

**Ward:** Bury East

Item 01

**Applicant:** Thornfield Properties plc

**Location:** LAND ADJACENT TO THE ROCK AND ST JOHNS GARDENS BURY (THE ROCK DEVELOPMENT SCHEME)

**Proposal:** AMENDED SCHEME RELATING TO BLOCK B (APPROVED UNDER 48384) FOR MIXED USE DEVELOPMENT COMPRISING RETAIL 6126 M2 RETAIL FLOOR SPACE; 295 RESIDENTIAL APARTMENTS (CLASS C3); ASSOCIATED SERVICING AND ACCESS ARRANGEMENTS; AMENDED ELEVATIONS

**Application Ref:** 51247/Full

**Target Date:** 18/09/2009

**Recommendation:** Minded to Approve

**The application is recommended to be 'Minded to Approve' subject to the completion of a s.106 agreement relating to the provision of affordable housing in line with the already approved planning scheme 48384. Should the agreement not be signed within a reasonable time, it is requested that the application be passed to the Chief Planning Officer to delegate the decision.**

#### **Description**

This application is for an amendment to block B, a retail and residential building within the Rock Triangle redevelopment site.

Block B is located at the westerly end of the site, with a frontage onto The Rock, one on to St Johns gardens and internally within the retail development. The building is currently under construction following approval of the scheme under planning reference 48384 in November 2007.

The current planning permission for the development is for :

- two large retail stores,
- 60-70 retail units,
- cinema,
- bowling alley,
- nightclub,
- food and drink uses,
- 397 residential units (284 within building B, 86 in building C and 27 within building E),
- multi storey car park,
- highway alterations,
- public realm and landscaping,
- redesign and improvement of St Johns Gardens.

The proposed application seeks the approval to the reworking of block B to increase the numbers of residential units from 284 to 295. This proposal follows an evaluation by the developer and their residential advisers in response to recent changes in the National residential economy and to allow the development the ability to offer future occupiers a wider range of perspective accommodation.

Other changes to block B, subject to this application include:

- an increase in the number of balconies,
- the provision of roof terraces,
- amendments to the internal layout,
- ratification of extant agreed working amendments to the external residential

entrances.

### **Relevant Planning History**

- 48384 Mixed use development comprising shopping, financial and professional services and food and drink uses within the A1, A2, A3, A4 and A5 use classes; residential use within use class C3 comprising 397 units; assembly and leisure uses within the D1 and D2 use classes; nightclub use; multi-storey and other car parking; new streets, highways and other means of circulation and other associated works and facilities - Approved on 28 November 2007
- 41730/03 - Application from a different developer covering the same site area with the addition of the site of the Firstbus garage was recommended for refusal but was withdrawn before the application was considered by Planning Control Committee.
- 40730/03 - Application from the same applicant for mixed use development, including food supermarket, approved on 14th July 2004
- 45424 - Outline - Mixed use development comprising: shopping; financial and professional services; food and drink within the A1, A2, A3, A4 and A5 use classes; residential uses; community, health, nursery, education, cultural, assembly, and leisure uses within the D1, and D2 use classes; nightclub uses; multi-storey and other car parking; new streets; highways and other means of access and circulation; and other associated works and facilities. - Approved 12/4/06
- 45691 - Planning permission was granted on 1/3/06 for a replacement car showroom and associated facilities for Vantage Vauxhall to be sited on Crostons Road next to the Dixon Ford dealership.
- 45426 - Planning permission was granted for the redevelopment of Hornby Buildings at the meeting on 24 January 2006.
- 46702 - Reserved matters application - Minded to approve - 21/11/06 but as yet undecided due to not finalising the affordable housing and scheme redesign.
- 45026 - Replacement church following demolition of old church - Approved - 6/1/06
- 46134 - Planning permission was granted on 3rd July 2006 for a new medical centre and pharmacy with associate access and car parking. This would replace the existing Minden Medical Centre.

### **Publicity**

A press notice was published in the Bury Times on 9 July 2009. A site notice was erected on the site on 14 July 2009. Letters were sent to the following addresses on 29 June 2009: 91 to 183 The Rock; Sol Viva, The Show Boat and First Base Pizza Ocean Buildings.

As a result of this publicity, there have been no objections received to the scheme. The application is being put to the Planning Control Committee for determination due to the scale of the development.

There were no respondents to notify of the Planning Control Committee meeting.

### **Consultations**

**Traffic Section** - Any response shall be reported.

**Drainage Section** - No objections.

**Environmental Health Pollution Control** - Any response shall be reported.

**Waste Management** - No response.

**GMP - designforsecurity** - There are no objections to the scheme. A series of recommendations are made, which are requested to be passed on to the developer.

**United Utilities** - No objections.

**Fire Service HQ Greater Manchester** - The provisions of the Greater Manchester Act in particular section 63 should be imposed as an informative. This is where the travel distances to a fire may exceed 250m for fire fighting purposes. An informative should be placed with the decision notice to this effect.

**GMPTE** - No objections.

**Baddac** - No objections.

### **Unitary Development Plan and Policies**

Area	The Rock/Moorgate
BY8	
S1/1	Shopping in Bury Town Centre
S2/1	All New Retail Proposals: Assessment Criteria
S2/3	Secondary Shopping Areas and Frontages
S3/1	New Retail Dev Opportunities Within or Adj Town Centres
S3/3	Improvement and Enhancement (All Centres)
S2/6	Food and Drink
HT2/5	Public Car Parks
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
RT2/2	Recreation Provision in New Housing Development
EN1/6	Public Art
RT1/1	Protection of Recreation Provision in the Urban Area
PPG1	PPG1 - General Policy and Principles
PPG6	PPG 6 - Town Centres and Retail Developments
PPG13	PPG13 - Transport
RSS 13	Regional Spatial Strategy for the North West
S1	Existing Shopping Centres
S2	Control of New Retail and Non-Retail Development
S3	New Retail Dev and Env Improvements
S3	New Retail Dev and Env Improvements
TC1	Town Centres
TC2	Town Centre Enhancement and Development
TC2/2	Mixed Use Development
TC3	Bury Town Centre
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN4/2	Energy Efficiency
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6	Pedestrians and Cyclists

### **Issues and Analysis**

**Principle** – The principle of the development has been established with the approval of 48384 on 28 November 2007.

**Increase in Residential units** – The additional apartments have been designed through the reworking of the internal spaces within the scheme at first floor level and above. The mix of 1 bed units, 2 bed units and 2 bed 2 bath units has changed on each floor, predominantly within one of the legs of the buildings to include 11 studio units. Previously unused roof areas are now to be used to form private terraces and some minor alterations to the elevations have occurred to provide a reconfigured window pattern. The new residential accommodation at the upper levels would continue in the same materials as the rest of the building, which comprises mainly brick, render and some small elements of timber cladding. The new studio units, have been located within an internal courtyard area and do not change the elevations to the public areas.

**Access and Lifetime Homes** – The proposed scheme has followed the same principles as previously approved. Level street access would be provided to both the residential and retail parts of the development. Notably, the internal layout reworking of the development has now meant that all of the residential apartments within the scheme have the ability to meet Lifetime Homes Standards. The access into the buildings, corridors and lifts are acceptable and BADDAC have been actively involved ensuring that the internal flat layouts can achieve Lifetime Homes Standards. The scheme would comply with HT5/1.

**Parking** – 200 spaces are allocated within Block E for use by the residential element within the scheme. The capacity of the car park currently is some 1250 spaces and given the town centre location and the ability for additional car parking provision to be provided by the scheme, it is considered that the uplift in residential numbers is not likely to give rise to any concerns over the parking provision within the scheme.

In terms of cycle parking, cycle storage provision is distributed between each of the residential entry cores and the level of provision is reflected by the numbers of residential accommodation available from each of the cores. Provision currently proposed is 50% of the residential units. This figure exceeds the provisions required within SPD11 – Car Parking Standards within Bury and is considered to be a sustainable provision for the development.

**Sustainability and Construction** – As part of the approved scheme 48384, a full series of reports were required to be submitted before, during and post construction, to demonstrate the sustainability credentials of the development and to ensure its initial aims and objectives were being met. These included Sustainable Urban Drainage Scheme (SUDS). The scheme maintains its commitment to this through the development of underground water storage tanks, which reduces the demands placed upon the reliance of surface water drainage and reducing the demands placed upon existing systems in times of heavy rainfall.

Finishing materials have been considered to be incorporated and also their after use in terms of their ability to be recycled, sourcing, transportation and assembly. BREEAM standards are sought to be maintained within the revised scheme to achieve a rating of good to very good.

**Refuse Management** – All service areas are accessed from the perimeter of the development site with the majority located at the edge of the buildings within the service cores. Within Block B building is a 'maintenance yard' accessed from The Rock. The room for the storage of refuse is unchanged from the previously approved and has a headroom of nearly 5m in height. The management of waste is approved to be operated through a management company arrangement. This is still proposed within this scheme. The storage capacity is for 360 litre wheeled Chamberlin refuse bins and recycling refuse. The operation for refuse, size of the store facility is considered to be acceptable and no objections have been received from the Waste Control Section.

**Heights** – The building remains unchanged in terms of height.

**Elevations** – The approved materials are still intended to be used for the building. The additional balconies within the design would be located to overlook the public space of St Johns, the new shopping streets and The Rock. The scheme has doubled the number of balconies previously approved and assist to provide active elevations. They would be of a coloured glass to add interest to the elevation. The additional balconies are considered to be an improvement to the approved situation.

**Retail areas and frontages** – Since the original approval, the retail floor space is also slightly increased. The current proposals reflect the enclosure of a small section of colonnades to the south east part of the building. The proposed floor space would therefore increase by circa 150m<sup>2</sup>. This is not considered to be a significant increase of retail capacity within the scheme nor would there be any perceptible difference outside of the development. The shop fronts again remain unchanged from those that are already approved. Condition 6 was imposed on 48384 to require details of the shop fronts to be approved. This has been complied with in terms of the submitted details required to satisfy the condition. These approved details should also carry over into this scheme should it be approved.

**Affordable Housing** – The residential development within 48384 is required to provide for affordable housing provision through a s106 agreement. The current arrangement is based

upon the profitability of the residential development, which triggers the amount of affordable housing to be provided once a given level of profit has been achieved. This arrangement is expected to equally apply to the current proposals. However, there is a need to fully rework affordable housing figures against changes in profits and the uplift in accommodation. This information is awaited and is still being undertaken. An update on this matter will have to be provided to the Planning Control Committee and it is expected that the finalised figures will be available prior to the date of the Planning Control Committee. A revised s106 agreement would need to be done to reflect the changes brought about by this application.

**Conclusion** - The proposals provide for a minor increase in residential development and alterations to the external facades of the building B, through the addition of balconies. The proposals would introduce an additional housing type into the scheme to broaden the development's residential market appeal. A minor increase in retail provision is also proposed although this is minor in to the scheme and would have no intrinsic impact beyond the site itself.

### Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;- The proposal is a town centre development in accordance with Unitary Development Plan policies and government guidance. It will bring significant benefits to the town centre, contributing to its vitality and improving its character, with no significant disbenefits. There is an acceptable highway scheme including provision for pedestrians and public transport. 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. The development shall be carried out in accordance with the provisions and parameters of the sustainability report carried out by Waterman Environmental and details relating to the achievement of BREEAM ratings shall be submitted to the Local Planning Authority through an approved timetable including pre, during and post construction.

Reason - Pursuant to the provisions of PPS1 - Delivering Sustainable Development and Associated Supplement on Climate Change to secure the sustainability principles of the development of the site.

3. **SPECIFIED FLOOR SPACES**

The development shall not be carried out otherwise than in accordance within Grimley Report dated 17 April 2009 and BDP Design and Access Statement dated 17 February 2009 hereby approved and the accompanying composite schedule of floorspace and as set out below unless otherwise agreed in writing by the Local Planning Authority.

Block B	Retail (Classes A1-A5)	5,904m <sup>2</sup> maximum
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Reason For the avoidance of doubt and to ensure that floorspace figures are not exceeded pursuant to PPS6 - Town Centres.

