigation shall be submitted to and approved in writing by the Local Planning authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.
23. No demolition shall take place unless and until a survey of the building(s) for bats has been carried out between May and August, and the results of the survey have been submitted to and approved by the Local Planning Authority. No development shall take place until details of the recommendations outlined within the Ecological Position Statement Ref. 090182 April 2009 Paragraphs 3.28 to 3.31 regarding bats have been provided and approved in writing by the Local Planning Authority and the approved details shall be implemented as part of development of the site.
Reason - The site has a record of bats in the vicinity and also forms part of a Wildlife Link and Corridor pursuant to UDP Policy EN6/4 and also PPS9 - Biodiversity and Geological Conservation.
24. No works of development shall take place until a detailed habitat enhancement plan produced for that land the land included in the scheme for the creation of the two stage channel along the River Irwell and the riverside park for the enhancement of the Flood Channel Habitats including zonation of habitats, provenance of plants and seed, and species mix has been approved in writing by the Local Planning Authority as part of the reserved matters application for the landscaping of the sitethat land. The approved details shall be implemented within the first available planting season following the creation of the flood channel unless otherwise agreed in writing with the Local Planning Authority.
Reason - The development forms part of a Wildlife Link and Corridor pursuant to UDP Policy EN6/4 and also PPS9 - Biodiversity and Geological Conservation.
25. 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 birds, 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.
26. Prior to any earthworks along the river bank a survey for kingfisher and sand martin shall occur and a report submitted to the Local Planning Authority to indicate the findings. No river bank reprofiling should occur between 1st March and 31st August unless agreed 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.

27. All works shall be carried out in line with the Otter Method Statement reference 090181, April 2009 unless otherwise agreed in writing. If further signs of otter are found, the Local Planning Authority should be informed and working protocols should be re-assessed to include appropriate necessary measures, measures submitted and 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.
28. The development hereby approved shall include an element of public art that would be sufficient to be in accordance with Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art. The details for the art proposals shall be submitted as part of the reserved matters for the landscaping of the site, or other reserved matter as agreed in writing by the Local Planning Authority. The approved proposals shall be implemented within 12 months of the date that the site is first occupied unless otherwise agreed in writing by the Local Planning Authority.
Reason - To ensure that the development would contribute to satisfying the need for public art pursuant Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.
29. The development hereby approved shall include an element of recreational provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development. The approved details shall be submitted as part of the first reserved matters application relating to the housing proposals within the site and the approved provision shall be implemented prior to the first occupation of the residential element of the site or as otherwise agreed in writing by the Local Planning Authority. This condition may be satisfied in phases and the amount of development and its respective requirements for recreational provision, subject to each residential phase, shall satisfy UDP Policy RT2/2 as and when it comes forward.
Reason - To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development
30. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use. This condition may be satisfied in phases.
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.
31. Before the development is commenced, details shall be submitted to and

approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction unless otherwise agreed in writing by the Local Planning Authority. This condition may be satisfied in phases.

Reason - To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development and H2/2 - The Layout of New Residential Development.

32. The residential development hereby approved shall include provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy H4/1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments. The approved details shall be submitted as part of the first reserved matters application relating to the housing proposals within the site and the approved provision shall be implemented prior to the first occupation of the residential element of the site or as otherwise agreed in writing by the Local Planning Authority. This condition may be satisfied in phases and the amount of development and its respective requirements for affordable housing provision, subject to each residential phase, shall satisfy UDP Policy H4/1 as and when it comes forward.

Reason - To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy H4.1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments.

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

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

34. On or as part of the first reserved matters application, for each phase of residential and commercial buildings Interim Travel Plans (including full details of proposed shower, changing, locker facilities and staff cycle parking facilities) Interim Travel Plans and shall be prepared and submitted to and approved in writing by the Local Planning Authority. This condition may be satisfied in phases.

Reason - To deliver sustainable transport objectives in accordance with PPG13 - Transport.

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

Ward: Bury East

Item 02

Applicant: Mr H Khan

Location: 65-69 ROCHDALE ROAD, BURY, BL9 7AX

Proposal: EXTERNAL ALTERATIONS AND IMPROVEMENTS INCLUDING NEW SHOP FRONTS TO FORM 5 NEW SHOP UNITS.

Application Ref: 51063/Full

Target Date: 30/04/2009

Recommendation: Approve with Conditions

Description

The site comprises a recently vacated car parts and accessories shop within the secondary shopping area on the edge of Bury town centre. The brick building, which is in a poor state of repair and of a poor appearance, is two storey with a pitched slate roof and has been altered at the front and extended at the rear. The ground floor elevation along Rochdale Road is covered in a white render.

The site is situated to the east of the town centre. To the west, across Yarwood Street is the Robin Hood Public House. On the eastern side is a piece of untidy open land used as an informal car park mostly by local businesses. To the rear is a mosque and a vehicular repair garage. Across Rochdale Road are retail units. Double yellow lines on Rochdale Road and one side of Yarwood Street. There are no restrictions on Back Rochdale Road and the side road along the eastern boundary. The nearest residential properties are to the north on Fletcher Street 32m away.

The proposal is to make various alterations, including new shop fronts on the Rochdale Road and Yarwood Street Elevations in order to convert the single ground floor into five smaller retail units. It should be noted that the proposal is for the external alterations only as planning permission is not required to convert the single shop into 5 individual units.

Given the prominence of the site and its location close to The Rock development, the applicant has been encouraged to look at the total refurbishment of the building rather than a simple conversion. This has been accepted by the applicant and as such the application now under consideration includes the removal of tile hanging on the side elevation and the bay window on the front. All the other windows in all elevations will be replaced and the corrugated roof on the rear of the building will all be removed and replaced with new and the painted brick work and tiled elevations will be rendered to match the rendering on the front elevation. The existing 'roller shutters' to the windows are to be removed and any security shutters that may be needed will be placed behind the new shop fronts.

On the Rochdale Road frontage the four new shop fronts would be painted timber as will the new shop front on Yarwood Street. On the rear, two sets of double door openings would be bricked up. On the eastern elevation the existing arched bricked up shop window will be re-opened and door openings towards the rear and adjacent to Back Rochdale Road would be bricked up. The storage for the existing retail use will be split between the new shop units and the existing flat on the first floor will be retained.

Relevant Planning History

A further application for a change of use of unit 1 to a takeaway is currently being considered under application ref: 51225 which is Item 2 on this agenda.

Publicity

Immediate neighbours at 63, 75, 77 and 81 Rochdale Road, Sally Hair and Beauty, The

Carphone Warehouse on Rochdale Road, Noor UI Mosque and Ital Sport on Yarwood Street were notified by letter on the 10/03/2009.

One representation has been received from the occupier of No.17 Fletcher Street who has the following concerns:

- adequacy of parking and servicing
- increasing traffic
- increasing noise and disturbance
- layout and density of the building
- design, appearance and materials
- the mosque already makes the area congested and this will increase the problem.

The objector has been notified of the Planning Control Committee.

Consultations

Traffic Section - No objection.

GMP design for security - No objection.

Baddac - No objection.

Environmental Health - No objection.

Unitary Development Plan and Policies

S2/3 Secondary Shopping Areas and Frontages

EN1/2 Townscape and Built Design

EN1/7 Throughroutes and Gateways

EN1/8 Shop Fronts

Area Rochdale Road/Lord Street/York Street

BY10

Issues and Analysis

Policy - As the site is within the town centre, UDP Policy S2/3 Secondary Shopping Areas and Frontages is relevant. This policy states that the Council will seek to retain retailing as the predominant land use at ground level. Proposals should also take account of design, provision of display windows, access, amenity issues and character of the area.

Area Policy BY10 which includes the site states that the Council will encourage and promote proposals for retail and mixed use developments. In terms of shopping policy the proposal for external alterations would improve the appearance of the building whilst enabling it to be sub-divided into smaller retail units which will, in turn improve the sites viability and potential for future occupancy.

Design and Appearance - The existing building appears to have had a number of alterations and extensions over the years which have reduced its amenity value on the street. The proposed alterations, in particular the additional shop frontages, removal of the tile hanging, replacement of corrugated roofs, re-rendering and new windows at first floor will improve the appearance of the building and streetscape. The materials to be used for the shop fronts and alterations to the elevations are appropriate to the existing building and streetscape. Following negotiations with the owner the scheme has been amended so that the shop fronts will not have any security in front of the shop fronts and that any that will be needed will be located behind the new fronts. In order to ensure that the work is carried out to a high standard to reflect the importance of the location it is recommended that samples of all materials to be used, including the windows, roofs, brick work for blocking up openings and render will have to be submitted to and approved prior to the commencement of works on site. The proposal, with this condition complies with UDP Policy EN1/2 Townscape and Built Design.

Residential Amenity - Apart from the flat above the shop, which is currently vacant, the nearest residential properties are to the rear on Fletcher Street. Given the distance between the site and these properties (32m), and the fact that there are buildings in between, it is not considered that the alterations would have a significant impact on the amenity of the residents.

Traffic - As the use of the ground floor is remaining as retail there would be no significant impact in terms of traffic. The service area at the rear is considered to be adequate for servicing and bin storage for the 5 retail units.

Disabled Access - The new entrances at the front and to the side would provide level access from Rochdale Road and Yarwood Street with the exception of the access to unit 1. However, this is the existing doorway and only has a low step (20mm) and has an attractive tiled entrance and as such its retention is of value to the amenity of the area and the low step will not disadvantage the disabled to such an extent as to warrant refusal and as such are acceptable in terms of Policy HT5/1 Access for those with Special Needs.

Objection - The majority of the concerns raised relate to the conversion of the single shop into 5 separate units rather than the external alterations. As this does not require planning permission they cannot be afforded much weight in terms of this planning application. The objection to the design, appearance and materials is not supported as it is considered that the proposed scheme would improve the appearance of the building within the streetscene by introducing a greater proportion of glazing and shop front at ground floor level.

The proposal is considered to be acceptable in terms of the policies listed above.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason for granting permissions can be summarised as follows;-
The alterations would improve the appearance of the building on the streetscene and commercial viability of the secondary shopping area without affecting either residential amenity or 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 the drawings received on 26th June 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. Samples of all of the materials to be used in the external elevations, including shop fronts, windows and doors as well as the new render finish and brick work used to block up existing openings shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall then be used in the implementation of the consent hereby granted.
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 commencement of works on site, a full schedule and detailed specification of the external refurbishment of the building, indicated on the approved plans, including materials and method of removal/installation of existing and new works, shall be submitted to and approved in writing by the Local Planning Authority.

Reason. To ensure that the refurbishment of the property is carried out to the satisfaction of the Local Planning Authority and to accord with Policy EN1/2 - Townscape and Built Design of the adopted Bury Unitary Development Plan.

5. Prior to the occupation of the first of the new retail units, the refurbishment of the exterior of the building shown on the approved drawings and included in conditions 3 and 4 above shall be completed to the written satisfaction of the Local Planning Authority.

Reason. To ensure that the refurbishment of the property is carried out to the satisfaction of the Local Planning Authority and to accord with Policy EN1/2 - Townscape and Built Design of the adopted Bury Unitary Development Plan.

For further information on the application please contact **John Cummins** on **0161 253 6089**

Ward: Bury East

Item 03

Applicant: Mr H Khan

Location: 65-69 ROCHDALE ROAD, BURY BL9 7AX

Proposal: CHANGE OF USE FROM PART OF SHOP (A1) TO HOT FOOD TAKEAWAY (A5)
(UNIT 1)

Application Ref: 51225/Full

Target Date: 26/06/2009

Recommendation: Approve with Conditions

Description

The site comprises part of a recently vacated car parts and accessories shop within the secondary shopping area on the edge of Bury town centre. The application includes a new flue that is located at the rear of the premises adjacent to Back Rochdale Street and Yarwood Street.

The site is situated to the east of the town centre. To the west, across Yarwood Street is the Robin Hood Public House. On the eastern side is a piece of untidy open land used as an informal car park mostly by local businesses. To the rear is a mosque and a vehicular repair garage. Across Rochdale Road are retail units. Double yellow lines on Rochdale Road and one side of Yarwood Street. There are no restrictions on Back Rochdale Road and the side road along the eastern boundary. The nearest residential properties are to the north on Fletcher Street 45m away from the entrance..

Planning application 51063 which is also at this committee is for the refurbishment of the building as a whole and this will comprise one of the 5 new retail units that are proposed.

Relevant Planning History

51063 - Planning application for external alterations to form new shop fronts. Application also on this Planning Control Committee.

Publicity

Neighbours at Robin Hood PH, Sally Hair and Beauty, Carphone Warehouse, 75, 77 and 81 Rochdale Road, NOOR UL & Ital Sport, Yarwood Street and 2 and 17 Fletcher Street have been notified by letter on the 13th May 2009 and one objection has been received from 11 Fletcher Street. Their objection can be summarised as follows:

- increased noise
- increased litter
- increased parking problems
- problems with rodents
- sufficient take aways already on Rochdale Road and in the new 'Rock' development.

The objector has been informed of the Planning Control Committee.

Consultations

Traffic Section - no objections

Environmental Health - no objections subject to standard conditions

Waste Management - comments awaited

GMP design for security - No objections in principal

Unitary Development Plan and Policies

S2/3 Secondary Shopping Areas and Frontages

EN1/2 Townscape and Built Design

EN1/7 Throughroutes and Gateways
EN1/8 Shop Fronts
Area Rochdale Road/Lord Street/York Street
BY10
S2/6 Food and Drink

Issues and Analysis

Policy - the application should be viewed in terms of Policy S2/6 - Food and Drink and Area BY10 - Rochdale Road/Lord Street/York Street and S2/3 - Secondary Shopping Areas and Frontages.

Both Policy BY10 and S2/3 support the retention of retail activity on Rochdale Road. Policy S2/3 relates specifically to secondary shopping areas and as none of the frontage within the secondary shopping area is shown as 'identified frontage' within the policy the use as a take aways needs to be assessed against the following criteria:

- the design and appearance of the frontage.
- the maintenance of a shop window.
- access for the mobility impaired.
- the creation of disturbance or nuisance.

In addition Policy S2/6 requires the application to be assessed against the following Criteria:

- amenity of nearby residents.
- the creation of an over concentration of A3 (Now A5) uses.
- parking and servicing provision.
- storage and waste disposal.
- fumes and ventilation.

Design and Appearance & Shop Window - the proposed use will occupy one of the new units that are the subject of application ref: 51063. The new shop front is of a traditional type and no roller shutters are to be erected to the exterior of the building. As such the proposal will retain the appearance of a normal shop front during both the day and night and as such is acceptable.

Accessibility - the new use will retain the existing doorway which is to be retained in the new shop unit. Whilst this has a small step (20mm) this is one of the original features of the building and is accessible to the majority both wheel chair users and other ambient disabled. As such the proposal is acceptable.

Impact on surrounding area - The proposed use is immediately adjacent to a main access into the town centre and has a pub opposite on Yarwood Street, a large single retail unit on the opposite side of the dual carriageway that forms Rochdale Road at this point, new retail units immediately adjacent and a mix of commercial properties on Yarwood Street and Back Rochdale Road with the nearest residential properties in Fletcher Street over 45m away from the entrance and away from the main road frontage. There is an existing residential unit at first floor adjacent to this unit within the existing building. Given the wholly commercial setting of the proposed use and the fact that the residential use within the building is set away from the main frontage and that the flue for the kitchens is at the rear it is not considered that the use would be so disruptive as to warrant refusal. In addition it is not proposed that any hours restrictions are placed on the use due to its location on the busy main road frontage. Given the above it is acceptable within the terms of Policy S2/3 and S2/6 with regard to its impact on the surrounding area.

Other similar uses - there are no other take away uses within 120m of the site and these are at the opposite side of the junction with York Street. Whilst there will be some similar uses proposed in 'The Rock' it is not considered that these will create an over concentration so as to warrant refusal under the terms of Policy S2/6.

Parking and Storage - the only parking restrictions are on Rochdale Road. The site itself has no off street parking but it has servicing direct from Back Rochdale Road. Given the town centre location it is not considered that any off street parking is required and that servicing from Back Rochdale Road is acceptable. As such it is considered that the

proposal complies with UDP Policy S2/6.

Storage and waste disposal - the plans submitted with the application and the design and access statement cover these issues and areas are set aside within the unit for storage and waste disposal will be via a private contractor. As such the proposal accords with UDP Policy S2/6 in this regard.

Fumes and ventilation - the use will have a new flue at the rear of the premises. It is recommended that a condition be imposed requiring a statement to be submitted regarding the satisfactory treatment of any fumes and odours. The flat within the adjacent property is set away from where the flue is located and as such it is considered that the proposal accords with UDP Policy S2/6 in this regard.

Objection - the points raised in the objection have been covered in the Issues and Analysis above. Fletcher Street is set well away from the proposed use and whilst it is used as a 'cut trough' from Rochdale Road to Wash Lane it is not considered that this use will increase this traffic to such an extent as to warrant refusal.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the proposed development as a take away is acceptable because it complies with Policy S2/6 - Food and Drink and Policy S2/3 Secondary Shopping Areas and Frontages and would not cause demonstrable harm to interests of acknowledged importance. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than 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 / drawings received on 1st may 2009. The development shall not be carried out except in accordance with the details 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 to local residents has been submitted to and approved by the Local Planning Authority. A written statement from a competent person shall be included with the submitted scheme, that the proposed scheme will achieve the requirements of adequate treatment/dispersion under all normal operating circumstances. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.
Reason. To safeguard the amenities of the occupiers of nearby residential and office accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

For further information on the application please contact **John Cummins** on **0161 253 6089**

Ward: Radcliffe - West

Item 04

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.

The application was deferred from the Planning Control Committee on 16 June to allow Members to visit the site.

Extra Comments

Further to the decision to defer the application, a comprehensive summary of the position with regard to employment policies together with a brief report is provided below:

Planning History

In July 2002, Morris Homes submitted a planning application for the redevelopment of the former Allen's Green Works with 122 dwellings and 10,000 sq.ft. of industrial units. The application was originally refused, primarily on the basis of the loss of employment land and its conflict with UDP Policy EC2/1 on Employment Generating Areas (EGA).

Morris Homes appealed against the decision to refuse the application and a subsequent public inquiry in July 2003 resulted in the appeal being upheld and planning permission being granted for the proposal. In his decision, the Inspector considered the relationship between the appeal site and the remainder of the EGA on Sion Street. At paragraph 11 of his report, the Inspector concluded that:

"...I saw that the EGA is in broadly 2 parts – to the north and south of Sion Street, the site to the north excluding some properties within the EGA on the north side of the Sion Street frontage. On the appeal site side of the road, the land rises sharply through an embankment to a broad plateau that includes the site... In visual terms, the site is more clearly related to residential development near the site – generally about School Street – together with the school playing field to the north..."

In April 2004, Morris Homes submitted an application for 21 dwellings on the same site as the current application and in September 2004 this was refused, primarily on the grounds of part of the site being designated as River Valley under UDP Policy OL5/2 and that there was an over-supply of housing and the site was not needed to meet housing requirements. The applicant appealed against the decision and the appeal was subsequently dismissed on the basis of housing over-supply only.

Policy Approach to the Application Site

As the Inspector at the Allen's Green Inquiry stated, the EGA can be roughly divided into two parts and since the approval of the redevelopment of the former Allen's Green Works

following the appeal, the value of the EGA that sits on the plateau to the north of Sion Street has been compromised through the introduction of a significant amount of residential development.

This has effectively changed the character of the plateau area to the north of Sion Street to one that is predominantly residential in nature. Furthermore, the only realistic access into the application site would be through the new residential development which in itself would cause issues if the application site were to be developed for employment uses.

Although the application site is technically still designated as part of the EGA, the circumstances that have arisen following the first appeal and the fact that the site is physically separated from the remaining employment uses along Sion Street, has effectively undermined the value of the application site for employment purposes. It is for this reason that employment issues were not cited as a reason for refusal in either the previous or the current application.

A group of three Members (Cllr Vincent, Cllr Briggs & Cllr O'Hanlon) were briefed of the history of the site at a meeting and appreciated the situation. A site visit will be undertaken by the full committee.

Previous Report

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)

Following the receipt of the revised plans, three letters have been received from the occupiers of 37, 50 & 105 Hutchinson Way, which has raised the following issues:

- New houses are not selling, therefore the proposed dwellings would be surplus to requirements
- Increase in anti-social behaviour
- Increase in traffic on junction
- Morris Homes have yet to complete the original development
- Maintain objection to the revised plans due to loss of light and view

The objectors have been notified of the Planning Control Committee.

Consultations

Highways Section - No objections, subject to the inclusion of conditions relating to the provision of the emergency access, visibility splays and car parking.

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
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 - 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 6 units on site, with a 25% discount and has submitted details of the exact plots. Following discussion with the applicant, the plot numbers for the 6 affordable units have been agreed. A mixture of three bed terraced and semi-detached properties and two bed terraced properties would be provided and this would be secured through a Section 106 agreement.

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, 6 affordable units would be provided on site and the exact plots have been agreed with the applicant. The commuted sum and the provision of 6 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. Policy L4 of the Regional Spatial Strategy states that the average rate of housing provision is 500 dwellings per year and the proposed dwellings would contribute towards this total. 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 (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.
Reason. To ensure that the site is free from Japanese Knotweed in the interest of UDP Policy EN9 - Landscape
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.
12. The visibility splays/forward visibility envelopes indicated on the submitted plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
13. The car parking indicated on the approved plans [insert plan number(s)] shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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

Ward: Whitefield + Unsworth - Besses

Item 05

Applicant: Mr A Khan

Location: 130 BURY NEW ROAD, WHITEFIELD, M45 6AD

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

Application Ref: 51171/Full

Target Date: 24/06/2009

Recommendation: Approve with Conditions

Description

The site is a shop in the middle of a terrace row within the Whitefield District Centre, which is identified as a Secondary Shopping Frontage Area in Bury UDP (Policy S2/3). There are fourteen properties in the terrace row of which eleven are still in Class A1 (Retail) use. There is residential use above the shop and the adjoining properties.

At the rear, across a back street is a terrace row of residential properties that is slightly lower than and rear on to the site. Facing the site, across Bury New Road, is a mixture of residential and commercial properties.

The proposal is for the change of use of the premises from Retail Shop (Class A1) to Hot Food Take Away (Class A5) including the installation of an extraction flue on the rear elevation of a two storey outrigger. The proposed hours of opening are until midnight Monday to Saturday and until 23:00 on Sundays and Bank Holidays.

Relevant Planning History

None

Publicity

Surrounding neighbours notified by letter dated 28/05/2009 at 118-128, 132-144; 165-173 Bury New Road, 15-21 Ducie Street – one letter of objection from the occupiers of 173 Bury New Road. The concerns are summarised below:

- There are enough hot food takeaways and restaurants in the locality
- Increase in parking problems
- Increase in litter
- Increase in late night noise

The objector has been informed of the Planning Control Committee.

Consultations

Traffic Section – No objection

Drainage Section – No objection

Environmental Health – No objection subject to condition regarding flue details

Baddac – No objection subject to condition regarding handrails

Unitary Development Plan and Policies

S1/3 Shopping in District Centres

S2/6 Food and Drink

EN1/2 Townscape and Built Design

HT5/1 Access For Those with Special Needs

Issues and Analysis

Principle - The site is identified as forming part of a Secondary Shopping Area within

Whitefield District Centre. As such, any proposal involving a change of use from a Class A1 (Retail) to Class A5 (Hot Food Takeaway) needs to be assessed against Bury UDP Policies S2/3 – Secondary Shopping Areas and Frontages and S2/6 - Food and Drink.

Policy S2/3 seeks to maintain Class A1 (Retail) as the predominant land use at ground floor level. There is 25% of the frontage at present in non-A1 use. The loss of this Class A1 use would increase this to 31% which is under the 40% required by this policy. Therefore in principle the loss of the Class A1 use is considered acceptable subject to the requirements of UDP Policy S2/6 - Food and Drink.

Impact on Character of Centre – There are no hot food takeaways on this terrace row frontage and it is considered that the loss of this Class A1 use to Class A5 would not have a detrimental impact on the character of the centre.

Access for All – The application does not include any changes to the shop front. There is a slight step into the property and a condition is recommended for a scheme to be submitted to provide hand rails so the premises satisfy the requirements of the Disability Discrimination Act 1995 to make sure, as far as possible, that the premises are accessible to ambient disabled customers and a condition is recommended to control this requirement.

Noise and Disturbance – Some noise and disturbance is to be expected in residential accommodation above a row of shops in a designated shopping centre on a main road frontage with 24 hour passing traffic. However as the proposed hours of opening are until midnight to protect the residential amenity of the occupiers a condition is to be recommended that requires a soundproofing scheme that complies with Approved Document E of the Building Regulations to be installed to all party walls prior to the use commencing.