4. Within the Class A retail floorspace hereby created, no individual unit of more than 2,000 m<sup>2</sup> will be given over to a primary convenience retail use unless otherwise agreed in writing by the Local Planning Authority.  
Reason For the avoidance of doubt and to ensure that floor space figures are not exceeded pursuant to PPS6 - Town Centres.
5. Notwithstanding Condition 4, no more than 4,724m<sup>2</sup> of Class A3, A4 or A5 floorspace shall be formed at any time within the buildings hereby permitted without the prior written consent of the Local Planning Authority.  
Reason For the avoidance of doubt and to ensure that floor space figures are not exceeded pursuant to PPS6 - Town Centres.
6. The shopfronts, glazing and shop front display areas shall be carried out in accordance with the approved details as specified within the plans and further informed through the details contained within the Design and Access Statement dated 17 February 2009, as part of the implementation of this planning permission and shall be retained as such whilst the approved details served the development, unless otherwise agreed in writing with the Local Planning Authority.  
Reason In the interests of visual amenity and the free movement of pedestrians pursuant to UDP Policies EN1/2 - Townscape and Built Design and HT5/1 - Access for those with Social Needs.
7. The use of any food and drink unit (Class A3, A4 and A5) shall not commence until details of the opening hours for each unit have been submitted to and agreed in writing by the Local Planning Authority.  
Reason To safeguard the amenities of adjacent occupiers pursuant to PPG24 - Noise and UDP Policy S2/6 - Food and Drink.
8. The use of any food and drink unit (Class A3, A4 and A5) shall not commence until details of a scheme for the control of fumes and odours (and details of sound attenuation for any necessary plant) for that unit has been submitted to and approved by the Local Planning Authority. The scheme once approved shall be implemented before any food and drink unit is brought into use and must be retained in full working order thereafter unless otherwise agreed in writing by the Local Planning Authority.  
Reason In the interests of amenity and pursuant to PPG24 - Noise and UDP Policy S2/6 - Food and Drink.
9. The Buro Happold scheme dated 20 June 2008, I Thompson email of 20 June 2008 (attachements 009974\_080620IT\_planning conditions.pdf, bath street survey.pdf and Link Road survey.pdf) for protecting residential accommodation from excessive external noise shall be implemented and any works forming part of the scheme shall be completed before Block B of the development is first occupied unless otherwise agreed in writing by the Local Planning Authority.  
Reason To protect the amenities of future residents to occupy the development and pursuant to PPG24 - Noise.
10. The details of the arrangements for storage of refuse and waste for block B provided within the Design and Access Statement dated 17 February 2009 shall be implemented and made available for use prior to the building hereby approved being occupied and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.  
Reason To ensure the satisfactory storage, recycling and collection of waste pursuant to UDP Policy H2/2 - The Layout of New Residential Development.
11. The development shall be carried out in accordance with the provisions of the "Under Construction Archaeology" Report - Mitigation Strategy within the proposal

areas described within section 4 - Fieldwork. The implementation of the works identified shall incorporate the proposed methodology including the watching brief, excavations, archiving and reporting unless otherwise agreed in writing with the Local Planning Authority.

Reason To make a record of buildings for archive and research purposes and to identify buried remains of archaeological interest pursuant to PPG16 - Archaeology and UDP Policies EN3/2 - Development Affecting Archaeological Sites and EN3/1 - Impact of Development on Archaeological Sites.

12. Detailed design features to alleviate risks of ground gas or gas associated with the production of landfill gas shall be incorporated into the development, as shown necessary by the site investigation and risk assessment as approved under planning permission 48384, and;  
A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.  
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.
13. The details submitted by Buro Happold dated 29/11/07, 19/12/07 and 30/01/08 related to the provision of surface water drainage works shall be carried out and completed in accordance with the approved plans prior to the block B hereby approved being occupied.  
Reason To ensure the satisfactory drainage of the site and pursuant to PPS25 - Development and Flood Risk.
14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from vehicle parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.  
Reason To ensure the satisfactory drainage of the site and pursuant to PPS25 - Development and Flood Risk.
15. Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.  
Reason To ensure the satisfactory drainage of the site and to prevent pollution pursuant to PPS25 - Development and Flood Risk..
16. The turning and servicing facilities indicated on the approved plans shall be provided before the development is brought into use/first occupied. The service yard areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.  
Reason - To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety and pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.
17. Provision shall be made within the site to the written satisfaction of the Local

Planning Authority to enable vehicles to enter and leave the site in forward gear, and shall subsequently be maintained free of obstruction.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety.

18. The applicant shall, with regard to television reception in the area containing the application site, provide the Local Planning Authority with studies that:

a) Have been approved under planning reference 48384 that measured the existing television signal reception within the potential impact area, as identified in the Waterman Environmental "Environmental Assessment Statement" dated July 2007, and within an area of 500 metres radius surrounding the development boundary, before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Independent Television Commission, and shall include an assessment of the survey results obtained.

b) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the Local Planning Authority in response to identified television signal reception problems within the potential impact area. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (a) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the Local Planning Authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications.

19. The materials to be used in the external elevations, specified within the approved plans shall be implemented as part of this planning permission relating to Block B unless otherwise agreed in writing with the Local Planning Authority.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

20. The details described within the approved design and access statement accompanying the application dated 17 February 2009 shall be implemented as part of this approved scheme and the provisions shall be made available prior to the building hereby approved being occupied, unless otherwise agreed in writing with the Local Planning Authority.

Reason. In the interests of equal access for all and pursuant to UDP Policy HT5/1 - Access for Those With Special Needs.

21. The development shall be carried out in accordance with the approved Travel Plan Framework submitted by JMP Consulting which establishes the developer and occupier travel plan objectives and targets and includes an implementation programme. The approved scheme shall be implemented before each phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority. Before each phase of the development is fitted out, a scheme for the provision of occupier travel plan measures relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the provision of suitable shower, changing and locker facilities in those units with a floor area in excess of 10,000 sq.ft. A Travel Plan Co-ordinator for the site shall be appointed and their details shall be



submitted in writing to the Local Planning Authority. A survey of staff and residents shall take place within 3 months of opening and a full written Travel Plan shall be prepared and submitted within 6 months of opening for approval by the Local Planning Authority. Upon each 12 month anniversary from occupation a review statement of implementation shall be submitted together with a programme of implementation incorporating any agreed changes of the travel plans with the Local Planning Authority.

Reason - In order to deliver sustainable transport objectives pursuant to PPG13-Transport.

22. The visibility splays and pedestrian visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use/first occupied and subsequently maintained free of obstruction above the height of 0.6m.  
Reason - To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety and pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.
23. The car & cycle parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use/first occupied.  
Reason - To make adequate provision for parking, to protect the vitality and viability of the town centre and pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.
24. Notwithstanding the details indicated on the approved plans, no doors to any part of the development shall open outwards onto the existing or future adopted highway.  
Reason - To ensure good highway design in the interests of pedestrian safety and pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.
25. This decision relates to:  
Drawings numbered  
Drawing number – sa (pl) ad102 – site location plan (red line); Drawing number – sa (pl) ad110 – existing site survey plan; Drawing number – sa (pl) ad111 (rev. B) – site masterplan; Drawing number – sa (pl) ad112 (rev. B) – town centre illustrative masterplan; Drawing number – bb (pl) ad001 (rev.c) – block b elevations to north & south; Drawing number – bb (pl) ad002 (rev. C) – block b elevation to east & west; Drawing number – bb (pl) ad100 (rev. C) – block b general arrangement ground floor plan; Drawing number – bb (pl) ad101 (rev. C) – block b general arrangement first floor plan; Drawing number – bb (pl) ad102 (rev. C) – block b general arrangement second floor plan; Drawing number – bb (pl) ad103 (rev. C) – block b general arrangement third floor plan; Drawing number – bb (pl) ad104 (rev. C) – block b general arrangement fourth floor plan; Drawing number – bb (pl) ad105 (rev. C) – block b general arrangement fifth floor plan; Drawing number – bb (pl) ad106 (rev. C) – block b general arrangement sixth floor plan; Drawing number – bb (pl) ad107 (rev. B) – block b general arrangement seventh floor plan; Drawing number – bb (pl) ad108 (rev. A) – block b general arrangement eighth floor plan;  
Drawing number – bb (pl) ad109 (rev. A) – block b general arrangement roof plan;  
Drawing number – bb (pl) ad010 (rev. B) – block b – bay studies, hornby square;  
Drawing number – bb (pl) ad011 (rev. B) – block b – bay studies, the rock;  
Drawing number – bb (pl) ad012 (rev. B) – block b – bay studies, new shopping street;  
Drawing number – bb (pl) ad013 (rev. B) – block b – bay studies, st. Johns’ garden;  
Drawing number – bb (pl) ad014 (rev. A) – block b – bay studies, internal elevation;  
Drawing number – bb (pl) ad031 (rev. A) – block b – sectional elevations sheet 1;

Drawing number – bb (pl) ad032 (rev. A) – block b – sectional elevations sheet 2;  
Drawing number – bb (pl) ad033 (rev. A) – block b – sectional elevations sheet 3;  
Drawing number – bb (pl) ad034 (rev. A) – block b – sectional elevations sheet 4;  
Drawing number – bb (pl) ad035 (rev. A) – block b – sectional elevations sheet 5;  
Drawing number – bb (pl) ad036 (rev. A) – block b – sectional elevations sheet 6;  
Drawing number – bb (pl) ad037 (rev. A) – block b – sectional elevations sheet 7;  
Drawing number – bb (pl) ad038 (rev. A) – block b – sectional elevations sheet 8;  
and  
Drawing number – bb (pl) ad039 (rev. A) – block b – sectional elevations sheet 9.

#### Reports

Waterman Environmental Consulting Engineers & Scientists Environmental Statement Volumes 1 and 2 and Non-Technical Summary dated July 2007  
JMP Consulting - Travel Plan Framework dated June 2007 (N057062), Revised Transport Assessment dated July 2007 (M057062)  
GVA Grimley Planning and Retail Statement dated June 2007  
BDP Design Statement Revision A dated 2 August 2007

Buro Happold scheme dated 20 June 2008, I Thompson email of 20 June 2008 (attachements 009974\_080620IT\_planning conditions.pdf, bath street survey.pdf and Link Road survey.pdf); Waterman Environmental "Environmental Assessment Statement" dated July 2007

and the development shall not be carried out except in accordance with the drawings hereby approved unless otherwise agreed in writing with the Local Planning Authority.

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

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

**Ward:** Bury West - Elton

Item 02

**Applicant:** Bury MBC

**Location:** BURRS COUNTRY PARK, WOODHILL ROAD, BL8 1DA

**Proposal:** 1.CONSTRUCTION OF A RAILWAY HALT ON THE EAST LANCASHIRE RAILWAY WITH PEDESTRIAN/DISABLED ACCESS RAMP, VEHICULAR MAINTENANCE ACCESS RAMP TO TRACK LEVEL WITH ASSOCIATED EARTHWORKS, LIGHTING, CCTV SYSTEM, FENCING AND LANDSCAPING.  
2.CHANGE OF USE OF OPEN LAND TO A 20 PITCH CARAVAN AND 4 TENT CARAVAN SITE WITH ASSOCIATED ACCESS ROAD, MAINTENANCE TRACK, SERVICE POINT, BOLLARD LIGHTING, ELECTRIC CARAVAN HOOK-UPS AND FENCING.  
3.CONSTRUCTION OF A FOOTPATH DIVERSION ROUTE FOR PUBLIC FOOTPATH NO. 158 WITH ASSOCIATED EARTHWORKS, STEPS, DRAINAGE, FENCING AND LANDSCAPING

**Application Ref:** 51368/Full

**Target Date:** 25/08/2009

**Recommendation:** Approve with Conditions

### **Description**

The site is located to the east of the Brown Cow public house and consists of a field and a section of the East Lancashire Railway. The railway line is located to the north east of the site and How Lane, which is a public footpath (No. 153) runs along the southern boundary of the site and passes under a railway bridge. There is a second public footpath (no. 158), which runs diagonally through the site, crosses the railway line and continues to the north east.

Burrs Activity Centre is located to the south of the site and there are open fields to the north and east. The existing caravan site is located to the west of the site and has been laid out for use by touring caravans with tarmac roads and 20 hardstandings finished in stone chippings. Other caravans would use grass pitches and an area is set aside for tents. There are two single storey buildings on site, which have been constructed from red brick, with stone quoins.

The proposal involves the construction of a railway halt, which involves the erection of a platform and shelter; the extension of the caravan site and a footpath diversion.

The proposed railway halt would be located on the northwestern side of the railway line. The proposed halt platform would be 9 coaches long and would include the construction of a shelter, with internal seating.

The shelter would be constructed from stone with a slate roof. 13 lighting columns would be provided on the platform and have been designed in a traditional Victorian style. A pedestrian access ramp would be constructed and a separate ramped vehicular access for maintenance would be constructed.

The proposal involves the change of use of open land to form an extension to the existing caravan site. There would be 20 caravan pitches and 4 pitches for tents. A tarmac road would be constructed and the hardstandings would be constructed from stone chippings.

As a result of the extension to the caravan park, public right of way (No. 158) is to be diverted. The diversion of the public footpath would pass along How Lane, under the railway bridge and head north, running parallel with the railway line. Due to the difference in levels

between the field and the footpath near the railway bridge, steps would be constructed in stone.

### **Relevant Planning History**

37239 - Site for showground and camp site at Burrs Country Park, off Woodhill Road, Bury. Withdrawn - 5 January 2001

37459 - Agricultural showground & campsite including the erection of amenity/toilet block and landscaping at Burrs Country Park, off Woodhill Road, Bury. Approved with conditions - 20 April 2001

42997 - Touring caravan and camping site at Burrs Country Park, Woodhill Road, Bury. Approved with conditions - 13 October 2004

46288 - Construction of all weather touring caravan pitches at Burrs Country Park, Woodhill Road, Bury. Approved with conditions - 23 June 2006

46402 - Construction of timber clad wardens bathroom unit including palisade fencing and gates at Caravan Club site, Burrs Country Park, Woodhill Road, Bury. Approved with conditions - 11 August 2006

### **Publicity**

The neighbouring properties (Burrs Activity Centre; The Brown Cow, Burrs; Irwell View Farm, Touch Road Farm, Touch Road; Riverside Recovery Service, 1 - 15 Stock Street (odds); 15 - 29 Sleaford Close (odds); 87 Canterbury Drive, Bury; Kenwood House, 10 Kenwood Road, Manchester) were notified by means of a letter on 10 June.

A press notice, advertising the application as a major development was published in the Bury Times on 18 June and a second press notice, advertising the application as affecting a public right of way was published in the Bury Times on 6 August.

Site notices were posted on 18 June and 29 July. There has been no response.

### **Consultations**

**Highways Section** - No objections.

**Drainage Section** - No objections.

**Environmental Health - Contaminated Land** - No objections, subject to the inclusion of conditions relating to contaminated land.

**Environmental Health - Pollution Control** - No response.

**Environmental Health - Public Health** - No response.

**Public Rights of Way Officer** - No objections, providing the diversion of the public footpath is carried out before the development is substantially complete.

**Estates Section** - No response.

**GM Archaeological Unit** - No response.

**Baddac** - No objections, subject to the inclusion of a condition relating to crossfalls

### **Unitary Development Plan and Policies**

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

EN7/2 Noise Pollution

EN9/1 Special Landscape Areas

OL1/2 New Buildings in the Green Belt

OL1/5 Mineral Extraction and Other Dev in the Green Belt

OL5/2 Development in River Valleys

RT3/1 Protection of Existing Recreation Prov in the Countryside

RT3/3 Access to the Countryside

RT4/1 Tourism Development

RT4/6 East Lancashire Railway

HT5/1 Access For Those with Special Needs

PPG2 PPG2 - Green Belts

### **Issues and Analysis**

#### **Principle - Recreation provision**

Policy RT4/3 states that the Council will encourage and support proposals for the further

development and enhancement of the facilities associated with the East Lancashire Railway and the site at Burrs Halt is allocated for railway related development.

The proposed development would include the provision of a railway halt and associated shelter within Burrs Country Park, which would encourage more people to visit the park. Therefore, the proposal would be in accordance with Policy RT4/3 of the Unitary Development Plan.

Policy RT4/3 states that the Council will support proposals for development which would extend the range of visitor accommodation in the Borough. Any development would be considered with regard to the following:

- design, scale, setting, the impact upon the character, quality and visual amenity of the locality;
- the provision of satisfactory access;
- compliance with Green Belt policies

The proposed development would provide an additional 20 pitches for caravans and 4 pitches for tents, but no additional permanent buildings would be required. Therefore, the proposed development would not have a significant impact upon character and visual amenity of the area. The proposed pitches would be accessed off a road, which would link to the remainder of the site and an access road would double up as access for emergency vehicles to the caravan site and maintenance vehicles to the East Lancashire Railway. Therefore, there would be good access to the site and minimal areas of hardstanding would be created. Green Belt issues will be discussed below. The proposed development would extend the range of visitor accommodation within the borough and would be in accordance with Policy RT4/3 of the Unitary Development Plan.

### **Principle - Green Belt**

Whilst PPG 2 establishes a presumption against inappropriate development, including new buildings, within the Green Belt there are several exemptions, including 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.

Policy OL1/2 states that the construction of new buildings within the Green Belt will be inappropriate development unless it is for agriculture, forestry, essential facilities for outdoor recreation, limited extensions of existing dwellings and for other uses of land which do not conflict with the purposes of including land in it. Proposals for buildings, which do not fall into one of the above categories is inappropriate development and will only be permitted in special circumstances.

This application is essentially for outdoor recreation and for the development of a key tourist attraction in the Borough.

The provision of the proposed railway halt would include the provision of a platform and a shelter, which would be located adjacent to the existing railway line. The proposed platform would enable visitors to access the country park and would be 200 metres long and 0.9 metres in height. The proposed platform would be seen in conjunction with the existing railway line and the long distant views of the site are restricted. Therefore, the proposed platform would not have an adverse impact upon the openness of the Green Belt. The proposed shelter would measure 8 metres by 3 metres and would be 6 metres in height. The proposed shelter would be a small building in the context of the platform and would provide cover for visitors using the railway. The proposed shelter would be viewed in the context of the existing caravan site and the long distant views of the shelter are restricted. As such, the proposed shelter would not have a significant impact upon the openness of the Green Belt and would not be prominent within the locality. Therefore, the proposed development would be in accordance with Policy OL1/2 of the Unitary Development Plan and PPG2.

Policy OL1/5 states that within the Green Belt, other development will be inappropriate unless it maintains openness and would not conflict with the purposes of including land within the Green Belt.

The principle of using the site as a caravan park, including the land relating to this application, was established in 2001 with the grant of planning permission. The proposed development identifies the number of pitches and the specific layout of this area. The proposed access to the pitches would connect to the existing access through the site and the proposed development would incorporate minimal areas of hardstanding. The use of this land as a caravan site is established and the proposed works would not impact adversely upon the openness of the Green Belt and would be in accordance with Policy OL1/5 of the Unitary Development Plan and PPG2.

**Design and impact upon surrounding area** - The proposed shelter would be of a traditional design and would be consistent with the design of shelters and buildings on the East Lancashire Railway. The proposed shelter would be constructed from stone and grey slates. The existing buildings for the caravan site are constructed from red brick with stone quoins and the buildings at Burrs are constructed from stone. Therefore, the proposed materials would be acceptable and the proposed shelter would not be unduly prominent within the locality.

The proposed steps would be set back some 2 metres from the footpath along How Lane and are required to bridge the 3 metre difference in levels between the footpath and the adjacent field. The proposed steps would be constructed in stone, which would match the adjacent railway bridge, and steel handrails would be provided. The proposed steps would be viewed against the backdrop of the railway bridge and would not be unduly prominent within the locality. The proposed development would incorporate a 1.3 metre high timber palisade fencing along the back of the platform, which would reflect the existing fencing along the East Lancashire Railway. The proposed fencing would be constructed of an appropriate material and would not have an adverse impact upon the openness of the Green Belt. A 1.2 metre high post and rail fencing would be constructed between the proposed footpath diversion and the railway line, which would be acceptable in terms of height and materials.

Therefore, the proposed development would not be unduly prominent in the locality and would not have an adverse impact upon the openness of the Green Belt. The proposal would be in accordance with Policies EN1/1, EN1/2, OL1/2 and OL1/5 of the Unitary Development Plan.

**Noise** - Policy EN7/2 states that the Council will not permit development which could lead to an unacceptable noise nuisance to nearby occupiers. The proposed railway halt and extension to the caravan park would be some 262 metres from the nearest residential property. The Pollution Control section has no objections to the proposal. Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring residents through noise and would be in accordance with Policy EN7/2 of the Unitary Development Plan.

**Public right of way** - Public right of way No. 158 passes through the field, which the caravan site would extend into and as a result, the diversion of the public right of way is required. Currently, the public right of way crosses diagonally across the field to a stile. Then walkers have to cross the railway line to rejoin the footpath on the opposite side. Once walkers have crossed the stile, there is no separation or formal crossing area, which is highly dangerous.

The proposed footpath would be diverted along the existing footpath on How Lane, pass under the railway bridge, up a new stepped access and continue along the field on the opposite to rejoin with the existing right of way. The proposed diversion would separate walkers from the railway line by a post and rail fence, which would be much safer. The proposed steps would be constructed in stone with steel handrails, which would match the

adjacent railway bridge. The proposed development would allow safe access for all and would not have an adverse impact upon the openness of the Green Belt. Therefore, the proposed development would be in accordance with Policies RT3/3 and OL1/5 of the Unitary Development Plan.

**Access issues** - Pedestrian access to the proposed platform would be provided using a ramped access at a gradient of 1:20 and a maximum crossfall of 1:40. Tactile paving would be provided to the edge of the platform. Vehicular access to the platform would be provided at a gradient of 1:12 and this would double up as an emergency access road for the caravan park. Therefore, the proposed railway halt would be fully accessible and would be in accordance with Policy HT5/1 of the Unitary Development Plan.

The existing public right of way is currently inaccessible for wheelchair users, as it crosses a field to a stile and then crosses the railway line. The proposed footpath would be diverted along How Lane, up a set of steps which would be constructed and through a field to connect with the existing right of way. The diversion along How Lane would be accessible for all users and the steps and the remainder of the proposed diversion would be accessible for the ambulant disabled. However, the proposed steps and the proposed path would not be accessible for wheelchair users. It would not be possible to accommodate a ramp at the required gradient within the land available. Also, if it were possible to create a ramped access, the footpath is not formally laid out and would be unsuitable for wheelchair users. Therefore, it is considered that the proposed development would be as accessible as possible and would not conflict with the aims of Policy HT5/1 of the Unitary Development Plan.

#### **Summary of reasons for Recommendation**

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

The proposed development is acceptable in principle and would not have an adverse impact upon the openness of the Green Belt. The proposed development would not be unduly prominent in the locality and would not have an adverse impact upon residential amenity. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered DL79/12/07, DL79/012/01, DL79/013/02A, DL79/012/03A, DL79/012/05A 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. The approved details shall be implemented as part of the development hereby approved.  
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. 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.

5. 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.

6. The diversion and works to the public right of way No. 158, indicated on the submitted plans, shall be fully implemented to the written satisfaction of the Local Planning Authority prior to the extension of the caravan park or the railway halt, is brought into use.

Reason. To maintain the existing network of Public Rights of Way, pursuant to Policy RT3/3 - Access to the Countryside of the Bury Unitary Development Plan.

7. Notwithstanding the submitted plans, the maximum crossfall on the footpath and vehicular access shall be 1:40.

Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policy HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.

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



**Ward:** Prestwich - St Mary's

Item 03

**Applicant:** The Hollins Murray Group

**Location:** LONGFIELD SHOPPING CENTRE/CAR PARK & ADJOINING LAND BURY NEW ROAD, RECTORY LANE & FAIRFAX ROAD, PRESTWICH, M25 1AY

**Proposal:** OUTLINE - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A TOWN CENTRE MIXED USE DEVELOPMENT COMPRISING USES WITH FLOOR AREAS UP TO: FOOD RETAIL 6,040M<sup>2</sup>, NON FOOD RETAIL 2,218M<sup>2</sup>, RESTAURANT 385M<sup>2</sup>, LIBRARY 1,287M<sup>2</sup>, OFFICES 3,360M<sup>2</sup>, RESIDENTIAL 36 UNITS, HOTEL 70 BED, NEW LONGFIELD SUITE ENTRANCE 540M<sup>2</sup>, PLANT AREAS 421M<sup>2</sup>, PARKING SPACES 384 AND HIGHWAY INFRASTRUCTURE WORKS AND EXTENSION OF RECTORY LANE

**Application Ref:** 51465/Outline Planning  
Permission

**Target Date:** 05/10/2009

**Recommendation:** Approve with Conditions

### **Description**

The application site comprises the main shopping area of Prestwich Town centre covering some 2.81 hectares and is located to the east of Bury New Road. It is surrounded by Bury New Road to the west, The Radius development and health centre to the north, Rectory Lane to the east and school view to the south. Buildings surrounding the site are predominantly two storeys in height and of various styles and designs. The main exception to this is The Radius building which is a key landmark building within the town centre in terms of its height.