Hours of Opening – The proposed hours of opening of midnight Monday to Saturday and until 23:00 on Sundays and Bank Holidays are deemed to be acceptable given the town centre location of the site.

Servicing – The application shows that there is provision in the rear yard area for the storage of bins. Access for deliveries to the site is via the 'back-street' to the property.

Extraction Flue – The submitted plan does show an extraction flue which is considered to be in a position, of a design and size that will not cause significant harm to the visual amenity of the area. However there are no details of how it would treat any odours to render them harmless. Therefore a condition is recommended for details of the extraction system to be submitted prior to the use commencing.

Given the above the proposal is considered acceptable pursuant to Bury UDP Policies S2/3 – Secondary Shopping Areas and Frontages, S2/6 - Food and Drink and HT5/1 - Access For Those with Special Needs.

Comments on Representations – The objections raised have been considered in the issues and analysis above.

Summary of reasons for Recommendation

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any representations and consultation responses, in particular Bury Unitary Development Plan Policies S2/3 – Secondary Shopping Areas and Frontages and S2/6 - Food and Drink, it is considered that the proposed development would not adversely effect the character of the centre, the residential amenity of the occupiers of the surrounding dwellings, nor adversely impact on highway safety issues. It would not cause

demonstrable harm to other interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings PC/AK/22/03/09/Issue 2 received on 29th 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 Bury UDP Policy EN1/2 - Townscape and Built Design.
3. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the use commences; any works approved shall be implemented to the written satisfaction of the Local Planning Authority before the use commences.
Reason. In the interests of amenity pursuant to Bury UDP Policies S2/3 – Secondary Shopping Areas and Frontages and S2/6 - Food and Drink.
4. The cafe shall only be open for trading during the following hours:-
09:00 to 00:00 (midnight) on Monday to Saturdays, and
11:00 to 23:00 on Sundays and Bank Holidays
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Bury UDP Policies S2/3 – Secondary Shopping Areas and Frontages and S2/6 - Food and Drink.
5. Prior to the use hereby approved commencing a scheme for the installation of handrails adjacent the entrance door shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully implemented to the written satisfaction of the Local Planning Authority prior to the use commencing.
Reason. To ensure a satisfactory standard of design pursuant to Bury UDP Policy HT5/1 - Access For Those with Special Needs.

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

Ward: Bury East

Item 06

Applicant: Melrose Homes

Location: LAND OFF BRIDGE HALL LANE, BURY , BL9 7NX

Proposal: RESIDENTIAL DEVELOPMENT CONSISTING OF 24 UNITS; REVISED LAYOUT OF PLANNING APPLICATION 49309

Application Ref: 51239/Full

Target Date: 08/09/2009

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 DCPG Note 1. 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 lies to the north of Bridge Hall Lane and is currently vacant. To the south of the site is an office development with further industrial building beyond. There are dwellings to the north, east and west of the site. It is located within an Employment Generating Area and allocated as being suitable for B1 business or office use.

The site is partly flat on the southern side but rises steeply and meets the level of the dwellings on Greengate Close to the north. There are a number of mature trees to the north and east of the site which are covered by TPO 70. Access to the south is shared with the office development to the south of the application site.

The application is a resubmission of a consent granted for residential development on this site for 24 two bedroomed maisonette apartments at the Planning Control Committee in April 2008. This proposal involves an amendment to the layout and design of the flats, a separate bin store and cycle store and new external lighting. The buildings would be located on the northern boundary with the car park to the south of the site as per the previously approved scheme.

It is proposed the homes would be developed in partnership with a Housing Association and as such there is a requirement to amend the development to meet the requirements of the Homes and Communities Agency. There are 3 prescriptive standards to be met which are:

- Code for Sustainable Homes Level 3;
- Homes and Communities Agency Design Quality Standards and;
- Specific additional design and space requirements as requested by the Housing Association.

As such, plots 9-16 which are located in the central position of the site would be attached and form one single building, compared with the previous scheme which separated plots 9-12 from 13-16. The bin/recycling store would be located centrally to the south of the site within the parking area and a separate cycle store to the east adjacent to plot 24. There are 3 proposed lighting columns 3m high on the car park perimeter facing inwards to light the parking area.

Relevant Planning History

39811 - Residential development - 13 houses at land off Bridge Hall Lane. Approved with conditions - 8 July 2003.

41374 - Removal of condition No.14 "for the provision of affordable housing" on previously approved planning permission 39811/02 at land off Bridge Hall Lane. Refused 17 December 2003.

42825 - Residential development - 27 apartments with landscaping and car parking at land

off Bridge Hall Lane. Refused 6 September 2004.

44252 - Residential development - 27 apartments at land at Bridge Hall Fold. Refused - 24 May 2005.

44876 - Residential development - erection of 24 No. apartments at Land at Bridge Hall Lane. Approved with conditions - 18 November 2005.

49309 - Residential Development of 24 private dwellings. Approved 9 May 2008.

Publicity

Immediate neighbours and commercial properties notified.

Site notice posted 19/6/2009.

Press notice advertised in the Bury Times on Thursday 18th June 2009.

Letters have been received from Nos 4, 6 Bridge Hall Drive with the following comments:

- objects to the development for social housing rental accommodation.

Letter received from No 9 Greengate Close requesting information on road maintenance and adoption of Bride Hall Lane.

Letter received from No 19 Bridge Hall Fold in support of the application but concerns about the flooding issues and highway maintenance of Bridge Hall Road.

Letter received from No 21 Bridge Hall Fold objecting to further housing development.

The objectors have been informed of The Planning Control Committee.

Consultations

Traffic Section - No objection subject to condition.

Drainage Section - No objections.

Environmental Health Contaminated Land - No objections subject to conditions.

Environmental Health Pollution Control -

Landscape Practice - Suggests a condition to amend the landscaping scheme.

Waste Management - No comments received.

Greater Manchester Police - designforsecurity - No objections.

BADDAC - Welcome disabled parking spaces. Concern there is no level access to the ground floor properties, the entrances are 90 degrees which make wheelchair access awkward, clarification of oval on floor layout - they are not enough to be wheelchair turning circles. Minor adjustments to ground floor could be designed to lifetime homes standards.

Unitary Development Plan and Policies

EC1/2 Land Suitable for Business (B1)

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

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

EN7 Pollution Control

EN8/1 Tree Preservation Orders

RT2/2 Recreation Provision in New Housing Development

HT2/4 Car Parking and New Development

SPD1 DC Policy Guidance Note 1: Recreation Provision

SPD6 DC Policy Guidance Note 6: Alterations & Extensions

SPD7 DC Policy Guidance Note 7 - Managing the Supply of Housing

PPS23 PPS23 Planning and Pollution Control

Issues and Analysis

Principle - The proposed development would be located within an employment generating area which was identified as suitable for office or B1 business use.

Policy EC1/2 states that the sites have been identified for business (B1) and office uses.

Development for other uses will only be permitted in exceptional circumstances and in accordance with other policies and proposals of the plan.

Policy EC2/1 states that within employment generating areas, the Council will only allow development for the uses specified. Other uses will only be permitted where they constitute limited development and would not substantially detract from the area's value as an employment generating area.

The principle of residential development was considered acceptable as it was demonstrated that it would constitute limited development and not detract from the value of the employment generating area. There are no changes in circumstances which would contradict this principle and the proposal therefore not conflict with the aims of policies EC1/2 and EC2/1 of the UDP.

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 land uses.

The site benefits from an extant planning permission for 24 apartments which was granted in May 2008, and as a result the proposed development would be a variation to an approved scheme. It is considered that the adjacent office development would not have an adverse impact upon the occupiers of the proposed dwellings and the proposed development would not conflict with the surrounding land uses. Therefore, the proposal would be in accordance with Policy H1/2 of the adopted UDP.

Design and impact upon the surrounding area - The proposed development involves the provision of 24 apartments in four buildings forming a 'u-shaped' development with a central car park.

Policy H2/1 states that all new residential development should make a positive contribution to the surrounding area and should have regard to the heights and roof types of adjacent buildings, the position and proximity of neighbouring dwellings and the density and character of the surrounding area.

Policy H2/2 of the Unitary Development Plan states that the new residential development should demonstrate acceptable standards of layout including, adequate parking available, suitable landscaping and open space.

This resubmitted scheme is the same as the approved development in terms of the height scale and form of the proposed dwellings. The dwellings have been designed as maisonette apartments in the same style as those previously approved which reflect the style of the surrounding dwellings. It is considered the proposed development would not be unduly prominent within the locality and there is adequate amenity space and provision for bin and cycle storage.

The relationship of the proposed dwellings to the office development would be as previously approved. The office development to the south is located 1.5m from the boundary with the application site. As a result, there would be 10m between an office building and the blank gable wall of the proposed development and 23m between the front elevation of the proposed development and the offices. As such, the separation distances are considered acceptable and would not result in a significant loss of privacy for the occupiers of the proposed dwellings.

The topography of the site and finished floor levels are as previously approved. There would be 22 metres between the gable elevation of No. 1 Greengate Close and the rear elevation of the building containing plots 9 – 12. There would be 12 metres between the gable elevation of No. 6 Greengate Close and the rear elevation of the proposed apartment building, which would be acceptable given No 6 is significantly elevated above the site. It is considered that the as the proposed development would comply with the aspect standards in DCPGN6, there would not be an adverse impact upon the amenity of the neighbouring residents. Therefore, it is considered that the proposed development would be in

accordance with Policies EN1/1, EN1/2 of the adopted Unitary Development Plan and would not conflict with the aspect distances in DCPGN6.

The proposed site plan indicates that there would be private amenity space to the side and rear of the proposed buildings and it is considered that this would be of an adequate size. The amenity space would be screened by 1.2 metre railings along the western boundary with the access road and due to the topography of the land a retaining wall is required to the north of the proposed buildings. The brick retaining wall would be finished with coping stones and visible by 1.2m. It is considered that the proposed boundary treatments would keep the amenity area secure and would reflect the existing boundary treatments in the locality. Therefore, it is considered that the proposed development is in accordance with Policy EN1/5 of the adopted Unitary Development Plan.

Pollution - An office development is considered not to generate a significant amount of noise. Given there would be a separation distance of 10m from the blank side elevation of the development to the office building and 23m from the front elevation of the proposal to the offices, it is considered there would not be an adverse impact on the amenity of the occupiers of the proposed development. The Contaminated Land Team has no objections subject to conditions relating to contaminated land. Therefore it is considered that the proposed development would be in accordance with UDP Policy EN7 and government guidance in PPS23.

Lighting - This application involves the provision of 3 No. 3m high lighting columns which would be positioned to the frontage of plots 9-16, and west and eastern corners of the site, which would face inwards towards the parking area. They are intended as an additional security measure to the development. The residential dwellings to the north are significantly elevated above the site, and to the east and west, the houses are more than 50m away. As such, the proposed lighting is considered not to be detrimental to the amenity of the surrounding properties.

Landscaping and Trees - A tree survey was submitted as part of the previous application, as the site contains a number of trees which are protected by a Tree Preservation Order (TPO). The survey recommended removal of trees T2, T5, T12, T13, T14, T17 and T23. However, it was identified that these do not need to be removed to facilitate the proposed development and as such should be subject to a TPO application. A landscaping scheme has been submitted with the application. However, further consideration is required for the layout and choice of species and therefore a condition should be attached any grant of planning permission requiring further details.

Highways Issues/Access - The car park would be located between the proposed apartment buildings and the office buildings to the south. The proposed development would provide a total of 26 parking spaces, including 8 disabled spaces and cycle storage to accommodate 24 cycles. It is considered there would be adequate parking provision, and the access and servicing would be as the existing consent (49309). The highways team have no objections to the proposal, subject to a condition regarding car parking layout. Therefore it is considered that the proposed development would not have an adverse impact upon pedestrian and highway safety and would accord with policies HT2/4 and HT4 of the UDP.

For information, Bridge Hall Lane is not an adopted highway and whilst minor emergency repairs have been carried out by the Council, responsibility for the maintenance of Bridge Hall Lane lies with the landowner. There are no immediate plans for the council to adopt this road. Improvements/maintenance of the road would be considered in the event of future commercial development of the area.

Disability Access - The properties would have level access thresholds and entrance layout as the previous scheme. The ovals referred to on the plans identify 'activity areas' within each individual room and are therefore not to be confused with wheelchair turning circles. The previous consent did not meet Lifetime Homes standards or provide specific wheelchair user designed dwellings and there is no proposal to amend this. However, the housing

Corporation's Design and Quality Standards will ensure the proposed accommodation is wheelchair accessible and exceeds the minimum standards for accessibility.