The main shopping precinct was constructed in the 1970's. The centre is laid out as an open arcade of shops with library, function suite, open and covered walkways, public open spaces and car parking. The shops range in size and trade from small independent traders to (multi)national traders with a number of other uses including public houses, banks, taxi control offices and hot food uses. The buildings are predominantly two storeys in height.

The application is submitted in outline and seeks the approval of the principle of the development only. All detail matters are reserved for a future application(s). The scheme proposes the demolition of the main shopping precinct with the exception of maintaining part of the Longfield suite. Then the development of a new retail development, new library, hotel, residential, non food retail, hot food uses, exhibition space is proposed together, car parking with new layout for road infrastructure works. The floor spaces proposed stated above are maximum amounts and plans submitted are an indication of how the development could be achieved within the site.

The application is supported with a number of illustrative plans and layouts and also accompanied with many reports including:

- Planning and Retail Statement
- Design and Access Statement
- planning and Sustainability Checklist
- Transport Assessment
- Air Quality Assessment
- Wind Assessment
- Flood Risk Assessment
- Archaeology Assessment
- Noise Impact Assessment

- Crime Impact Assessment
- Site/Ground Investigation

### **Relevant Planning History**

27452/92 - Refurbishment of the Longfield Centre including new shops, re-roofing and servicing arrangements - Refused - 13/8/92  
 26636/91 - Refurbishment of the Longfield Centre including new shops, re-roofing and servicing arrangements - Approved - 19/12/91  
 25292/90 - Refurbishment of the Longfield Centre including new shops, re-roofing and servicing arrangements - Approved - 23/5/91  
 23422/89 - Alterations and extensions to form new offices and change of use of part of the library premises to offices A2 - Approved - 12/10/89

### **Publicity**

An extensive consultation exercise has been undertaken including the notification of 1091 local addresses in the area. This mainly comprises properties within adjacent to the site and extending north towards the M60 motorway, Heys Road and west of Bury New Road. A full list of properties consulted directly can be viewed on the working file. These properties were consulted on 13 July 2009.

Press notices were published in the Bury Times and The Prestwich and Whitefield Guide on 23 July 2009. A number of site notices were erected around and within the site on 14 July 2009.

As a result of this publicity 18 responses have been received to the proposals. 4 are general comments only, 2 are supportive and 12 are against the development.

#### General comments:

- Edmund Kirby on behalf of Iceland - considers that the scheme should be subject to an Environmental Impact Assessment. They express how they view the scheme sits against the regulations.
- Ivan Lewis and the Prestwich Renewal Commission - they support the principle make a number of observations of the proposals and suggestions that could be incorporated into the scheme to maximise its benefits. They suggest that the specified floor space figures are removed, refer the application for CABE review and grant any approval subject to a s106 agreement to fund a town centre management.
- V Molloy - welcomes the redevelopment proposals but questions whether anybody would benefit from widening of pavements along Bury New Road as people are too car reliant.
- Mrs Nolan Rickkitty Boo Bungalow - wants to know how long the new building would take and the interim measures that would be put in place during construction.

#### Objections

- Britannia Hotels - The scheme includes land within their ownership and has been lodged without prior knowledge or agreement involving land within their ownership. The scheme does not suit their needs, wishes or requirements and objects to the proposals. They also raised a concern over the dates to make representations and the notification periods. This latter point has since been clarified with them and the concern on this has been withdrawn. However their other issues still stand.
- Edmund Kirby on behalf of Iceland - Their existing store has been located within the site for over 15 years. Citing RSS policies they consider Bury is identified as a third tier town and Prestwich does not feature in the hierarchy of special priorities as it is a lower order centre in the retail. The UDP and incorporated RSS policies consider that modest retail increases should be supported with the main emphasis on consolidation and enhancement. The additional retail to be provided of 4848sqm represents a 142% increase in provision, which is considered not to be modest and contrary to policy. Policy PR1 encourages
  - refurbishment and renewal;
  - landscaping and conservation works;

- improving car parking and accessibility;
- a more coordinated approach to the overall management of the shopping environment.

The objector considers that there is no policy basis for the scale of the development. The Council's own commissioned retail assessment identified the need for a food based store of 2100sqm. The proposals exceed this figure and there is no case for additional retail floor space. There is an over provision in Prestwich of convenience shopping. The Health Check for the centre shows vacant premises of around 12% has arisen to 16% using the objectors own analysis. The use of a single anchor store to regenerate is an outmoded way to achieve a successful vision. Essentially the retail led scheme under pinned by residential apartments in a secondary location for which there is no market. The proposals would damage the vitality and viability of the centre the same way as the Tesco development did away from the centre. Many of the challenges facing Prestwich are attributable to this decision.

- Joseph Holt - The scheme would result in the loss of the Foresters Arms and the residential flat above. Their land ownerships form an important and integral part of their estate holdings. Additionally, the public house provides an important facility for the local community and Holts will vigorously oppose any attempts to acquire the site.
- S. Slater, 22 Highfield Road; K Taylor The Radius; 67 Rectory Lane; 172, 177 Rectory Green, 8 Glebelands Road; 8 Oakhurst Gardens; 48 Beechcroft; 32 Brentwood Court;
  - The existing traffic calming measures are ineffective and the new development would increase traffic and worsen the 'rat running' along Rectory Lane. Parking along Greenhill Road will worsen and fire engines will be hampered should they need to assist the Clarkes Hill Sheltered Accommodation site or anywhere else in the vicinity of the new development.
  - A reduction in the number of lanes on Bury New Road would lead to vehicles potentially seeking alternative routes through existing residential areas. Houses sited close to the roads in the area would be blighted by noise, pollution and mainstream traffic using Rectory Lane and Bury Old Road. Fairfax Road should be made into a one way street around the new development. The scheme needs to ensure that traffic continues to move such that asthmatic sufferers are not made worse.
  - Concerns about the interrelationship and distance from the new development in terms of heights and uses in relation to the Radius building. High rise buildings together in the centre of Prestwich are considered to be out of keeping with the whole area.
  - Questions the need for a new hotel, offices, new entrance for the Longfield, more non-food retail, more restaurants, more parking, food retail, residential uses when there are sufficient numbers of alternatives either vacant or not yet occupied already in the area.
  - Pedestrian facilities should be improved, especially in relation to Rectory Lane.
  - Additional car parking should be achieved through concentrating on the car park next to the Church on Fairfax Road.
  - The development would add to the noise and pollution of the area and in particular close to Rectory Green.
  - There may not be any need for more parking if parking charges were placed on the existing spaces in the centre.
  - The Radius scheme began the destruction of Prestwich. This development is just the funeral - totally inappropriate in size. Impact from noise, pollution, road safety - particularly in terms of the school, the elderly at Clarkshill. It will totally destroy the residential status of Rectory Lane, part of which is within a Conservation Area. It will kill of the remaining small businesses.
  - Despondent about the quality of life for residents.
  - Permeability should be achieved from all directions into the development
  - The layout of the development would such that not all facades would be active frontages. The servicing areas and experience from local and national

similar developments would support this view.

- The location of a hotel access near to the junction would cause traffic problems.
- The placement of crossings could be altered to draw more of the opposite side of Bury New Road into the potential regenerative influence of the new development.
- Approves of the proposal to face the car park with more visually appealing uses but is concerned that later schemes will omit these uses as no doubt the credit crunch will show them to be uneconomic.
- The existing centre may have many faults but it does seem to offer a more permeable, human scale environment, whereas the new development has considerable eyesore potential.
- Cheetham Hill redevelopment of the Precinct proves that it is nigh on impossible to fill a Precinct that has one of the big four Supermarkets in it. The fact the Radius development has failed to fill all its available units demonstrates the case in point, and several of the units in it have relocated from the old Precinct in advance of the plans to redevelop the Precinct.

#### Support

- 106 Gardner Road, 61 Ross Avenue
  - Fully supports the proposals. Prestwich is in need of investment and the scheme capitalises on its potential. Bury New Road is in need of regeneration and is unsightly. Tulle Court looks great and tidy and this approach should be adopted to other Council sites, which currently are targets and feeding grounds for crime.

#### Consultations

**Traffic Section** - No objections in principle as the application is submitted in outline with all matters, including access, reserved.

**Drainage Section** - No objections. Add condition concerning the need for surface water and foul water drainage aspects for the development.

**Environmental Health Contaminated Land/ Air Quality** - No objections. Add standard conditions to ensure appropriate measures are taken to minimise concerns from contaminated land and ground gas.

**Environmental Health Pollution Control** - Any response will be reported.

**Public Rights of Way Officer** - No objections.

**Waste Management** - Any response will be reported.

**Environment Agency** - No objections in principle to the development and they suggest conditions requiring the need to submit details to deal with surface water drainage.

**Greater Manchester Police - designforsecurity** - No objections in principle. Comments are made that would need to be carried through to the detailed design stage.

**United Utilities (Water and Waste)** - No comments received.

**United Utilities (Electricity)** - No comments received.

**Serco Metro** - No comments received.

**Chief Fire Officer** - With reference to the above application, as the proposed development includes 36 residential apartments I would request that the provisions of Section 63 of the Greater Manchester Act 1981 be endorsed upon or accompanies any planning permission given. This will enable the Fire and Rescue Authority to request additional provisions for access for the Fire Service when proposals are submitted for Building Regulation Approval.

**GMPTE** - No objections in principle but would wish to be involved at an early stage with regards to the design and final layouts of Bury New Road QBC. The existing bus stop on Rectory Lane is shown as a possible taxi rank, which is not acceptable to GMPTE.

**Greater Manchester Ecology Unit** - Currently the bat survey submitted with the application is inadequate.

No data search has been undertaken to identify if the area holds any bat interest. GMEU is aware that a local recording group (South Lancashire Bat Group) has recorded in detail in this area and that bats in flight occur frequently within this vicinity. The nearest known bat roost is within 1km of the application site. Urban centres have had occurrences of bats, in particular crevice dwelling species such as pipistrelle. The Assessment states that the

metro link is well wooded and this feature is approx 100m from the nearest building on the site. The metro link connects directly with habitats within Heaton Park and both Phillips Park and Prestwich Clough are within 1km and 0.5km of the application site respectively. All these sites would support very suitable foraging habitat.

Despite the application being for outline permission it would be anticipated that both internal and activity surveys would have been undertaken with high potential areas (ridge tiles, hanging tiles etc) being identified on plans and targeted for further assessment prior to demolition works commencing. This ensures that the applicant and/or future developers have a clear idea of features/structures of importance and the LPA has the ability to follow through the work if the demolition does not occur for a number of years after the permission is granted.

Update - additional survey works has been carried out and has been forwarded to the Ecology Unit. An update will be provided on this issue.

**G M Archaeological Unit** - No response received.

**Salford City Council** - No objections.

**BADDAC** - Welcome comments in the Design and access statement concerning the aims to secure inclusive access. It will be important that the reserved matters applications take account of seeing these aims through and also request that consideration is given to a shop mobility scheme as part of this development.

### **Unitary Development Plan and Policies**

Area	The Longfield Centre/Bury New Road
PR1	
S1/2	Shopping in Other Town Centres
S2/2	Prime Shopping Areas and Frontages
S3/3	Improvement and Enhancement (All Centres)
EN1/7	Throughroutes and Gateways
EN6/4	Wildlife Links and Corridors
HT2/1	The Strategic Route Network
PPS6	PPS6 Planning for Town Centres
RSS 13	Regional Spatial Strategy for the North West
PPG13	PPG13 - Transport
PPS25	PPS25 Development and Flood Risk
PPG16	PPG16 - Archaeology and Planning
PPS1	PPS1 Delivering Sustainable Development

### **Issues and Analysis**

**Background** - The Unitary Development Plan (UDP), when it was adopted in 1997, accepted that there had been problems within Prestwich, the scope to bring about significant improvement is seen to be limited without major upheaval. The scope for change has been extremely limited in what is a very tightly developed area, with little prospect of having any significant impact on the effects of the A56.