Contributions - The scale of the development requires that provision should be made towards off-site recreational provision under Policy RT2/2. In view of this the applicant has entered into a planning agreement to pay a commuted sum to the value of £10,376.64.

Objections - Letter sent to No 21 Bridge Hall Fold on 21st June 2009 clarifying the application is amendments to design and layout only and not additional dwellings. Letter sent to No 9 Greengate Close on 29th June 2009 in response to their information request.

The objections against the development as a Housing Association Scheme is not a material planning consideration.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and appropriate in terms of design, scale and layout. The development would not have a significant adverse impact upon the amenity of the neighbouring residents and would not affect the character of the area. The proposed development would not be detrimental to pedestrian or 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 7199-01 Rev E; 7199-LP01; 7199-013; 7199-012; 7199-010; 7199:09A; 7199:10A; 7199:05A; 7199:06A; 7199:06 A; 7199:02A; 7199:07A; 7199:08A; 7199:03A; 7199:04A; 2457.06 RevA; S07/169; Product data sheet Vandalite Lighting Ltd date stamped 9/6/2009 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. 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. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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 3 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and

A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

8. 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.

9. A minimum of 5 working days written notice shall be provided to the LPA of

intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures and tree works. Any subsequent variation of the timetable shall be subject to further written notice.

Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

10. No trees subject to a Tree Preservation Order, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.

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

11. Notwithstanding the submitted landscaping plan, a landscaping scheme shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

12. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the extension hereby approved being brought into use.

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.

13. The proposal hereby approved includes a hard surface. A scheme for the hard surface that includes permeable materials or natural drainage of all surface water within the site shall be submitted to and approved in writing by, the Local Planning Authority prior to the commencement of the development. The hard surface shall then be constructed in the approved materials and manner of construction so agreed as part of the approved development.

Reason. To secure the satisfactory development of the site pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and PPS25 - Flood Risk and Development.

14. The proposed lighting columns shall be positioned such that the filaments of any bulbs are not directly visible from nearby dwellings, including gardens.

Reason. In the interests of visual amenity pursuant to Unitary Development Plan Policies H 2/2 - The Layout of New Residential Development.

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

Ward: Bury West - Elton

Item 07

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

The application was deferred from the Planning Control Committee on 16th June 2009 to allow Members to visit the site.

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: Bury West - Elton

Item 08

Applicant: Mr Vaughan Thomas

Location: 61 HARVEY STREET, ELTON, BURY, BL8 1NL

Proposal: VARIATION OF CONDITION NO.2 OF PLANNING PERMISSIONS 31911 AND 34162 TO READ THE CAFE SHALL NOT BE OPEN OUTSIDE THE HOURS OF MONDAY TO SATURDAY 0730 HOURS TO 1830 HOURS, SUNDAY 0900 HOURS TO 1300 HOURS AND 0730 TO 1400 HOURS ON BANK HOLIDAYS

Application Ref: 51295/Full

Target Date: 23/06/2009

Recommendation: Approve with Conditions

Description

The site is a ground floor café in what use to be a 'corner' shop at the end of a short terrace row on the junction of Harvey Street and Robert Street. Above is a residential flat with residential properties to both sides and to the rear. Facing on the opposite side of Harvey Street are mill buildings that have been split into numerous units with various industrial and commercial uses.

Planning application ref. 31911 gave permission for Class A3 (café) use in 1996 with the opening hours of 07:00 to 14:00 Monday to Saturday with no Sunday or Bank Holiday Opening. A further application, ref. 34162 was approved to increase the opening hours of 07:30 to 18:30 Monday to Friday and 07:30 to 14:00 Saturday and Bank Holidays.

This proposal is to further amend the opening hours to 07:30 to 18:30 Monday to Saturday and 09:00 to 13:00 Sunday.

Relevant Planning History

31911-Change of use of vacant shop to café (Class A3)-Approve Conditionally 09/04/1996
34162-Variation of planning condition 2.of permission 31911/96 to increase hours of opening to 6.30pm Mondays to Fridays and 7.30am to 2pm bank holidays-Approved Conditionally 03/06/1998
50664 – Change of use of ground floor Café (Class A3) to Café (Class A3) with Hot Food Takeaway (Class A5) – Refused 18/12/2008

Publicity

Surrounding neighbours notified by letter dated 26/05/2009 at Woolpack Hotel 182 Wood Street; 51-59 & 46-54 Robert Street; 41-56, 63-67, Spiral Solutions, CK Appliances, Fenster Trade Frames, Elton Fold Works, Thermaclad Insulation, Janian Architectural Metal Work, Bornmore Metals all Harvey Street; ACV Engineers, Vulcan Fabrications on Camp Street – one letter of support has been received from the occupiers of 65 Harvey Street who supports the proposal for the following reasons:

- the hours of opening are reasonable and it will be of community benefit.

One letter of objection from the occupiers of 63 Harvey Street the concerns are summarised below:

- Noise and disturbance for 7 days a week
- Deliveries before 6am with the drivers slamming their doors shut and leaving their engines running.

The supporter and objector have been informed of the Planning Committee.

Consultations

Traffic Section – No objection

Environmental Health – Expresses concerns regarding evening opening due to close proximity to residential properties but trading later than 18:30 is not proposed.

Unitary Development Plan and Policies

H3/2 Existing Incompatible Uses

S2/6 Food and Drink

Issues and Analysis

Principle – The café is not within a recognised shopping centre and as such the proposed amended opening hours need to be assessed against Bury UDP Policies H3/1 - Assessing Non-Conforming Uses and S2/6 - Food and Drink.

The main consideration of this proposal is the impact of the additional hours of 14:00 to 18:30 on Saturday and 09:00 to 13:00 on Sundays on the residential amenity of the surrounding dwellings.

The café has been established since 1996 albeit originally with limited hours that was aimed at trade from the industrial/commercial premises opposite. The hours of opening have been gradually increase to take advantage of passing trade, the operating/opening hours of the industrial/commercial premises opposite and the 7 days a week need for this type of service.

It is considered that the limited increase in the hours of opening to include 14:00 to 18:30 on Saturday and 09:00 to 13:00 on Sunday will not have a significantly detrimental effect on the residential amenity of the surrounding dwellings and are not unreasonable to ensure the café is an economically viable business.

However to safeguard residential properties a condition is recommended that a survey is carried out on the premises to ensure the standard of soundproofing meets the current standard required by Approved Document E of the Building Regulations. If it found that the soundproofing is not up to standard that remedial work is carried out within 3 months of decision.

Comments on Representations – the hours of opening have been discussed in Issues and Analysis above. The additional hours of opening will not alter the inconsiderate nature of the delivery drivers or their delivery times.

Summary of reasons for Recommendation

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any representations and consultation responses, in particular Bury Unitary Development Plan Policies H3/1 - Assessing Non-Conforming Uses and S2/6 - Food and Drink, it is considered that the proposed development would not adversely effect the character of the area, the residential amenity of the occupiers of the surrounding dwellings, nor adversely impact on highway safety issues. It would not cause demonstrable harm to other interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act

1990.

2. This decision relates to drawings received on 28th 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 Bury UDP Policy EN1/2 - Townscape and Built Design.
3. The cafe shall only open for trading during the following hours:
07:30 to 18:30 Monday to Saturday;
09:00 to 13:00 Sunday, and
07:30 to 14:00 on Bank Holidays
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink and H3/1 – Assessing Non-Conforming Uses of the Bury Unitary Development Plan.
4. Within one month of the date of this decision a noise survey shall be carried out by a competent person on the standard of sound insulation on all party walls and submitted to and agreed in writing by the Local Planning Authority. If the sound insulation is found not to comply with the current requirements of Approved Document E of the Building Regulation then remedial work shall be carried out to the written satisfaction of the Local Planning Authority within three months of the date of this decision.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink and H3/1 – Assessing Non-Conforming Uses of the Bury Unitary Development Plan.

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

Ward: Radcliffe - North

Item 09

Applicant: Mrs A Barlow

Location: PLANE TREES FARM, BRADLEY FOLD ROAD, AINSWORTH, BOLTON, BL2 5QR

Proposal: ERECTION OF NEW BARN; CHANGE OF USE OF EXISTING BARN TO DWELLING

Application Ref: 51307/Full

Target Date: 25/06/2009

Recommendation: Approve with Conditions

Description

The application relates to a complex of farm buildings on the south side of Bradley Fold Road. The farm to which the application relates is within the Green Belt and apart from properties to the north east, fronting Bradley Fold Road, is surrounded by open countryside. The farm has mostly sheep with a smaller proportion of cows.

The proposal has three elements - a residential barn conversion, the erection of a new agricultural building and alterations to the existing access onto Bradley Fold Road.

The existing stone barn (10m x 22m) has been altered somewhat, not least by the addition of a small extension to the front but it has retained much of its original character and is a significant example of the local vernacular. The building, although in need of significant repair, is generally structurally sound and capable of conversion without substantial rebuilding. Currently the barn is used for housing livestock, animal feed and some farm equipment.

The proposed barn conversion scheme includes:

- Internal alterations to include the creation of a single dwelling with living accommodation on the ground and first floor.
- Demolition of small single storey outrigger on the courtyard elevation.
- Additional window and door openings, including garage doors.
- The proposed domestic curtilage around the new dwelling would include a rear garden area extending out approximately 3m from the rear elevation of the barn.
- Existing stone roof would be reinstated.

The new agricultural building would be located to the south of the existing complex of farm buildings. It would have a footprint of 18m by 11.4m and a ridge height of 4.5m. It would comprise a steel frame with timber boarding to the sides and a fibre cement roof. A new fence would encompass the new barn within an extended complex of farm buildings. The applicant states that the new building is required to comply with current guidelines for the management of farms and livestock. Reports from the National Farmers Union and the Council's animal welfare officer has been submitted in support of the application.

The application also includes alterations to the existing access point and stone boundary wall which would be relocated further into the site to accommodate appropriate visibility splays.

Relevant Planning History

49249 - A) New Agricultural Barn; Conversion of Existing Barn Into Dwelling and Alterations to Existing Access - Withdrawn 03/09/2008

46716 - Erection Of New Barn and Conversion Of Existing Barn to Two Dwellings With Additional Extensions And Garages - Refused 20/12/2006

Publicity

Immediate neighbours and interested parties at Titus House, Titus Cottage, 1 Kiln Clough and 2 Kiln Clough all on Bradley Fold Road as well as 10 Old Oak Close, Bradley Fold, 75 Church Street, Ainsworth and 30 Knowsley Road Ainsworth were notified by letter dated 12/05/2009 and a site notice was posted on the 12th May 2009.

An objection from the Ainsworth Community Association has been received and can be summarised as follows:

- the development would set a precedent within the Green Belt and the barn is not redundant if a replacement is proposed.

Ainsworth Community Association has been informed of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health - No objection.

Public Rights of Way Officer - No objection.

Conservation Officer - No objection.

Landscape Practice - No objection

Greater Manchester Police - No objection subject to security measures.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/4	Conversion and Re-use of Buildings in the Green Belt
OL4	Agriculture
OL4/5	Agricultural Development
SPD 9	Conversion and Re-use of Buildings in the Green Belt
SPD16	Design and Layout of New Development in Bury
RSS 13	Regional Spatial Strategy for the North West

Issues and Analysis

Barn Conversion - The residential barn conversion is subject to UDP Policy OL1/4 - Conversion and Re-use of Buildings in the Green Belt. This policy states that development would not be inappropriate provided:

- it does not have a materially greater impact on the openness of the Green Belt,
- the buildings are permanent and capable of conversion without substantial rebuild,
- the massing and design is in keeping with the surroundings,
- there is suitable access,
- services can be provided and
- there is not threat to endangered species.

In terms of the above criteria the structural survey submitted with the application states that the existing stone built barn is capable of conversion without substantial rebuild. The proposal to convert the barn would retain the original footprint and not increase the height of the building. As such the scheme would not have a material impact on the openness of the Green Belt. In design terms it would be in keeping with the character of the locality, services can be provided and endangered species would not be threatened. As such the proposal complies with UDP Policy OL1/4.

Design and appearance - The stone barn is an attractive building which has some architectural merit in terms of its local agricultural heritage and vernacular character. The design and appearance of the proposed conversion is considered to be acceptable in that it would improve the structural integrity of the building whilst largely retaining its intrinsic

character and appearance. New openings have been kept to a minimum and the proposal includes an integral garage thereby reducing the need to build a separate garage in the future. The unsightly lean-to extension on the east elevation would be removed.

Curtilage - The proposed curtilage of the new residential unit would extend out 3m to the rear of the barn where the boundary would be formed by a new hawthorn hedge. This would be considered to be acceptable and would not raise any serious concerns in relation to the openness and character of the Green Belt particularly given that permitted development rights would be removed any approval.

Residential Amenity - There are no significant residential amenity issues arising from the barn conversion as the closest dwelling is the applicant's farmhouse situated across the farmyard. The closest neighbour is approximately 80m to the east along Bradley Fold Road.

Traffic - The visibility splays from the farm entrance would be improved by the realignment of the boundary wall along Bradley Fold Road.

The conversion of the existing stone barn to residential is considered to be contrary to Unitary Development Plan policies and advice listed above.

New Agricultural Building.

Principle - Green Belt policy OL1/2 relating to new buildings in the Green Belt states that new development in the Green Belt is inappropriate unless it is, amongst other uses, for agricultural purposes.

Need - Apart from the structural appraisal of the existing barn, the application is accompanied by a supporting statement from the National Farmers Union, a report from the animal welfare officer at Environmental Health and a statement from the applicant regarding livestock on the farm. The NFU report details how the existing stone barn is inadequate for the operation of a modern livestock farm and supports the need for a new building that allows animals and foodstuff to be kept in a more appropriate environment in terms of space, light, ventilation and maintenance. The critical concerns were as follows;

- the older barn does not allow access to modern farm machinery,
- internal useable space is inadequate for the numbers of livestock on the farm,
- the barn is inflexible in how it can house various livestock and their needs at different times of the year,
- conditions within the existing barn are substandard in terms of lighting and ventilation and general conditions for livestock are poor.
- refurbishment of the older barn would not be practical given the nature of its construction and the disbenefits accruing to the effective loss of what is a building with significant local historical and architectural merit.

Following a detailed assessment of the various reports and a number of site visits, it is considered that a valid case has been proven for the construction of a new agricultural building as opposed to using the existing stone barn. It is also considered that the architectural merits of the existing barn would be better protected by a sensitive residential conversion than its demolition and replacement with a modern structure.

Siting and Design - Green Belt Policy OL4/5 relating to agricultural development indicates that structures that require planning permission will be permitted providing they are sited and designed to minimise their visual impact on the landscape, relate well to existing farm buildings and do not have a serious impact on neighbouring dwellings. This policy is supported by advice within Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt. The position of the new building is considered to be acceptable in that it would relate reasonably well to the existing farm complex and would be viewed as part of this group of buildings. The size and massing of the building would not be over dominant next to the existing buildings and the design is one that is not unusual on a farm in the countryside.

The new agricultural building complies with Unitary Development Plan policies and

guidance listed above.

Residential Amenity - The closest residential properties would be the existing farmhouse and the converted barn, if approved. These properties are a sufficient distance away to not cause any amenity concerns.

Alterations to Access.

The alterations to the access, including realignment of the existing boundary wall, whilst improving visibility in and out of the site would not be seriously detrimental to the visual amenity of the locality. In this regard the scheme to alter the access is considered to be acceptable and complies with UDP policy and guidance.

Objection - There is an objection from the Ainsworth Community Association on the grounds that the proposal is contrary to Green Belt policy. It is considered that the need for a modern agricultural building has been proven by the evidence from the applicant, the National Farmers Union and the Councils own animal welfare officer, supplied within the application. The issues relating to the Green Belt have been addressed in the above report. The argument that any approval will set a precedent is not supported as every application should be assessed on its individual merits.

The proposal is considered to be acceptable 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 reasons for granting permissions can be summarised as follows:-

The barn conversion would help preserve the character of the existing barn without detriment to the openness of the Green Belt or amenity of the locality. The new agricultural building would improve the facilities at the farm without serious harm to the character of the Green belt or amenity of the locality. The proposal complies with UDP policies and guidance 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 771/01B, 02, 05, 08, 09B, 10 and 09-103/08A 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, including all areas of new stonework, window and door frames, to be used in the external elevations of the barn conversion and new agricultural building and boundary walling 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. 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 curtilage of the converted barn as indicated in dwg 09-103/08A in 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 OL1/4 Conversion and Re-use of Buildings in the Green Belt.

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

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

6. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.

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

7. Development shall not commence until details of foul and surface water drainage aspects have been submitted to and approved by the Local Planning Authority.
Reason: In the interests of proper waste water management pursuant to Policy EN7/5 - Waste Water Management.

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

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

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

Ward: Bury East - Moorside

Item 10

Applicant: J F Securities Ltd

Location: UNIT B2, JF BUSINESS CENTRE, FERNHILL MILL, HORNBY STREET, BURY, BL9 5EF

Proposal: CHANGE OF USE FROM CLASS B2/B8 TO FITNESS GYMNASIUM CLASS D2 (RETROSPECTIVE) RE-SUBMISSION OF PLANNING APPLICATION 49824

Application Ref: 51343/Full

Target Date: 06/07/2009

Recommendation: Approve with Conditions

Description

This retrospective application follows a previous refusal of permission for the change use of this part of the industrial mill to fitness gym in December 2008. The two main reasons for refusal were the lack of parking and the impact of noise and disturbance on residents across Hornby Street. This revised application now includes off-street car parking and a noise survey/report on the impact of noise from the gym.

Fernhill Mill is a large red brick industrial building on the edge of Fernhill Employment Generating Area. The building, which is three storeys in height at its highest point, is situated between Hornby Street and Every Street which leads to the Council recycling/waste centre at Fernhill. It is currently sub-divided into approximately 45 separate units of various sizes. Many of the units are used for commercial storage but others are used for manufacturing and car servicing/ repair.

Across Hornby Street (approx 13m away) are residential terraced properties fronting directly onto the street. To the south and rear are industrial works within the employment generating area.

The gymnasium has been operating since February 2008. It covers approx 500sq metres of the first floor and 900sqm of the second floor and includes two main gym areas, changing rooms, toilets and ancillary office and staff kitchen. the main pedestrian access is from Hornby Street. The gym has between 60 and 100 members with 7 part time and full time staff. Opening hours are:

9am - 9pm Monday to Friday,

9am - 7pm Saturday

11am - 4pm Sunday

The revised application includes the car park adjacent to P&S Textiles which is located across Hardman Street to the south of the Mill. The car park, which is currently used by P&S Textiles, has 24 parking bays and in addition 12 new parking bays will be marked out for the use of the gym staff and members. Of the 24 existing parking spaces, 5 would be occupied by P&S Textiles on a permanent basis and the remaining 19 spaces would be available for gym staff/members, giving 31 spaces in total for the use of the gym.

Relevant Planning History

49824 - Retrospective Change of Use of First Floor from Class B2/B8 To Fitness Gymnasium (Class D2) - Refused 23/12/2008

Publicity

Site notice posted and immediate neighbours notified by letter dated 2/06/2009. Neighbours notified at 162 - 180 (evens) Hornby Street and 65, 66A & B and 67 Canning Street - Two objections received from two local residents. One from No.170 and another who does not

give an address. Objections are summarised:

- increased noise and disturbance from music and activity inside the building and from cars parking in front.
- parking congestion.
- increased litter.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - No comment to date.

Environmental Health - No objection.

Greater Manchester Police - No comment.

Disabled Access Group (Baddac) - No objection.

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
EN7/2	Noise Pollution
H3/1	Assessing Non-Conforming Uses
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
EC4/1	Small Businesses

Issues and Analysis

Use - The gym occupies part of the first and second floors of Fernhill Mill and forms part of a wider refurbishment and sub-division of the mill into predominantly small workshop/starter units that has taken place over the last two years.

Employment Policy - The mill sits within the Fernhill EGA as designated under UDP Policy EC2/1. Under Policy EC2/1, the Council will allow development for B1, B2 and B8 uses. Other uses will only be permitted where they constitute limited development or do not detract from the area's value as an EGA.

Given that this forms part of a wider scheme of refurbishment and sub-division of what was an old and vacant mill building and that the predominant uses within the building will be for B1/B2 and B8, together with the fact that the gym occupies a redundant upper floor unit, it is felt that the net gain of employment uses outweighs the loss of this part of the building for alternative uses. As such, the proposal is not considered to detract from the area's value for supporting employment opportunities and can be considered not to conflict with Policy EC2/1 as the majority of the mill will remain in Employment Generating Use.

Residential Amenity - The main areas of concern in respect to residential amenity is noise and disturbance from music within the gym and noise and disturbance from the general coming and going of gym users who park cars on Hornby Street.

In respect to noise and disturbance from the gym itself, the applicant has submitted a noise report from 'Sound Advice' noise and vibration consultancy. As a consequence of noise testing the report concludes that there would be no detrimental impact on the general noise climate in the area. It suggests the only possible source of complaint may be from the behaviour of gym users outside the premises, an issue raised by the complainant's. This issue has been partly addressed by the provision of the dedicated car park further down Hornby Street however it is suggested in the report that the management implement a 'courteous neighbour' policy to reduce disturbance further.

Given the evidence supplied within the noise report and the fact that gym closes at 9pm between Monday and Friday and 7pm and 4pm on Saturdays and Sundays respectively it is now accepted that the impact of noise from within the gym is not serious enough to warrant refusing the application.

It is considered, with the use of the car park at P&S Textiles, there would be less potential

for disturbance from vehicular activity and general coming and going of customers on Hornby Street. Although customers could not be forced to use the car park as opposed to on-street parking, it is likely that a significant number would use it if available, particularly when Hornby Street is busy. The revised scheme is now considered to be acceptable in terms of its impact on residential amenity and would not be contrary to UDP policies EC4/1 Small Businesses, EN7/2 Noise Pollution and H3/1 Assessing Non-conforming uses.

Parking - Fernhill Mill is a large industrial building without any off-street parking and this is the main planning concern. SPD Note 11 Parking standards states that provision for indoor recreation should be a maximum of 1 per 25sq metres. For a gym of this size (1400sq metres), this equates to a maximum provision of 56 parking spaces. However any assessment would need to take account of the existing industrial use which would have a parking requirement of 23 spaces.

The revised application, as already stated, now indicates parking provision at P&S Textiles further down Hornby Street, approximately 70m from the entrance of the gym. The car park is currently marked out to accommodate 24 spaces however the applicant has indicated that an additional 12 spaces could be added without any change to the vehicular flow, giving a total of 36 spaces. Information supplied within the applicant suggests that the car park is under used by P&S Textiles who utilise approximately 5 spaces between 8.30am and 4.30pm. This would leave 31 spaces available for the gym. Based on the estimate that there would be approximately 12 people in the gym (customers and staff) at any one time, this parking provision would be more than sufficient to satisfy demand. It is recognised that the parking requirements of P&S textiles may increase in future or if another user occupies the premises however it is also noted that the busiest times for the gym would be when the car park is least used by P&S Textiles - after 4.30pm.

The application does not conflict with UDP policy HT2/4 Car Parking and New Development and adopted guidance on parking.

Disabled Access - Given the age and nature of the building the internal alterations have made sufficient allowance for disabled access. There is level access and an internal lift to the upper floors. The proposal complies with UDP Policy HT5/1 relating to disabled access.

Objections - The objections relating to noise and parking have been addressed in the above report. Regarding the issue of litter whilst there is a significant amount of litter along Hornby Street it cannot be attributed to the operation of the gym and as such is not a planning consideration.

The application is considered to have, on balance, satisfied the noise concerns and parking requirements and is considered to comply with UDP policy and guidance listed.

Summary of reasons for Recommendation

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

The change of use from industrial premises to gym should not have a seriously detrimental impact on the amenity of local 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 FM/010, 005, 011/RevA 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 shall be surfaced, demarcated and made available for use within one month of the date of this permission and maintained thereafter at all times that the use hereby approved is operating, to the satisfaction of the Local Planning Authority.
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. The use hereby permitted shall not be open to customers outside the following times: 0800 to 2100 Monday to Saturday and 0900 to 1600 on Sundays .
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to the following Unitary Development Plan Policies:
EN7/2 - Noise pollution,
H3 - Non-Conforming Uses,
EC4/1- Small Businesses.