The UDP sets local priorities as follows:

- diversification of the local economy;
- an increase in, an improvement of, the range and type of shopping facilities;
- maintenance and improvement of the town centre's community and leisure facilities;
- the protection and improvement of the centre's residential communities;
- improved accessibility and safety;
- the protection and improvement of the environment.

Prestwich continues to be an under performing town centre with a poor quality retail offer and high vacancy rates despite significant levels of investment in recent years – extensive public realm improvements [completed 2004] and the mixed-use Radius development [completed 2005].

In order to address these weaknesses the Love Prestwich Strategy was commissioned In

December 2007. Consultants URBED and AGDR prepared a development strategy for Prestwich – the ‘Love Prestwich Village: Town Centre Development Strategy’. It is intended to form part of the evidence base for the Local Development Framework Core Strategy and to become a non statutory material consideration in assessing future planning applications for developments that could affect the regeneration of Prestwich Town Centre.

The strategy also identifies a range of initiatives that the Council could consider to help transform Prestwich into a sustainable urban village. The strategy was needed to provide a comprehensive framework to guide these development interests and ensure that new development delivers wide ranging social economic and environmental benefits for Prestwich Town Centre.

Representations made on the strategy, resulted in a further consideration on retail capacity. The ‘Prestwich Town Centre Retail Capacity Assessment was prepared for the Council by consultants Drivers Jonas. This has been subject to a second separate consultation process.

The strategy was adopted on 8<sup>th</sup> July 2009 and is now a material planning consideration, which has been subject to extensive public and stakeholder consultation.

**Principle** - The scheme is a mixed use development located within the heart of Prestwich Town centre. The site is readily accessible and represents a key investment into the township. The proposals seek to provide a number of uses, all of which are readily suited to a town centre location and the scheme has evolved alongside the Love Prestwich Strategy. Its proposed uses are seeking to bring into Prestwich much needed diversification, as well as new uses and opportunities to build upon the needs of its resident population and provide for alternative comparison shopping.

The Strategy, Objectives and Targets of the UDP states within the Borough's smaller town centres, the strategy will be to promote regeneration and encourage development in order to improve attractiveness and vitality. The use of guidance that directs investment, interest and activity are all seen as ways to promote other town centres within the Borough, including Prestwich.

Objective 2 seeks to enhance and develop centres as focal points for new cultural, leisure, business, professional services, residential, commercial and retailing development.

Each of the uses sought within the scheme are considered to be appropriate within a town centre location. This view is further supported by TC1 - Town Centres, TC2 - Town Centre Enhancement and Development, TC2 - Mixed Use Development, S1 - Existing Shopping Centres, S1/2 - Shopping in Other Town Centres, S2/1 - All New Retail Proposals: Assessment Criteria, S3/1 - New Retail Development Opportunities Within or Adjoining Town Centres, S3/3 - Improvement and Enhancement (All Centres) (S3/3/4 - Prestwich), Area Policy PR1 - The Longfield Centre/Bury New Road, RSS Policies DP1, DP2, RDF1, W5 and also PPS6 - Planning for Town Centres.

As such the principle of the development is considered to be acceptable.

#### **Outline Application issues:**

The proposals are seeking to specify the upper limits of floorspace for the various uses described. In turn, the following comments are made:

**Non-food and food retail** - Government Guidance within PPS6 considers that it is not necessary to demonstrate the need for retail proposals within primary shopping areas or for other main town centre uses located within the town centre. However, it is critical to understand the capacity of the amount of development to ensure that the health of the town centre is maintained.

The importance for understanding the additional retail capacity is stressed and the weight of

this concern has been reflected in the Council's specifically updated retail capacity for Prestwich. A key concern centres upon how any proposals at the Tesco store would affect the retail capacity in terms of quantitative need.

The Prestwich Town Centre Retail Capacity Assessment 2009, together with the independent advice (from AGDR) taken by the Council, concludes that in retail capacity terms it would not be possible for two major convenience floorspace schemes to proceed (at least for the next five years). The independent advice (which recognised the need to keep the position under review) was that if a major retail development outside the town centre (such as the Tesco proposal) was to be approved before the redevelopment of the Longfield Centre had taken place then it is likely that the latter would not proceed based upon quantitative need.

There are no current proposals for the Tesco store located outside the allocated town centre. In planning terms, retail development outside the centre would not be consistent with planning policy while there is a prospect of the redevelopment of the Longfield Centre proceeding. However if there were no realistic prospect, or indeed if approved and once it is complete, then sequentially it would be possible to consider retail developments on the edge of the town centre.

The Love Prestwich Strategy considers that in retail terms, it is vital that the strength of an anchor food store be brought right into the heart of the Town Centre where the benefits can properly spread to the smaller shops, cafes and restaurants from customers parking and using all the central facilities. PPS6, para. 2.43 states that Local Planning Authorities should seek to identify sites in Town Centres capable of accommodating larger format developments. This has been done through the 'Love Prestwich Village' Strategy, which has been adopted as a material planning consideration and the Prestwich Retail capacity study. It is therefore considered that the proposals are of an appropriate scale to the role and function of Prestwich centre and is supported by the Development Plan Strategy.

All the new retail units (other than the large supermarket unit) shown on the illustrative plans are indicated to be for non-food retailing. A key aspect of the Love Prestwich Village Strategy is to promote the role specialist independent retailers and evening economy operators for creating an urban village environment. This could include specialist food retailers such as butchers, grocers, bakers or delicatessens. It is therefore important that the approved retail use classification has enough flexibility to allow these types of retailers to come into the scheme alongside new non-food retailers. Conditional controls can permit this subject to specific approval by the Local Planning Authority.

**Housing** - The principle of residential development is accepted as the site has been identified in the Strategic Housing Land Availability Assessment as being suitable for residential use as part of a mixed use scheme.

Policy H4/1 states that the Council will encourage the provision of affordable housing. PPS3 states that affordable housing will be required on developments above 15 units and 25% of the total units on the site should be affordable. In this case that equates to 9 dwellings.

Policy H1/2 (Further Housing Development) lists a number of set criteria against which the principle of residential development must be assessed. The site itself should be able to meet most of the listed criteria but any application also has to take account of other policies and proposals in the UDP. The details and layout the application will need to be considered against the criteria listed in Policies H2/1 and H2/2.

**Area & Height Parameters** – In principle the overall amount and scale of development suggested by the schedule of proposed uses and building heights parameters plan is broadly in line with the [URBED] Longfield Master plan forming part of the adopted Love Prestwich Village Development Strategy.

However, it needs to be recognised that the scheme will create a very large block relative to

the general urban form of Prestwich town centre. Careful consideration will need to be given to the massing of the block overall and its individual elements as the scheme moves forward to more detailed stages of design to ensure that an appropriate form and scale for its Prestwich context is achieved.

A concern with the way that the parameters for the development are expressed is that they presented in a very precise way (e.g. 11No. height parameters down to accuracy of 50mm and with specific floor areas down to 1m<sup>2</sup>) and this could give an impression that there is there is a predetermined fully resolved scheme already in place. There is no evidence to prove that this is the case.

It is important that the parameters set by any outline planning approval provide sufficient flexibility to allow the form and massing of the scheme to evolve as design discussions progress towards future Reserved Matters applications. As such it is possible to express specific maximum heights for the development through conditional control, but would not prohibit the refusal of a scheme at reserved matters stage if a particular height relationship between two uses are considered to be unacceptable.

**Design issues for future Reserved Matters Applications** - Each side of the development will have a high level a visual prominence within the overall townscape of Prestwich and the design treatment of every façade will be critical to the overall success of the scheme in design terms. Key design issues for each face of the development are:

**Bury New Road** – The key issues are to ensure that a highly active high street frontage is created with a scale and massing appropriate for creating a new ‘anchor’ for the high street. In this regard the small retail units facing onto Bury New Road offer a number of potential positives for the scheme:

- they should ensure good active frontages
- they offer the prospect of local independent retailers locating into the scheme (a measure promoted by the Love Prestwich Village Strategy)
- the stepping back of the hotel elevation above will help with perceptions of scale and massing in relation to existing high street properties (a sensitive issue with some people in Prestwich)

Set against this is a concern that the supermarket might not have enough visual presence directly onto Bury New Road to effectively “anchor the high street” (a key measure promoted by the Love Prestwich Village strategy). However, until a reserved matter application comes forward, this cannot be known at this time.

**Village Square** – The key issues are to deliver an active frontage with a high level of interactivity with the Village Square as the main public realm space in the village centre, and the spatial interrelationship between the library, Longfield Suite and proposed primary care centre to create a community hub.

The orientation of the main supermarket frontage onto the Village Square should ensure increased footfall to within the public space with the potential to extend usage much further into the evening than at present. A3 uses Restaurants and Cafes would also help to animate the public space.

**Library/Longfield Suite** – The interrelationship between the new library, the Longfield Suite and the foyer/circulation space also serving the multi-storey car park will be a critical area of design development for the scheme.

Within the Love Prestwich Village Longfield Master plan this foyer/circulation space incorporates a feature tower that creates a landmark and visual marker to guide people into the scheme from the pedestrian routes from Rectory Lane/Metrolink and from Bury New Road. This is a concept that should be explored through the design development of the scheme.



It will be key to ensure at a reserved matters stage that in order to ensure that spatially there is sufficient space available to meet both the needs of any new Primary Care Health Centre and to maintain the Poppythorn Lane pedestrian link into the scheme, both of which are key elements of the Longfield Centre Master plan in the Love Prestwich Village Strategy and permeability.

**Rectory Lane (facing Metrolink)** – This façade will be very prominent from Metrolink. The “first impressions” created by the treatment of this façade will be instrumental in forming many peoples overall impressions of Prestwich. However, based on the illustrative material there is a risk of this forming a back to the development with a very basic building form dominated by a large vehicular access for the car park. The built form also needs to work in terms of setting up a clear pedestrian sight-line towards the Village Square and the heart of the development. Again this is a key matter at the reserved matters stage.

**Rectory Lane (facing St Mary’s CP School)** – The key issues are to maximise the limited opportunities for active ground floor uses and to ensure that there is a high level of animation to the upper floors.

The entrance to the hotel onto the “link road” should offer potential for providing some activity at street level onto Rectory Lane. However this feature is likely to need greater 3D articulation than currently indicated on the illustrative sketch plans in order to work successfully in design terms – (for example height and massing could be stepped up at the corner of Bury New Road and Rectory Lane to create a landmark feature on the high street rather than stepped down as indicated in the illustrative material). Additionally, pedestrian linkages through from this side of the site will need to be strengthened to ensure connectivity between the site, the development and the wider residential areas to the south.

The residential entrance should be made into a significant feature than is suggested by the illustrative material. The entrance to the office accommodation should also be designed has a significant street level feature. There is also a risk that the service yard gating arrangement could become a dominant street level feature of this façade, which will need care at reserved matters stage.

**Highway/street scape design issues** - A pedestrian first approach should be adopted for the design of the proposed new junctions where road space is kept to a minimum and where pedestrian crossing facilities are designed to as simple as possible and to directly respond to pedestrian desire lines. Unfortunately the supporting Transport Assessment includes a number of illustrative junction layouts which appear to take up excessive road space and provide overly complicated pedestrian facilities.

By contrast the general illustrative sketch scheme drawings indicate a more compact junction layout that is much more closely aligned with the urban design framework established by the Love Prestwich Village Strategy. The applicant’s design team should adopt a consistent approach to highway design that respects this overall urban design framework.

The means of access into the site and disposition of highways are not subject to the outline consent sought at the moment. The scheme presented are illustrative and do require further consideration when formulated into a more detailed scheme. A joint approach between developer, the Local Highways Authority and the Local Planning Authority should ensure that the aims of the Love Prestwich scheme comes to fruition.

**Response to Respondents and objectors** - Environmental Impact Assessment - The application proposals have been screened by the Local Planning Authority when the application was first received. In accordance with regulations, the consideration is that the effects from proposals are not significant to warrant the submission of an Environmental Statement, principally as much of the site is already developed, is in a sustainable central urban location and there are no ecological sensitivities described within the regulations to

warrant further long term effects.

**Floorspace figures** - It is critical for an appropriate decision to be made on an outline application to understand the parameters of the development that is sought. The scheme proposals do this and specify upper limits of development. This would not preclude smaller floor spaces for uses to come forward, but would restrict larger floor spaces coming forward through reserved matters proposals. The different 'pieces' of the proposals can be 'put together' in different ways and in different, but lower quantum and bearing in mind the need to ensure that good urban design and interrelationships between the development, highways and existing occupants is delivered, the main challenges to secure this will rest in the reserved matters.