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

Ward: Radcliffe - North

Item 11

Applicant: Travis Perkins Trading Company

Location: TRAVIS PERKINS, BURY AND BOLTON ROAD, RADCLIFFE, M26 4FP

Proposal: ERECTION OF NEW BUILDERS MERCHANTS BUILDING AND ALTERATION OF EXISTING EXTERNAL STORAGE TO FACILITATE THE STORAGE AND DISTRIBUTION OF BUILDING MATERIALS AND TRADE COUNTER

Application Ref: 51352/Full

Target Date: 09/07/2009

Recommendation: Approve with Conditions

Description

The application site is currently used as a builders merchant yard, which includes open storage of materials throughout the site. There was a two storey building, which was located towards the front of the site and to the east of the main access. This building was damaged by fire and has since been demolished. The access to the site is from Bury & Bolton Road and is centrally located, with car parking on either side.

The site is located within the green belt and there are open fields to the east and south of the site. There is a vehicle repair garage to the east of the site and beyond that open land. There are two residential properties opposite the application site, which are surrounded by open land.

The proposal involves the erection of a replacement building for use in conjunction with the use of the site as a builders merchant yard. The proposal also seeks permission to rationalise the existing external storage area and distribution area within the site. The proposed building would be 30 metres by 16.5 metres and would measure 7.1 metres in height to the eaves and 8 metres in total. The proposed building would be constructed from green metal cladding with a small amount of yellow cladding, with a small brick plinth.

Relevant Planning History

44751 – Provision of powder coated palisade fencing with electrified pulse fence at Travis Perkins, Bury & Bolton Road, Radcliffe. Approved with conditions – 5 August 2005

50994 – Erection of new builders merchant building; alterations to existing external storage and distribution area at Travis Perkins, Bury & Bolton Road, Radcliffe. Refused – 21 April 2009.

Publicity

The neighbouring properties (253, 255 - 257, Warrington Slate Company, G Reid Autos, Bury & Bolton Road, Openshaw Fold Farm) were notified by means of a letter on 21 May and a press notice was published in the Bury Times on 28 May. Site notices were posted on 26 May. One letter has been received from the occupiers of 255 - 257 Bury & Bolton Road, which has raised the following points:

- The proposed building is larger than the previous building
- The materials of the proposed building are not in keeping with the area
- There are Great Crested Newts in the area, which should be protected

The objector has been notified of the Planning Control Committee

Consultations

Highways Section – No response

Drainage Section – No objections

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

Wildlife Officer – Agree with the conclusions of the Great Crested Newt report. No objections to the proposal

BADDAC – Welcome provision of a disabled parking bay and the provision of a disabled toilet. The plans indicate that the entrance would be raised.

Unitary Development Plan and Policies

PPS23	PPS23 Planning and Pollution Control
EC2/2	Employment Land and Premises
EC3/1	Measures to Improve Industrial Areas
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
OL1/2	New Buildings in the Green Belt
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
PPG2	PPG2 - Green Belts

Issues and Analysis

Principle - The proposed development would be located within the Green Belt and PPG2 establishes a presumption against inappropriate development, including new buildings, within the Green Belt, unless it involves development required for essential facilities for outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Whilst Policy OL1/2 requires that new buildings within the Green Belt are inappropriate development unless the building is needed for the purposes of agriculture or forestry; would be essential facilities for outdoor recreation and the limited extension of existing dwellings. Proposals for buildings, which do not fall into one of the above categories is inappropriate development and will only be permitted in special circumstances.

SPD8 (New buildings and associated development in the Green Belt) states that the onus is on the applicant to demonstrate the very special circumstances for the proposal. very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness is clearly outweighed by other considerations.

The proposed building would be used as a builders merchant building in connection with the use on site. The proposed development would not conform to the uses specified above and would be inappropriate development. An existing building was on site until recently when it burnt down. The proposed building would be a replacement building. The original building was two storeys in height and was positioned closer to the road where as the proposed building would be positioned further back into the site, which would reduce the prominence of the building from the main vantage point of Bury & Bolton Road. It is considered that there are special circumstances for allowing a building for use as a builders merchant on the site and therefore, the proposal would be in accordance with Policy OL1/2 of the adopted Unitary Development Plan, SPD8 and PPG2.

Siting, design and layout - The design and height of the proposed building has been revised following the refusal of planning permission in April (50994). The proposed building would measure 7.1 metres to the eaves with an overall height of 8 metres. The agent has provided an indicative plan indicating signage, which would be located in the gap between the roller shutters and the roof. The proposed signage would be subject to a separate application, but would break up the elevation and would reduce the vertical emphasis to the

building. Further openings have been added to the rear and side elevations, which also break up the mass and bulk of the building.

The proposed building would be constructed from green metal cladding with a small amount of yellow cladding to add detail. The proposed materials would not be unduly prominent within the Green Belt. The proposed building would include a mezzanine level and as a result, the floor space would be larger than the previous building. The footprint of the original building was 376 square metres and the footprint of the proposed building would be 500 square metres. The proposed building would be larger than the original building but has been positioned further back into the site, to reduce the impact on the openness of the Green Belt. As a result, the proposal would not have a significant impact upon the openness of the Green Belt and would not be unduly prominent within the locality. The proposed development would be in accordance with Policies EN1/1, EN1/2 and OL1/2 of the adopted Unitary Development Plan.

Ecological impact - The proposed building is located within 250 metres of a Great Crested Newt site, which are a protected species. An ecological survey was submitted as part of the application, which states that the presence of Great Crested Newts within the application site is extremely unlikely. The Wildlife Officer agrees with the findings of the report and has no objections to the proposal. Therefore, the proposed development would not impact upon a protected species and would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Highway issues - The proposal would utilise the existing access of Bury and Bolton Road and the site layout would be formalised with an access road and parking at the boundary with Bury and Bolton Road. The applicant has provided tracking details, which indicate that lorries could enter the site safely. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy HT4 of the adopted Unitary Development Plan.

With regard to parking provision, there is no equivalent use in SPD11. However, SPD 11 states that the maximum parking standards for a B2 use would be required to provide 1 space per 60 square metres. This would equate to 10 spaces for the proposed building. The proposed development would provide 14 spaces and 1 disabled bay, which would equate to 1 space per 40 square metres. Therefore, the level of parking provision on site would be acceptable and the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

The proposed plans indicate that there would be level access to the building and this has been confirmed by the agent. A disabled parking bay would be provided and a disabled toilet and a lift would be provided within the building. The proposed development would be accessible for all and would be in accordance with Policy HT5/2 of the adopted Unitary Development Plan.

Response to objectors - All of the issues raised by the objector have been dealt with above.

Summary of reasons for Recommendation

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

Dev in green belt - special circumstances

The proposed development would not have an adverse impact upon the amenity of the neighbouring residents. The proposed development would not be unduly prominent within the Green Belt, subject to conditional control and would not have a detrimental impact upon 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 MH693-00, MH693-01, MH693-02 B, MH693-03, MH693-04 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.
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.

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

Ward: Prestwich - St Mary's

Item 12

Applicant: Tone Tan Tastic

Location: 8 WARWICK STREET, PRESTWICH, M25 3HN

Proposal: CHANGE OF USE TO BEAUTY AND FITNESS.

Application Ref: 51372/Full

Target Date: 17/08/2009

Recommendation: Approve with Conditions

Description

The application site is the ground floor of a currently vacant premises fronting Warwick Street which is located within Prestwich Town Centre. The current use is a call centre with residential accommodation above accessed from a separate entrance at the side of the property. To the east is the attached property The Grapes Public House which is also vacant, immediately to the north is a public car park and to the west is a derelict building. Opposite are residential flats with dedicated parking in front. There is restricted on street parking on Warwick Street.

The application seeks a change of use to a tanning and fitness shop at ground floor only. The first floor would remain as residential accommodation. There are no proposed alterations to the shop front. The proposed opening hours are Monday to Friday 10am to 8pm, Saturday 10am to 7pm and Sunday 11am to 4pm. The applicant would be the only employee.

Relevant Planning History

None

Publicity

Letters sent to Nos 4, 6, 12-22 (evens) Warwick Street, 1a, 1b, 3 - 29 (odds) Warwick Street. One letter of objection has been received from No 25 Warwick Street with the following comments:

- no objection to the proposal, but there is a general parking problem in the area for residents. Suggests a residents parking only sign be erected in front of the flats.

Flat 8A (above application premises) not notified. Letter received from occupiers of this flat with no objection to the proposal.

The objector has been notified of The Planning Control Committee.

Consultations

Drainage Section - no comments to date

Environmental Health Pollution Control - no comments to date

BADDAC - no details of access arrangements.

Unitary Development Plan and Policies

S1/2 Shopping in Other Town Centres
S2/3 Secondary Shopping Areas and Frontages
Area The Longfield Centre/Bury New Road
PR1
EN1/1 Visual Amenity
HT5/1 Access For Those with Special Needs
HT2/4 Car Parking and New Development

Issues and Analysis

Policy - S1/2 - Shopping in Other Town Centres seeks to enhance and consolidate shopping provision to enhance and maintain its vitality and viability. S2/3 - Secondary Shopping Areas and Frontages - seeks to maintain retailing as the predominant land use at ground floor level. Proposals for change of use will be assessed on their own merits and take into account: design and appearance; maintenance of display window; access for mobility impaired; and associated noise or disturbance.

Although the proposal would not fall within the Class A1 retail use, the premises are located within Prestwich Town Centre where it is expected there would be a mix of different uses. The development would also bring back into use a currently vacant shop within a town centre, and being open during the daytime and early evening, with an active shop frontage that would support the vitality and viability of the shopping centre. As such, the proposal would be acceptable in principle and considered consistent with these policies.

Residential amenity - The nearest residential property is the flat above the premises and the flats opposite on Warwick Street. There would be a certain amount of activity associated with the use in terms of customers visiting the shop, particularly as the proposed hours would be until 8pm weekdays and 7pm on a Saturday. In addition, the residential properties also face and are adjacent to existing shops which are allocated as Secondary Shopping Frontages within the UDP where there is already activity associated with the businesses in this area. However, the size of the application premises and the facilities available would limit the number of people visiting the shop at any one time. The proposed hours are considered to be appropriate for a use within the town centre and in such close proximity to other commercial uses on Bury New Road. A condition requiring sound proofing between the ground floor and first floor flat to safeguard the amenity of the residents of the flat above would be attached to any approval.

Access - Access arrangements to the premises would be as existing and there are no proposals for alterations to the front entrance.

Parking - There is currently no parking provision associated with the use of the ground floor of the property and there are no proposals to provide parking with the proposed use. However, the premises are located within a high access area and as such the requirements to provide dedicated parking are more relaxed than in other perhaps more remote locations. There is a public car park to the rear of the property and additional car parks in the town centre, approximately 150m away, with Prestwich metrolink station and a bus route within walking distance. As such, there is considered to be adequate parking and public transport available to customers visiting the premises and the proposal would comply with HT2/4 - Car Parking and New Development.

Servicing and bin store - There is a bin storage area and servicing provision to the side of the property as per the existing situation.

Objections - Relates to the existing parking problems in the area. Whilst there is allocated parking in front of the flats on Warwick Street for occupiers of the flats, the objector says people use these spaces to park whilst visiting the shops, instead of the nearby public car parks. They requested a sign restricting the area to residents parking. However, this would be the responsibility of the manager/owner of the flats and not a material planning issue associated with this 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 proposed change of use will not adversely affect the character of the area or affect the amenities of the surrounding 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 the drawings existing and proposed date stamped on 22 June 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. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flat, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.
Reason. To protect the residential amenities pursuant to Unitary Development Plan Policy S2/3 - Secondary Shopping Areas and Frontages.
4. The use hereby permitted shall not be open to customers outside the following times: 10.00 to 20.00 Monday to Friday; 10.00 to 21.00 Saturday and 11.00 to 16.00 Sunday.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/3 – Secondary Shopping Areas and Frontages of the Bury Unitary Development Plan.
5. Prior to the development being brought into use, a scheme shall be submitted to the satisfaction of the Local Planning Authority which demonstrates that all fan(s), flue(s) or other mechanical equipment associated with the development is designed such that noise emissions do not exceed NR (Noise Rating) curve 35 in adjacent residential properties with the windows of those properties open in the normal manner for ventilation purposes.
Reason. In the interests of residential amenity pursuant to Unitary Development Control Policy S2/3 - Secondary Shopping Areas and Frontages.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 13

Applicant: Aldi Stores Ltd

Location: ALDI FOOD STORE, RAILWAY STREET, RAMSBOTTOM, BL0 9AL

Proposal: A - INTERNALLY ILLUMINATED FASCIA SIGN AND CANOPY MOUNTED TOTEM SIGN
B - TOTEM MOUNTED SIGN

Application Ref: 51375/Advertisement

Target Date: 15/07/2009

Recommendation: Split Decision

Description

The application site is located in the town centre of Ramsbottom and is bounded by the Ramsbottom Conservation Area on the Square Street boundary. The East Lancashire Railway is located to the east of the application site and to the north, is a small car park, vehicle repair garage and craft shop. A stone wall forms part of the boundary of the site with Square Street and the remainder consists of palisade fencing. On the opposite side of Square Street there are three to four storey mill buildings which have either been converted to residential or have planning permission in place for conversion to residential. There is a nursery which fronts onto Square Street and has a boundary with the application site.

Planning permission (50660) has been granted for the erection of two buildings on the site and the formation of a car park. One building would be a retail unit (Aldi store) and the second building would be a commercial unit.

The proposal involves the erection of three signs.

- The first sign is an illuminated fascia sign, which would be located on the gable elevation of the retail store.
- The second is an internally illuminated, canopy mounted totem sign, which would be located above the main entrance of the retail store. This sign has been reduced in height to 6.4 metres in height following a discussion with the applicant.
- The third would be an internally illuminated totem sign, which would be located to the south of the site entrance, between the bin store and the footpath on Railway Street. The agent was advised that this sign would not be acceptable, as it would lead to an overproliferation of signage. However, the sign has been reduced in height from 6.1 metres to 5.5 metres in height. The signage would be double sided, with a Aldi sign facing vehicles travelling from Railway Street and a sign for the commercial unit facing vehicles travelling from Kay Brow.

Relevant Planning History

50660 – Proposed mixed use development comprising use class A1/Foodstore and use class B1/B8 commercial unit at land at Railway Street, Ramsbottom. Approved with conditions – 23 December 2008

50941 - Internally illuminated fascia sign; internally illuminated totem sign; internally illuminated canopy mounted totem sign at Aldi store, Railway Street, Ramsbottom. Refused - 23 March 2009

Publicity

The neighbouring properties (Ramsbottom, Heritage Society, Flats 1 - 6, Old Engine House; Apartment 1 - 6 The Cornerhouse; Kay Brow Yard; Cobden Mill, 99 Square Street; Empire Works, Empire Garage Railway Street) were notified by means of a letter on 27 May and

site notices were posted on 27 May 2009. A letter has been received from Ramsbottom Heritage Society, which has raised the following issues:

- The height of the totem sign on Railway Street exceeds those permitted elsewhere in the town.
- The totem sign on Railway Street would provide an obstacle for pedestrians.
- Although the totem sign over the canopy has been reduced by 0.2 metres it is still too tall and is visually intrusive.
- There is no need for two totem signs at this site.
- Signage of a similar height was not permitted at the Tesco or the Morrisons site.
- Maintain the objection to the height of signage following the revised plans.

Consultations

Highways Section - No objections, subject to the inclusion of a condition relating to the luminance of the signage.

Conservation Officer - The approach with regard to heights and location of signage should be consistent with that for the recent applications on behalf of Tesco and Morrisons.

Baddac - No comment

Unitary Development Plan and Policies

EN1/9	Advertisements
EN1/2	Townscape and Built Design
EN1/1	Visual Amenity
EN2/1	Character of Conservation Areas

Issues and Analysis

Amenity - The proposed fascia sign on the gable elevation of the building would measure 2.4 metres by 2 metres and would be appropriate in scale to the building. The gable elevation of the store would face away from the Ramsbottom Conservation Area and therefore, the proposed fascia sign would not have any adverse impact upon the appearance of the Conservation Area. As the site is located in the town centre, it is considered that the proposed development would not detract from the character of the locality. The proposed sign would be illuminated and the highways team has no objections, subject to the inclusion of a condition restricting the luminance to 800 candelas per square metre or less.

The proposed canopy mounted totem sign would form part of the canopy over the trolley store. The sign would be 6.4 metres in height, which is a reduction of 0.8 metres in height from the previous application (50941). The approved canopy/trolley store would be 3.9 metres in height and is located immediately to the west of the entrance to the store. The height of the proposed signage has been reduced to the minimum height above the canopy, whilst allowing for maintenance. While the proposed signage would be slightly taller than other totem signs within the locality, it would be appropriate to the height of the canopy and the retail store, which is 8.5 metres in height. As a result, the proposed signage would be acceptable when viewed from the Conservation area from Square Street not be unduly prominent within the locality. Therefore, the proposed signage would be acceptable in terms of height, form and scale and would be in accordance with Policies EN1/2, EN1/9, EN2/1 and EN2/2 of the adopted Unitary Development Plan.

The second totem sign has been re-located some 6 metres to the south, following the refusal of the previous application (50941). The proposed sign would now be located within a landscaped area near the commercial unit on the frontage to Railway Street and as a result, would not impact upon pedestrian access to or within the site. Revised plans have been submitted, which indicate that the proposed signage would be 5.5 metres in height. This would be appropriate to the height of the commercial unit, which is 7.75 metres in height.

The proposed totem sign would have a sign for Aldi on one side and a sign for the commercial unit on the other. The applicant states that the proposed Aldi sign is required to address the northern aspect and the proposed sign above the canopy is required to address

the southern aspect. However, the proposed commercial unit would also require signage to address the southern and northern aspects and the current proposal would restrict signage to the southern aspect. The northern aspect would be addressed by the proposed gable signage and therefore, it is considered that the proposed totem sign would result in an over proliferation of signage for the retail store within the application site, which would be detrimental to the character of the area. Therefore, it is considered that the proposed development would conflict with Policy EN1/9 of the adopted Unitary Development Plan.

Response to objectors

- The proposed sign above the canopy has been reduced to the minimum height while allowing for maintenance. The proposed sign would relate to the height of the canopy and retail store and would not be unduly prominent within the locality.

Recommendation: Split Decision

Conditions/ Reasons

1. The luminance of the signs shall not exceed 800 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 policies EN1/4 - Street Furniture, EN1/7 - Throughroutes and Gateways and EN1/9 - Advertisements of the Bury Unitary Development Plan.
1. The proposed totem sign on the frontage on Railway Street, by reason of design, size and siting would result in an undesirable clutter of advertisements which would be detrimental to the general amenity of the area. The proposal would therefore be contrary to the following policies of the Bury Unitary Development Plan:
EN1/9 - Advertisements.
2. The signage shall be illuminated only between the following hours:- 0800 hrs to 2000 hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/9 - Advertisements of the Bury Unitary Development Plan.
3. This decision relates to drawings numbered 0193A-MID/1001 B (internally illuminated fascia sign and canopy mounted totem sign only), 0193A-MID 1002 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.

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

Ward: Bury East - Redvales

Item 14

Applicant: Mr Paul A Wilcock

Location: 33 REDVALES ROAD, BURY, BL9 9PU

Proposal: CHANGE OF USE FROM OFFICE (CLASS A2) TO PRIVATE HIRE BOOKING OFFICE (CLASS B1)

Application Ref: 51411/Full

Target Date: 31/07/2009

Recommendation: Approve with Conditions

Description

The application relates to a two storey end property of a row of four on the southern side of Redvales Road, opposite the public playing field. The applicant wants to change the use of one of the front rooms on the ground floor to private hire booking office. The remainder of the property would continue in A2 office use (property letting agency). The row of commercial premises is designated as a Neighbourhood centre within the Unitary Development plan. There is a tarmac hardstanding to the front of the property and a single storey outrigger to the rear. The adjacent property at No.35 is a hot food take-away and there is a newsagent two doors down. Across Redvales Road are public playing fields and car park. To the rear is Kirby Close, a residential cul-de-sac. Across Kirby Close to the east is a detached house.

The booking office would measure approximately 12sqm. Access would be from the front door and through the adjacent office (property letting agency). One person would work from the office which would be operating between 6am and midnight Sunday to Friday and to 3am on Saturdays. The application indicates that the booking office would not be used as a pick-up point but to take telephone orders and as such there would be no need to have cars parked up at the site. There is no on-site parking and there are no parking restrictions along Redvales Road.

Relevant Planning History

47159 - Change of Use from A2 Offices to A5 Hot Food Takeaway - Refused 01/02/2007

Publicity

The following neighbours were notified by letter dated 11/6/2009.

19, 35-41 and 102 Redvales Road, 1, 2-12(evens) Whelan Avenue, 2, 4, 18 and 20 Kirkby Close, 1-13(odds) Windamere Drive.

Four letters of objection from the occupiers of Nos.14 and 16 Kirkby Close (on behalf of the Kirby Close tenants), No.10 Whelan Avenue and the newsagent at No.37. The objections are summarised below:

- The use is not suitable in a residential area
- Most of the homes on Kirby Close have children and taxis would cause a hazard for children playing on the close.
- Late night noise would be unreasonable.
- Too many taxis would cause parking problems for customers visiting the newsagent at No.37.
- Kirby Close is also narrow and already has problems with parking and servicing.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Environmental Health - No comment.

Disabled Access Group - No comment.

Unitary Development Plan and Policies

S1/5	Neighbourhood Centres and Local Shops
HT2/4	Car Parking and New Development
HT2/8	Taxi and Private Hire Businesses
EC4/1	Small Businesses

Issues and Analysis

Policy - The site lies within a Neighbourhood Shopping Area where UDP Policy 1/5 is relevant. This policy seeks to retain retailing as the predominant use to cater for the day to day needs of local residents. The fact that the unit is already established as an office means that there is not a loss of any retail function and therefore the proposal is not contrary to S1/5.

Policy HT2/8 Taxi and Private Hire Businesses indicate that these types of businesses will be looked on favourably where adequate parking is available, where there is no adverse impact on neighbours and where there is no detrimental impact on the local highway network. Policy EC4/1 Small Businesses supports small businesses where appropriate and where they do not conflict with other policies of the UDP.

Residential Amenity - A private hire booking office with a single staff member, receiving only telephone calls from customers and co-ordinating vehicles by radio, should not have customers or private hire vehicles visiting the site. As a consequence the impact of the business on the amenity of surrounding residents in terms of noise and disturbance from vehicles would not be serious and as such the proposal complies with UDP Policy HT 2/8.

Traffic - Subject to the use being limited to telephone and radio controlled bookings, there should be no customers or hire vehicles visiting the site and therefore on-site parking facilities are not considered necessary in this case. There are therefore no serious highway safety concerns.

Design and Appearance - Given the scale of the proposed business, it would not effect the appearance of the property or the street scene. Any signage would be subject to separate advertisement regulations and assessed on its merits.

Objection - The noise and traffic issues raised by the objectors are addressed by the applicant's statement that the business would be based on telephone bookings and hire vehicles would be co-ordinated by radio without the need to visit the site. This system of operation would be reinforced by a condition restricting the use to telephone and radio controlled bookings and limiting customer and driver facilities on the premises.

The proposal is considered to comply with UDP Policies listed.

Summary of reasons for Recommendation

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

The booking office is small in scale and would not involve visiting members of the public or the parking/waiting of private hire vehicles in the immediate vicinity of the site. The booking office in place of an A2 office would not have an adverse impact on the viability of the neighbourhood shopping centre. 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 floor plan received on 5th June 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. Prior to the use hereby approved commencing, full details of all external aerials and antenna to be attached to the building shall be submitted to and approved in writing by the Local Planning Authority.

Reason. In the interests of visual amenity pursuant to UDP Policies EN1/2 and HT2/8.

4. The use hereby approved shall be limited solely to telephone and radio controlled bookings. There shall be no facilities at the premises for customer pick up, driver waiting or rest and refreshment.

Reason:In the interests of residential amenity and highway safety pursuant to UDP Policy HT2/8 Taxi and Private Hire Businesses.

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

Ward: Ramsbottom + Tottington - Tottington

Item 15

Applicant: Priory Group

Location: Highbank Rehabilitation Centre, Elton Unit, Walshaw Road, Bury, BL8 3AS

Proposal: Single Storey Extension

Application Ref: 51420/Full

Target Date: 29/07/2009

Recommendation: Approve with Conditions

Description

The rehabilitation centre is situated on the north side of Walshaw Road at its junction with Walshaw Lane. The site is on the edge of the Green Belt with farm buildings to the north, residential development to the south and west and open countryside to the east. The site is covered by a Group Tree Preservation Order, mainly due to trees on the rear eastern boundary.

The centre was previously extended in 2000 in the form of a single storey extension to the rear. The extension for which permission is now sought would form an addition to this former extension. It would project out a further 4.6m from the rear wall and run across the width of the building (10.4m). The roof would be hipped and carried over onto the existing roof at a maximum ridge height of 5m. External finishing materials would be red facing brick and grey tile to match the existing building. The extension would allow the addition of three bedrooms, accessed from the central corridor and an external door with ramp. The additional floor area would be 58sqm, taking the total for the 24 bedroom hospital/nursing home to 1032sqm. In terms of parking, the hospital has 32 spaces, including two disabled spaces. There are no new parking spaces proposed.