**CABE review by Places Matter** - They recognise the visionary qualities of the Love Prestwich Village Strategy but are apprehensive about whether the same commitment to quality and sensitivity 'to place' can be and will be maintained through its delivery. The first phase is therefore crucial in setting a benchmark in both architectural design and public realm. The design iteration so far leaves Places Matter encouraged by the scale and mix of development but were disappointed with the translation of strategy principles into detailed design. They would welcome the next iteration of development to Design review as they wish to see this major piece of regeneration reflect the attention and aspiration of the Urban Village Strategy. As such it is considered that specifically design principles are formulated to build upon the existing proposals and form part of the reserved matters for the development.

**Shopmobility** - The applicant has responded that a Shopmobility scheme could be incorporated into the proposals and could be included within a reserved matters application. This would have to be on the basis of a viable case being presented to support the need and demand for such a use.

**Town centre management** - The proposals are at outline stage at the moment and the developer is not adverse to a contribution towards town centre management and promotion. Other similar major town centre schemes, have made provision for town centre management within Bury. The applicant has confirmed that they will provide a scheme to support the funding of a town centre management strategy. It is considered, as was done elsewhere, that a planning condition be imposed to secure a scheme to deal with this concern.

**Phasing and Implementation** - The scale and nature of the development within an existing functioning town centre needs to be carefully considered to ensure that during any implementation is done in a well thought out manner. There are inter linking issues concerning land acquisition, tenancies, highways works and decanting amongst others, the outline planning proposal is seeking the principle of the development rather than the key implementation process. As such, it is not unusual that planning conditions be imposed to require a scheme to demonstrate implementation together with contingencies and mitigation methods should the development be carried out.

**Sustainability** - The application proposals have been presented with how the proposals would relate to the Northwest's Sustainability Checklist. The commitments proposed by the scheme are reflective of the good practice approach to sustainable development and the Council's own Development Control Planning Policy Guidance Note 16 - Design and Layout of New Development in Bury.

Currently the minimum standards to be achieved by the scheme are those outlined in SPD16 and also go beyond the minimum within the SPD i.e.:

- BREEAM rating of very good, including 25% reduction in CO2 beyond the Target Emission Rates (for non residential);
- Code for Sustainable Homes level 3 (residential);
- Commitment to renewable / low carbon energy to achieve >10% of predicted requirements;
- Rainwater harvesting;
- Use of Green Roofs.

As with other/similar applications within the Borough, this can be achieved by including a condition requiring the applicant to outline their approach to demonstrate how these principles will be implemented in practice. As outlined in SPD16 the energy elements of the scheme should relate to the Code for Sustainable Homes.

### **Response to Objections**

**Edmund Kirby** - The hierarchy outlined in Policy RDF1 of the RSS does not preclude development in areas outside the four identified priority areas providing it complies with Policies DP1 to DP9. Edmund Kirby do not question the scheme's compliance with these policies of the RSS.

Although Prestwich is not named in the Policy W5 list of centres where comparison retailing facilities should be improved, attention must be drawn to the paragraph below this list, that states "Investment, of an appropriate scale, in centres not identified above will be encouraged in order to maintain and enhance their vitality and viability, including investment to underpin wider regeneration initiatives, to ensure that centres meet the needs of the local community, as identified by Local Authorities."

Need is an indicator of scale and the scale of floor space identified as being potentially able to be accommodated in Prestwich is set out in the Prestwich Town Centre Retail Capacity Assessment. In addition to this, policy W5 above states that the appropriate scale of investment required to maintain vitality and viability should be identified by Local Authorities. This is one of the purposes of the 'Love Prestwich Village' Development Brief which supports the principle of the proposals.

The representations suggest that the proposals (4,848 sq m additional retail floor space) will result in a 142% increase in provision. This only takes into account the floor space of the existing Longfield Centre and not Prestwich Town Centre as a whole.

Edmund Kirby states that "There is no regeneration imperative for the redevelopment of the Longfield Shopping Centre and quote" Area PR1 of the UDP in supporting this point. This policy does not preclude redevelopment of the Longfield Centre but does support retail development and environmental improvements in the Longfield Centre / Bury New Road area. These are further supported by the provisions of the 'Love Prestwich Village' Strategy. It is considered that the proposals will contribute to delivering these aims.

As the proposals are fully 'in-centre' PPS6 does not require *need* to be demonstrated for the proposals. Notwithstanding this, the Prestwich Town Centre Retail Capacity Assessment states:

"These wider Policy considerations therefore point to the need for a food store greater than the strict application of capacity would dictate." Although on a strict 'capacity' basis there is insufficient quantitative need for the quantum of floor space proposed, there is a clear qualitative need for a food store of this size to improve the vitality and viability of Prestwich Town Centre and to compete with existing food stores within the area.

The objector asserts that if the application were to be approved, it would damage the vitality and viability of the centre and increase vacancies. No evidence is provided to substantiate this assertion other than the assertion that Tesco has had a negative impact on the vitality and viability of Prestwich Town Centre since opening. This is not a level comparison as the Tesco store is in an out-of-centre location. It is considered that existing retailers will benefit from linked trips with the new 'in-centre' store and the improved environment created by the development.

**Britannia Hotels** - They have objected on the grounds that they had no prior knowledge or agreement involving land within their ownership; the scheme does not suit their needs, wishes or requirements and the scheme has included a piece of land fronting onto Bury New Road and Rectory Lane that is in their ownership. The planning application process is one of land use and does not take away the rights of an owner for their land. There is no requirement for a developer to interact with a land owner in formulating a scheme, although

it is good practice to do so, however, not doing can make the implementation of a scheme difficult. The applicant's are required, and have, served notice upon this land owner where the proposals affect land not in the applicant's control or ownership. The scheme indicates that a number of retail units could be located on the land. Should the owner not wish the development to proceed on their land then they have the power to prevent it. If the land is seen as a key integral part to assist regeneration and the land owner does not wish to develop it, then it could be an option for the Council to consider compulsory purchase of the land. However there needs to be clear compelling reasons for proceeding along the compulsory purchase route.

The proposals have been publicised by the Council and the Love Prestwich proposals have been through many consultation processes. As such the issues concerning not having prior knowledge/agreement, not suiting the land owners needs or wishes and including their land are not strictly planning matters to consider with this application.

**Highway works** – these are not subject to this application and would be subject to a more detailed layout scheme. The Local Highway Authority is in the process of preparing proposals and the approach that is adopted will need to ensure that the strategy objectives are delivered. The application proposals are illustrated such that the scheme does not compromise the long term highway objectives.

**Traffic calming** – there are proposals included within the accompanying Transport Assessment and do spread to areas beyond the central site location. These are being considered by the Local Highways Authority in conjunction with advice from Greater Manchester Transportation Unit. Should approval be given, the developer would need to agree wider traffic calming measures beyond the site to ensure that traffic does not cause any significant problems.

The redevelopment proposals at reserved matter stages would need to ensure that interrelationships are appropriate to extant occupiers of property surrounding the site. The scheme is seeking the acceptance of the principle of development at this stage and not the detailed design matters.

**Noise** – this is a concern of nearby residents to the proposals. The scheme shows that it would be possible to service the centre from within an enclosed yard area. Currently, the centre's servicing is open and in terms of hours, there are no planning controls on when deliveries can be made. The new proposals provide an opportunity to improve the current situation in terms of amenity, whilst building upon regeneration initiatives.

**Mixed Uses** – The proposals represent objectives of the Love Prestwich Strategy for a mixed use development within a key town centre site. Planning Policy Guidance nationally and locally all encourage a mixed use development approach to town centres to provide opportunities for vibrancy and vitality. This spreads the opportunities to all business levels for development and attractiveness to its users.

**Joseph Holt** – The scheme does involve the demolition of the public house. However, as described in the comments on the Britannia Hotels issues relate much the same to the Joseph Holts property. In terms of the public/function the property has, the scheme would not preclude the ability for a new drinking establishment within the scheme to be developed.

**Car Parking** – The scheme looks to integrate car parking provision for the development within the site itself, faced with active uses. This provides opportunities for the site to service its users, minimise car parking demands outside the site and enhance the site's attractiveness. The location of the car park within the centre of the scheme would enable a positive urban design approach to be adopted rather than surface level car parking, which is often poor in terms of its environmental contribution to the townscape.

**Implementation** - It is not known how long implementation of the scheme could take if approved. However, the outline permission if granted would need to be implemented within 3 years and phasing proposals would give a clearer indication over the build period.

## 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 proposals would represent a major significant development within the Prestwich Town Centre and with appropriate conditional controls, the proposals would ensure good urban design and development. The proposals would comply with Unitary Development Plan Policy and there are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### Conditions/ Reasons

1. Applications for approval of reserved matters must be made not later than:
  - the expiration of three years beginning with the date of the grant of outline planning permission; and
  - that 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. 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.

The first reserved matters application shall include a 'Masterplan of Key Design Principles', which shall inform how the development of the reserved matters shall be approached in design terms.

Reason. To ensure the satisfactory development of the site, because this application is in outline only and to ensure that the site is developed in an informed way pursuant to the objectives of Building For Life and PPS1 Delivering Sustainable Development.

3. Within the 8643m<sup>2</sup> of Use Class A retail floorspace hereby created, other than the provision of a single superstore with a gross floor area of 6040m<sup>2</sup>, no individual unit of more than 500 m<sup>2</sup> will be given over to a primary convenience retail use unless otherwise agreed in writing by the Local Planning Authority.

Reason For the avoidance of doubt and to ensure that floor space figures are not exceeded and pursuant to Unitary Development Plan Policy S3/3 Improvement and Enhancement (All centres).

4. Notwithstanding Condition 3, no more than 8643m<sup>2</sup> of Class A1 retail floorspace shall be formed at any time within the development hereby permitted without the prior written consent of the Local Planning Authority. Within that 8643m<sup>2</sup>, no more than 865m<sup>2</sup> of Class A3, A4 or A5 floorspace shall be formed at any time within the buildings hereby permitted, and no more than 10% in linear frontage of the Bury New Road elevation shall be of a Use Class A3, A4 or A5 use without the prior written consent of the Local Planning Authority.

Reason For the avoidance of doubt, to ensure that specified floor space figures are not exceeded and to maintain active and diverse frontages to Bury New Road pursuant to PPS6 - Planning for Town centres.

5. On or before submission of the first reserved matters application, a scheme of

phasing to include a timetable for development and of construction, mitigation measures and methodologies as to how demolition will proceed, whilst maintaining public access to shops and services within and around the site shall be submitted to and approved by the Local Planning Authority. The phasing scheme shall include details of the arrangements for public parking as the development proceeds. The development shall be implemented in accordance with that scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason To minimise disruption and maintain adequate public parking areas as the development proceeds pursuant to PPS1 Delivering Sustainable Development.

6. In the event of development being implemented in a phased manner, on or before submission of the reserved matters for each phase of the development is commenced, a design statement for that phase of the development shall be submitted to and approved by the Local Planning Authority. The design statement for each phase of the development shall clearly illustrate how that phase of the development relates to development principles established by a 'Masterplan of key design principles', which shall form part of the submission of the first reserved matters application for the site. The development shall then be carried out in accordance with the approved Masterplan and design statement.

Reason In the interests of visual amenity pursuant to UDP Policy EN1/2 - Townscape and Built Design.

7. As part of the submission of the detailed reserved matter application for appearance, unless otherwise agreed in writing by the Local Planning Authority, the details of the location of customer and visitor entrances, areas of glazing and shopfront display areas, and the location and design of shutters for that phase/part of the development shall be submitted to and approved by the Local Planning Authority. The details to be submitted to the Local Planning Authority shall clearly indicate how the entrances and shop fronts to the individual buildings forming that phase relate to the principal pedestrian routes through that phase and the Master Plan Design Principles. The approved details shall be implemented as part of the approved phase development is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of visual amenity and the free movement of pedestrians pursuant to UDP Policy EN1/2 - Townscape and Built Design.

8. As part of the reserved matter application for layout, details of the car parking for the uses to be provided within the development shall be submitted to and approved by the Local Planning Authority. The details shall include: disabled parking spaces; lighting; CCTV; and hard surface treatment. The approved scheme shall be implemented before the car park is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason To ensure adequate and safe provision of public parking pursuant to UDP Policy HT2/4 - Car Parking and New Development, Development Control Policy Guidance Note 11 - Car Parking Standards within Bury and PPS1 Delivering Sustainable Development..

9. On or before submission of the first reserved matters application a strategy for car park management strategy shall be submitted to the Local Planning Authority. In the event of a phased development, before each phase of the development is commenced, a scheme for car parking management of the car park for that phase shall be submitted to and approved by the Local Planning Authority. The scheme shall include details on: cycle and motor cycle parking, signage and road marking; internal circulation; allocation of spaces; pedestrian routes; and hours of operation. The approved car park management strategy shall be implemented as part of the implementation of the development, either in phases or as a whole and be retained in operation thereafter unless and until the development is completed or as otherwise agreed in writing by the Local Planning Authority.

Reason To ensure adequate and safe public parking provision.

10. No development shall commence unless and until details of ventilation (including details of sound attenuation for any necessary mechanical plants and standard of dilution expected) for the multi storey car park has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as part of the development of the multi storey car park and shall be operational before the multi storey car park is first used and retained operational thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason To ensure a satisfactory standard of air quality pursuant to UDP Policy EN7/1 - Atmospheric Pollution, PPS23 - Planning and Pollution Control and PPS24 - Planning and Noise.

11. On or before submission of the first reserved matters application a travel plan strategy shall be submitted to and approved in writing by the Local Planning Authority. Before each phase of the development is fitted out a scheme for the provision of occupier travel plan measures relating to that phase shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of measures relating to walking, cycling, public transport and car parking. The scheme shall establish the developer and occupier travel plan objectives and targets and include an implementation programme. The approved scheme shall be implemented before each phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason To ensure that the proposed scheme is accessible to all, to minimise vehicle movements and pursuant to PPG13 - Transport.

12. The landscaping scheme to be submitted as a "reserved matters" shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. The landscaping scheme shall include:

- a survey of all existing trees on the site, indicating species, height, branch spread and condition;
- trees which it is proposed to remove and which to retain;
- landscape management plan;
- details of lux levels, direction and screening of external and street lighting.

Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

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

13. The use of any food and drink unit (Class A3, A4 and A5) shall not commence until details of the opening hours for each unit have been submitted to and agreed in writing by the Local Planning Authority.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.

14. 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 Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.

15. The residential accommodation hereby approved shall include acoustic glazing and acoustically treated ventilation in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the local planning authority before the development commences. The acoustic attenuation scheme hereby approved shall be implemented in full before use of the residential premises first commences.

Reason. To protect the amenity of the occupants of the premises once the development hereby approved is occupied pursuant to UDP Policy EN7/2 - Noise Pollution.
16. No demolition or construction work shall take place on the site except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and 8.30 am and 1.00 pm on Saturdays and none shall take place on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason To protect the amenities of occupiers of adjacent property.
17. Before the development is commenced, details of the design and siting of all hoardings and fencing to be erected around the site during that phase of construction shall be submitted to and approved by the Local Planning Authority. The scheme once approved shall be implemented and maintained during the period of construction of that phase unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of visual amenity, road safety and pursuant to HT6/2 - Pedestrian/Vehicular Conflict.
18. No development, building work or demolition shall take place unless and until a desk study, scoping report for a watching brief and a program 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.

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.
19. The 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.

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.
20. 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.

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



21. 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.  
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.
22. 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.  
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.
23. On or before submission of the reserved matters application for each phase of development is brought into use, details of the arrangements for storage of refuse and waste for that phase shall be submitted to and approved by the Local Planning Authority. The detail shall be implemented as approved and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.  
Reason - In order to ensue that the development would maintain adequate facilities for the storage of domestic waste, including recycling containers, in the interests of amenity and pursuant to Unitary Development Plan Policies S2/1 - All New Retail Proposals: Assessment Criteria, S2/6 - Food and Drink and S3/3 - Improvement and Enhancement - All Centres.
24. As part of the reserved matter application relating to layout, a scheme for the provision of close circuit television cameras shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of: camera locations; camera specifications; lighting lux levels; and monitoring. The approved scheme shall be implemented and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.  
Reason In the interests of security and pursuant to UDP Policy EN1/5 - Crime Prevention and Development Control Policy Guidance Note 3 - Planning Out Crime in New Development.
25. Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.  
Reason To ensure the satisfactory drainage of the site and to prevent pollution

pursuant to UDP Policy EN7/3 - Water Pollution.

26. Details relating to and the provision for the loading and unloading of vehicles and the parking of cars/vans for servicing that visit the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved provisions shall be made available for use within the curtilage of the site before the site is operational and shall enable vehicles to enter and leave the site in forward gear. The provisions shall subsequently be maintained free of obstruction whilst it serves the development hereby approved.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety pursuant to UDP Policy HT2/4 - Car Parking and New Development and S2/1 - All New Retail Proposals: Assessment Criteria.
27. A scheme for the provision of Town Centre Management shall be submitted to and approved in writing by the Local Planning Authority as part of the first reserved matter. The approved details shall be implemented as part of the implementation of the development.  
Reason - To maintain the functionality of the town centre during the implementation of the development and to enhance the vitality and viability of the occupants and users pursuant to PPS6 - Planning for Town Centres.
28. 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.
29. No development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system based upon the drainage principles and Flood Risk Assessment prepared by Weetwood dated June 2009 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
- The scheme shall be implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.  
Reason. To reduce the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to PPS25.
30. 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.
31. Following the provisions of Condition 30 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.

32. Following the provisions of Condition 30 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.

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.

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. No part of the development shall exceed the following height parameters, unless otherwise agreed in writing with the Local Planning Authority:

- a max height for the scheme's orientation towards Bury New Road +110.800m above Ordnance Survey Datum;
- a max height for the scheme's orientation towards Rectory Lane +112.900m above Ordnance Survey Datum;
- a max height for any 'landmark features' on the scheme (such as the entrance core for the library/civic suite) +117.250m above Ordnance Survey Datum.

Reason - To ensure that the development assimilates into the existing townscape and to ensure that the outlook from residential properties surrounding the site are not unduly affected pursuant to UDP Policies EN1/2 - Townscape and Built Design and PPS1 - Delivering Sustainable Development.

35. This decision relates to reports: Planning and Retail Statement HOW Planning, Design and Access Statement Craig Foster Architects, Planning and Sustainability Checklist Craig Foster Architects, Transport Assessment Ashley Helme, Travel Plan Ashley Helme, Statement of Community Involvement Dialogue, EIA Screening Request HOW Planning, Air Quality Assessment Ashley Helme, Wind

Assessment BRE, Flood Risk Assessment Weetwood  
Archaeology Assessment L-P Archaeology, Noise Impact Assessment Wardell  
Armstrong, Bat Survey Julia Drage MIEEM, Crime Impact Assessment (Part A)  
G.M.P Architectural Liaison Unit, Existing Services Statement Craig Foster  
Energy, Site Investigation Report Sitecheck, Drawings - Craig Foster plan  
numbers: 07-11-PA2(1) rev A, 07-11-PA2(2) rev A, 07-11-PA2(3) rev B, 07-11-  
PA2(4) rev B, 07-11-PA2(5) rev B, 07-11-PA2(6) rev B, 07-11-PA2(7) rev B, 07-11-  
PA2(8) rev B, 07-11-PA2(9) rev B, 07-11-PA2(10) rev B, 07-11-PA2(11) rev A. and  
the development shall not be carried out except in accordance with the drawings  
hereby approved.

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

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

**Ward:** Whitefield + Unsworth - Pilkington Park

Item 04

**Applicant:** Piccadilly Partnership Limited

**Location:** 1 PARK TERRACE, WHITEFIELD, M45 7HQ

**Proposal:** PROPOSED 2 NEW SEMI-DETACHED DWELLINGS WITH PARKING

**Application Ref:** 51555/Full

**Target Date:** 21/09/2009

**Recommendation:** Approve with Conditions

### **Description**

The application site is a vacant piece of land, which is currently overgrown. The site is accessed from a unmade road between Parkfield Inn and 97 Park Lane.

There are residential properties to the northwest, which is a traditional block of terraced properties. The residential properties to the southeast are more modern. There are garages along the north east boundary of the site and beyond are an access road and a three storey block of flats. To the south west of the site is the Parkfield Inn.

The proposed development would involve the erection of two semi-detached dwellings. The proposed dwellings would be sited on the same building line as the existing terrace of properties. there would be a garden to the rear and parking would be located to the front of the dwellings.

### **Relevant Planning History**

43697 - Two storey rear extension at 1 Park Terrace. Withdrawn - 22 December 2004

43698 - Residential development - 4 no. apartments at land adjacent to 1 Park Terrace, Whitefield. Withdrawn - 22 December 2004

44146 - Residential development - 3 No. apartments (resubmission) on land adjacent to 1 Park Terrace, Whitefield. Approved with conditions - 13 April 2005

44147 - Front porch & two storey extension at rear (resubmission) at 1 Park Terrace, Whitefield. Approved with conditions - 15 April 2005

### **Publicity**

The neighbouring properties (1 - 11 Park Terrace (odds); 12 - 21 Philips Drive; 1 - 25 Links View Court; 81, 83, 95 - 115 (odds) Park Lane) were notified by means of a letter on 29 July 2009. One letter has been received from the occupiers of No. 5 Park Terrace, which has raised the following issues:

- Proposed dwellings are not in keeping with the existing terraced houses
- None of the existing properties have bay windows or a canopy above the front door.
- Park Terrace is a unique terrace in Whitefield and is over 120 years old.
- The proposed dwellings are modern and would stand out.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Highways Section** - No objections, subject to the inclusion of a condition relating to car parking.

**Drainage Section** - No objections

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

**Landscape Practice** - The trees on site are of poor quality and there are no objections to their removal. Some screening along the boundary with Linkside Court should be considered (i.e. hedgerow)

**GM Police - designforsecurity** - No objections

**Baddac** - No comment

### **Unitary Development Plan and Policies**

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN7	Pollution Control
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD11	Parking Standards in Bury

### **Issues and Analysis**

**Principle** - Policy H1/2 states that the Council would have regard to various factors when assessing a proposal for housing development, including the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The proposed development would be located in a predominantly residential area and as such, it is considered that there would be adequate infrastructure and would not conflict with the surrounding uses. There is an existing consent for three apartments on the site and therefore, the principle of residential development on the site is established.

Policy L4 of the Regional Spatial Strategy states that the average rate of housing provision is 500 dwellings per year. The application site is currently vacant and is located within the urban area and is considered to be previously developed land. As such, the proposal is acceptable in principle and would be in accordance with Policy H1/2 of the Unitary Development Plan and Policy L4 of the Regional Spatial Strategy.

**Design and impact upon the surrounding area** - The proposed development would consist of a pair of semi-detached dwellings, which would be constructed on the same building line as the existing dwellings on Park Terrace. The proposed dwellings would have a rendered finish with grey roof tiles, which would match the adjacent properties in Park Terrace. The proposed dwellings would incorporate a bay window and the remaining windows would have a vertical emphasis. The proposed dwellings would have a single dormer window, with a pitched roof, on the front elevation. The proposed dormers would be some 1.3 metres wide and would not occupy a disproportionately large area of the roof. The proposed dwelling is considered to be of a traditional design.

The eaves of the proposed dwellings would match the eaves of the adjacent terraced properties on Park Terrace. The ridge height of the proposed dwellings would be 0.25 metres higher than the adjacent terraced properties. However, this would equate to the height of the chimneys of the existing dwellings and would not be overly prominent when viewed from ground level. As a result, the proposed development would not be unduly prominent in the locality. Therefore, the proposed development would be in accordance with Policies H2/1, EN1/1 and EN1/2 of the Unitary Development Plan.

The site plan indicates that the proposed dwellings would have a rear or side and rear garden, which would be bounded by a 1.5 metre high timber fence. The proposed fencing would reflect the existing boundary treatments in the locality. Space has been allocated within the rear garden areas for the storage of refuse bins. The proposed site plan also indicates that the proposed parking spaces would be constructed using permeable materials. Therefore, the proposed development would be in accordance with Policy H2/1 of the Unitary Development Plan.