Relevant Planning History

36733 - Single storey extension to hospital - Approved 2/08/2000

Publicity

Immediate neighbours notified by letter dated 11/06/2009. One objection from the occupier of No.9 Walshaw Lane who states that, whilst there is parking on site, there are ongoing issues regarding staff and service vehicles parking on Walshaw Lane and that the extension may increase the problem.

The objector has been notified of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health - No comment.

Landscape Practice - No objection.

Disabled Access Group (Baddac) - No objection subject to details of ramp and wider corridor.

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN8/1 Tree Preservation Orders

OL1/2 New Buildings in the Green Belt

HT2/4 Car Parking and New Development

HT5/1 Access For Those with Special Needs
CF3/1 Residential Care Homes and Nursing Homes
SPD11 Parking Standards in Bury

Issues and Analysis

UDP Policy - CF3 and CF3/1 relate to community facilities and specifically residential care homes and nursing homes. Policies state that proposals for new or improved facilities will be considered favourably where they are appropriately located and do not have a detrimental impact on amenity, traffic and parking.

Policy - OL1/2 and EN1/1 related to new buildings and extensions in the Green Belt and states that extensions would be permitted where they would not have a detrimental impact on the openness of the Green Belt.

Policy HT2/4 requires all proposals to make adequate provision for car parking and servicing and Development Control Policy Guidance Note 11 (DCPGN11) gives advice on parking standards for various developments and uses.

Design and Siting - The extension is considered to be modest in scale and in keeping with the existing extension to the rear of the rehabilitation centre. Positioned between the previous extension and a double garage which is used as a store, the additional extension would not be visible from the surrounding Green Belt or public highway particularly with the existing mature boundary tree and shrub planting. The proposal therefore complies with UDP policies EN1/1 and OL1/2 relating to design and Green Belt.

Residential Amenity - There are no residential properties close to or visible from the proposed extension therefore in terms of visual amenity, the proposal should not have an impact on neighbours.

Traffic and Parking - The adopted Development Control Planning Guidance Note 11 on parking standards for nursing homes indicates a maximum of 1 space per 4 bedrooms. If the application is approved, the centre would have a total of 27 bedrooms. With 32 parking spaces already within the site there is sufficient provision to cater for the three additional bedrooms proposed. Although there would be one additional staff member, it is not envisaged that there would be any material impact on the traffic generated by the proposal on highway safety or residential amenity of nearby residential properties. As such the proposal complies with UDP policy HT2/4 and guidance note 11.

Disabled Access - Subject to details of the access ramp and doorway there are no serious concerns with regard to disabled access.

Trees - There are no trees on the site affected by the proposal.

Objection - Given that the site has adequate provision for parking and servicing, the objection regarding parking on Walshaw Lane is not a valid reason for refusing the proposal.

The proposal will improve facilities at the care home without detriment to the openness of the Green Belt, highway safety or residential amenity and therefore 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 extension to the nursing home is modest in scale and well screened. It would improve facilities at the nursing home without having a material impact on the openness of the Green Belt. The proposal complies with all the policies listed and there are no other material

considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 08;226:01, 02 and 03 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to development commencing, details of the proposed disabled access ramp and external door on the southern elevation of the extension shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure that the development is fully accessible to disabled persons pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.

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

Ward: Bury East - Moorside

Item 16

Applicant: Mr Raymond Taylor

Location: SILLINGHURST FARM, CASTLE HILL ROAD, BURY, BL9 6UN

Proposal: INSTALLATION OF WIND TURBINE (RESUBMISSION)

Application Ref: 51429/Full

Target Date: 10/08/2009

Recommendation: Approve with Conditions

Description

The application site is Sillinghurst Farm off Castle Hill Road which is located in a remote and rural position and designated within the Green Belt and Area of Special Landscape. The site is surrounded by open land with Walmersley Golf Club to the north east and Birchen Brow Farm to the east some 70m away. The site consists of the residential farmhouse, barns, outbuildings and a separate business which supplies poultry to retail food outlets in the UK. Within the curtilage of the farm is Millcrest Cottage which is occupied by a relative of the applicant. Both Sillinghurst Farm and Millcrest Cottage are Grade II Listed Buildings. There is a public footpath No 30 approx 23m from the proposed siting.

The application seeks the erection of a wind turbine which would be sited approx 10m from the northern boundary of the farm's curtilage and 30m from the farm buildings. It would have a tower height of 30m with a tower diameter of 1.01m and have 2 combined rotar blades 18m long. Foundations would be laid to secure the turbine in the ground. The noise statement submitted indicates noise levels of approx 45 dB9(a) at 100m. The application is a resubmission of a previous refusal based on lack of supporting information.

The applicant states the increase in their business has necessitated the requirement of additional energy to run the business. The installation of a wind turbine would provide a significant proportion of their energy needs, improve overall energy efficiency and reduce the carbon footprint of the existing business. It would also reduce the demands and reliance upon national grid suppliers which are currently restricted to the premises.

The proposal is contrary to the Unitary Development Plan and therefore it is subject to consideration by The Planning Control Committee.

Relevant Planning History

37046 - Listed Building consent for rebuilding of stone barn - approved 2000

37047 - Rebuilding of stone barn - approved 2000

51429 - Installation of wind turbine - refused 12/5/2009 due to insufficient information on the impact on the Green Belt and nearby Listed Buildings and noise levels.

Publicity

Neighbours of the surrounding properties notified on 17th June 2009.

Site notice posted on 26th June 2009.

Press advert posted in the Bury Times on 25th June 2009.

No representations have been received.

Consultations

Environmental Health Pollution Control - No comments received to date.

Environmental Health Contaminated Land and Air Quality - No comments to make.

Conservation Officer - No objections.

Landscape Practice - No objections.

Projects and Wildlife Officer - No comments received to date.
Rochdale MBC - No comments received.
Rossendale Borough Council - No comments received.
Public Rights of Way Officer - No objections.
Manchester Airport - No objections.

Unitary Development Plan and Policies

OL1/5 Mineral Extraction and Other Dev in the Green Belt
EN9/1 Special Landscape Areas
EN4/1 Renewable Energy
EN7/2 Noise Pollution
EN2/3 Listed Buildings
OL1/2 New Buildings in the Green Belt
PPS22 PPS22 Renewable Energy
PPG2 PPG2 - Green Belts
PPS7 PPS 7 Sustainable Development in Rural Areas
RSS 13 Regional Spatial Strategy for the North West

Issues and Analysis

Policies - PPG2 - states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The purposes of Green Belt are:

- to check unrestricted sprawl;
- prevent neighbouring towns merging;
- assist in safeguarding the countryside from encroachment;
- preserve the setting and special character of historic towns;
- assist in urban regeneration.

PPG2 also states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reason of siting, materials or design. In cases where development is regarded as inappropriate in the Green Belt, PPG2 states that it is for the applicant to show why permission should be granted.

PPG2 regards development including engineering and other operations as inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

UDP Policy OL1/2 - advises that new development in the Green Belt is inappropriate unless it is for a number of purposes including agriculture, forestry, outdoor recreation and limited extension/alteration of dwellings.

UDP Policy OL1/5 - Mineral Extraction and Other Development in the Green Belt - development is inappropriate unless it maintains the openness and does not conflict with the purposes of including land in the Green Belt. Proposals for other development is inappropriate and by definition harmful to the Green Belt and would only be permitted if it can be demonstrated that there are very special circumstances.

UDP Policy EN9/1 - Special Landscape Areas - any development which is permitted will be required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. Unduly unobtrusive development will not be permitted in such areas.

PPS7 - Sustainable Development in Rural Areas seeks to:

- raise the quality of life and the environment in rural areas;
- promote sustainable patterns of development;
- promote the development of English regions by improving their economic performance;
- promote sustainable, diverse and adaptable agriculture sectors

PPS22 - Renewable Energy seeks to promote development which facilitates renewable energy resources. Environmental and economic benefits of all proposals are material

considerations which should be given significant weight in determining whether proposals should be granted planning permission.

UDP Policy EN4/1 - Renewable Energy will encourage proposals for the provision of renewable energy sources subject to compliance with other policies and proposals of the Plan. In particular, the policy seeks to ensure that proposals:

- do not involve an unacceptable loss of amenity;
- would not have an adverse impact on the setting of ancient monuments, Conservation areas, Listed Buildings;
- would not have an unacceptable adverse impact on areas of Green Belt, Special Landscape Areas and areas of ecological importance;
- would not result in a health and safety risk or nuisance to the public;
- where necessary include an environmental assessment;
- would not have an unacceptable adverse impact on the natural environment.

Principle - In assessing the proposed development against the above policies, a certain conflict of interest arises in terms of supporting the wind turbine to meet national renewable energy targets, against the harm the structure would have on the openness of the Green Belt and Special Landscape Area. The proposal would be considered inappropriate development within the Green Belt as defined in PPG2, OL1/5 and OL1/2 and the applicant needs to demonstrate that there are very special circumstances that would outweigh this in-principle harm and the additional harm a structure of this size and position would have on the openness of the Green Belt.

One such circumstance would be that of supporting the national policy drive to meet renewable energy targets. National guidance contained in PPS22 is very supportive of renewable energy and local authorities are advised that, when considering proposals in the Green Belt under PPG2, examples of very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

Regional guidance in Regional Spatial Strategy Policy EM17 rules that maintaining the openness of the green Belt and acceptability of the location/scale of the proposal and its visual impact on character/sensitivity of the surrounding landscape should be taken into account but not necessarily be used to rule out development.

The applicant claims that the proposed turbine would be used for providing power to a poultry supplier business, which would enable replacement of most of the existing oil and gas burning equipment with electric heating, reduce the need for a diesel generator, and would help the business reduce its carbon footprint by providing a significant proportion of its energy needs through a renewable resource. Product demand over the past 12 months (as at March 2009) necessitates the business to increase the use of the existing power supply. The turbine will assist the business in making sure it remains competitive.

The applicant has carried out a site sequential approach to assess all possible alternative sites for the location of the wind turbine. It has been sufficiently demonstrated that there are no other suitable alternative sites for the wind turbine within the applicant's ownership to provide the required ground conditions, aspect and energy output. The preferred site records the highest average wind speed of the three possible locations, provides adequate access and occupies a hillside location free of any intervening physical features which would disturb airflow. It has also been demonstrated that a turbine of the height of 30m is needed for reasons of enabling maximum efficiency and clear airflow for the turbine to operate.

This evidence, together with the need to meet national and regional targets for renewable energy, provides the very special circumstances required to outweigh the harm caused by the inappropriate development and additional harm caused by the location and height of the turbine. As such, the proposal would be considered acceptable and would justify the grant of planning permission.

Relationship to Listed Buildings - The Listed Buildings are partially enclosed and their setting influenced by a range of farm buildings including silos and sheds. However, these are mainly to the south of the site. The turbine location is shown to be to the north of and above the Listed Buildings and due to the open land between, will have some impact on their setting. However, the turbine would be some distance away and the impact would be reduced by this. As such, it is considered the impact on the setting of the Listed Buildings would not warrant refusal of the application. It would comply with UDP Policy EN2/3 - Listed Buildings.

Noise - A noise report has been submitted with the application which demonstrates a sequential approach to the siting and size of the wind turbine has been taken to assess the noise output generated by the turbine and the affect it would have on the amenity of the occupiers of the farm houses and the livestock of the farm.

The report concludes that the proposed location of the turbine would not have a detrimental impact on the amenity of the residents of the surrounding properties or those of Sillinghurst Farm. It would comply with UDP Policy EN7/2 - Noise Pollution.

Public footpath - There are no objections raised and the turbine would not have an affect on Public Footpath No 30.

Other issues - Although the application is inappropriate development in the Green Belt and a Departure from the Unitary Development Plan, very special circumstances have been demonstrated which outweigh any harm there would be to the openness of the Green Belt, and as such does not need to be referred to Government Office .

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 applicant has demonstrated that there are special circumstances associated with the proposed development which would outweigh the in-principle harm and any other harm, in order to justify the grant of planning permission. It will not affect the amenities of surrounding residents nor adversely impact on highway safety issues. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings and supporting documents received on 4th June 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 surface treatment of the wind turbine shall be finished in galvanised non-reflective steel as shown in the WES 18 mk1 Brochure information date stamped 4th June 2009

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