**Impact upon residential amenity** - The proposed development includes a two storey outrigger at the rear and there would be a kitchen window at ground floor and a bathroom window at first floor. As these openings would relate to non-habitable rooms, a distance of 21.5 metres between the rear elevation of the proposed outrigger and the three storey block of flats would be acceptable. There would be 23 metres between the block of flats and the habitable room windows in the rear elevation. There would be over 20 metres between the front elevation and Parkfield Inn. Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring residents.

The proposed dwellings would be some 1.2 metres away from 1 Park Terrace and there would be no openings within the gable elevation. There are two windows within the gable elevation of No. 1 Park Terrace. There is a window at ground floor, which is a secondary window to the dining room and a window at first floor level, which relates to the landing. As the existing openings are secondary windows and are non-habitable room windows, the proposed development would not have an adverse impact upon the amenity of the neighbouring resident at 1 Park Terrace. Therefore, the proposed development would be in accordance with Policy H2/1 of the adopted Unitary Development Plan and the aspect standards contained in SPD6.

**Highways issues** - Vehicular access would be along the existing access from Park Lane. The existing access is currently used by the other properties and there would be adequate visibility. The Highways Section has no objections to the proposal, subject to the inclusion of a condition relating to provision of the car parking. The proposed car parking spaces would be surfaced in gravel, which would be a permeable surface. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy HT4 of the Unitary Development Plan.

SPD11 states that for dwellings with three bedrooms within a high access area, a maximum of two spaces per dwelling should be provided. The proposed development would provide two spaces per dwelling and there would be an acceptable level of parking on site. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

**Response to objectors** - The issues of design 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;-

The proposed development is acceptable in principle and would not have a significant adverse impact upon the amenity of the neighbouring residents. The proposed development would not be unduly prominent, subject to conditional control and would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 8052.01 A, 8052.02, 8052.16 B, 8052.17 C and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of

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

3. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
  - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
  - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved details shall be implemented as part of the development hereby approved.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
7. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.



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

**Ward:** North Manor

Item 05

**Applicant:** Junior Originals

**Location:** 407 BOLTON ROAD WEST, RAMSBOTTOM, BL0 9RN

**Proposal:** CHANGE OF USE UPSTAIRS FROM CLASS (A1) RETAIL TO CLASS A3 (CAFE)

**Application Ref:** 51557/Full

**Target Date:** 14/09/2009

**Recommendation:** Approve with Conditions

### **Description**

The site is a detached two storey stone retail shop building within a Local Centre at Holcombe Brook Village. To the south there is a block of apartments and the access road to the upper car park at the shopping centre. To the east is a block of 4 shops called Holcombe Mews whilst facing across Bolton Road West is a short row of three shops.

The proposal is to convert the upper floor of the shop to a café with the opening hours 09:30 to 17:30 Monday to Friday and 09:30 to 17:00 on Saturday (No Sunday or Bank Holiday opening). Access to the café is gained either from the front of the building through the existing shop or from a door on the side elevation.

### **Relevant Planning History**

25912 – Change of use to form coffee shop – Approved Conditionally 23/05/1991

### **Publicity**

Surrounding neighbours notified by letter dated 22/07/2009 at 399-405, 439-447, 402A, 402B, 406, 406A, 408A and 416 Bolton Road West, Flats 2-4 and 10-16 Brookfield House, Bolton Road West, 1-21 Holcombe Brook Precinct – 3 letters of objection from the occupiers of 3 and 11 Holcombe Precinct and 445 Bolton Road West the concerns are summarised below:

- Parking is limited at the rear of the property with a busy main road at the front with no parking.
- The car park at the lower level at the rear of the site is a private car park for the use of the Holcombe Brook Precinct tenants, residents and customers.
- There is no need for a café in the area.
- There are enough food outlets in the locality.
- Continuous smells being emitted.
- It would escalate the problem of teenagers hanging about the area.
- There is a clause in the lease of all Holcombe Brook Precinct Tenants that only allows one business of every kind on the estate.

The objectors have been informed of the Planning Committee Meeting.

### **Consultations**

**Traffic Section** – No objection.

**Drainage Section** – No objection.

**BADDAC** – Recommends that a notice is posted at the entrance to state the café is at the first floor level and therefore has limited access.

### **Unitary Development Plan and Policies**

EN1/2 Townscape and Built Design

S2/6 Food and Drink

S1/4 Local Shopping Centres

## **Issues and Analysis**

**Principle** – Bury UDP Policy S1/4 – Local Shopping Centre seeks to maintain and enhance local shopping centres and encourages the provision of a range of shopping facilities to serve local needs. As the proposal is for a café at 1<sup>st</sup> floor level that maintains the retail shop at ground floor it is considered to be acceptable in principle. However the proposal needs to be further assessed for the following issues:

**Concentration of Food Outlets** – There are shops in the local centre where both hot and cold food can be bought to be consumed off the premises but apart from the Hare and Hounds PH there is nowhere to be able to eat on the premises. Therefore it is not considered that there is an over concentration of Café/Restaurant (Class A3) uses in the centre nor given its first floor location would it change the character of the centre pursuant to Bury UDP Policy S2/6 - Food and Drink.

**Parking** – There are two car parking areas within the local shopping centre although the lower one is a private car park for the shops at that level. The upper level car parking area was part of the details of the original approval for creating Holcombe Mews (23192) and re-building 407 Bolton Road West (25533) and has parking spaces for up to 11 cars

The site is located within a Local Shopping Centre with access to the adjacent parking and for this reason there is no objection from the Traffic Section and the proposal is considered acceptable in terms of parking pursuant to Bury UDP Policy S2/6 - Food and Drink.

**Storage and disposal of refuse** – There is an existing commercial waste facility on the upper level of the centre for the shops at this level. The applicant states the site has access to this facility for the storage and disposal of waste. Therefore the proposal is considered acceptable in terms of storage and disposal of waste pursuant to Bury UDP Policy S2/6 - Food and Drink.

**Ventilation Flues** – The food that is proposed to be being served at the café is of a coffee shop style ie drinks with hot or cold sandwiches which do not require an external flue. However if the food served at the café is altered then it is possible that one would be required. A note is recommended that brings to the attention of any proprietor that as the building is in a prominent position the type of ventilation system would have to be sympathetic to the building/area and would be subject to planning permission. Given the above the proposal is considered acceptable in terms of ventilation pursuant to Bury UDP Policy S2/6 - Food and Drink.

**Residential Amenity** – The opening hours of the proposed first floor café are standard shop opening hours of 09:30 to 17:30 Monday to Friday and 09:30 to 17:00 on Saturday with no Sunday or Bank Holiday opening. The block of apartments to the rear has a separation distance of 20m and the residential part of the shops facing on Bolton Road West has a separation distance of 18m. Given their locations on a busy main road and directly adjacent a local shopping centre together with the proposed opening hours the proposal is considered to be acceptable in terms of effect on residential amenity pursuant to Bury UDP Policy S2/6 - Food and Drink.

**Access for All** – It has to be accepted that not all proposals can be accessible for all due to the existing building design. This proposal is an instance of this. The advice of BADDAC has been brought to the attention of the applicant.

## **Comments on Representations -**

The issues of parking, number of food outlets and smells have been addressed in Issues and Analysis above. The problem of teenagers hanging around the area is considered unlikely to be exacerbated by the proposal given its first floor location and proposed daytime only opening hours. The detail of the leases of all Holcombe Brook Precinct Tenants is a civil matter and not a consideration for the planning decision making process.

## 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, in particular Unitary Development Plan Policies EN1/2 - Townscape and Built Design, S1/4 – Local Shopping Centre and S2/6 - Food and Drink. Given the site's first floor location above a retail shop within a Local Shopping Centre, the proposed change of use would not adversely affect the character of the area, cause harm to the amenity of the occupiers of the adjacent shops and residential properties 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 20th July 2009 as clarified by the letter from Mrs M Blades dated 28th July 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 Bury UDP Policy EN1/2 - Townscape and Built Design.
3. The use hereby permitted shall not be open to customers outside the following times: 09.00 to 18.00 on Mondays to Saturdays. There shall be no Sunday or Bank Holiday opening.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

**Ward:** Bury East

Item 06

**Applicant:** The Post Office Ltd

**Location:** HUNTLEY BROOK POST OFFICE, 214 BELL LANE, BURY, BL9 6HS

**Proposal:** INSTALLATION OF ATM TO FRONT AND ASSOCIATED WORKS

**Application Ref:** 51577/Full

**Target Date:** 15/09/2009

**Recommendation:** Approve with Conditions

### **Description**

The site is an existing Post Office in a terrace row that has a flat forecourt area at the front. Within the forecourt is an existing freestanding post box.

There is a residential property at 216 Bell Lane and a sandwich shop at 212 Bell Lane. On the opposite side of Bell Lane is Hoyles Park. There are residential properties to the rear.

The proposal is to install an ATM machine in the middle panel of the existing shop front with a 1.2m square comfort zone, CCTV, anti-ram raid bollards and safety lighting above the ATM.

### **Relevant Planning History**

None

### **Publicity**

Surrounding neighbours notified by letter dated 07/08/2009 at 210-230 and 233 Bell Lane – 2 letters of objection from the occupiers of 214 and 218 Bell Lane. The concerns are summarised below:

- The area is well known for drug users and someone using the ATM may be mugged or attacked.
- The garden fence has had to be refit numerous times due to people leaning on it, tying dogs up or pushing bikes into it. A 24hr ATM would possibly increase this damage.
- Even more cars will park on the double yellow lines causing further disruption.
- Our front garden has to be cleared each week of receipts from the existing ATM, sweet wrappers, cigarette wrappers and butts, cans and pop bottles.
- These machines should be in an area where they can be monitored and not cause more distressing concerns to people who want to come home and relax instead of hearing a shop door banging or being harassed by its customers.
- There are existing ATMs inside this Post Office, the late shop and Bargain Booze on Rochdale Road and the BP Garage on Rochdale Road. Another unsupervised ATM will result in more vandalism which is rife in the area and encourage local petty crime and muggings.
- Despite being on a busy main road there is low pedestrian traffic at night time and the area is not very well lit.
- It will not benefit the area or the local community in any context whatsoever.

The objectors have been informed of the Planning Committee Meeting.

### **Consultations**

**Traffic Section** – No objection.

**BADDAC** – No comment.

**GMP designforsecurity** – No objection - Revised plans have been received that incorporate all the security measures requested by designforsecurity.

## **Unitary Development Plan and Policies**

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/8	Shop Fronts
HT5/1	Access For Those with Special Needs
S1/4	Local Shopping Centres

## **Issues and Analysis**

**Principle** – The use of the existing Post Office as Class A1 (Retail Shop) is not changing. The provision of an ATM within a shop front is considered to be an ancillary or additional service/facility to the existing retail shop which is acceptable in principle but needs to be further considered for the following issues.

**Visual Amenity** – The ATM has been incorporated within the existing shop window frame and the ‘comfort zone’ and anti-ram bollards are within the forecourt area at the front of the shop. The limited changes to appearance of the shop are not considered to have a seriously detrimental impact on the existing building or street scene. The proposal therefore accords with Bury UDP Policy EN1/2 – Townscape and Built Design and S1/5 - Neighbourhood Centres and Local Shops

**Residential Amenity** – The site is one of two existing shops on the busy B6222 main road to Rochdale. It is considered that given the noise and disturbance associated with a main road location and the existing shop uses at 212 and 214 Bell Lane the proposed ATM would not cause significant harm to the amenity of the adjacent residential property. Therefore the proposal is considered to be acceptable in terms of residential amenity pursuant to Bury UDP Policy EN1/2 - Townscape and Built Design.

**Crime Prevention** – An ATM on a main road frontage is considered to be in an area that has natural surveillance. The proposal shows a marked out ‘secure-zone’, anti-ram bollards, dedicated CCTV coverage and amenity lighting directly above the proposed ATM. GMP Designforsecurity are satisfied with these crime prevention measures and therefore the proposal is considered acceptable in terms of crime prevention pursuant to Bury UDP Policy EN1/5 – Crime Prevention.

**Access for All** – The ATM is situated as low as possible within the existing shop window frame and is considered to be acceptability in terms of height to enable it to be used by all. Therefore the proposal is considered to be acceptable in terms of access for all pursuant to Bury UDP policy HT5/1 - Access For Those with Special Needs.

## **Comments on Representations -**

The objectors refer to anti-social behaviour occurring in the area. It is not considered that the presence of an ATM alone would encourage more anti-social disturbances in the area.

It is not considered that the presence of an external ATM will alter the behaviour of the customers of the existing Post Office in terms of litter or damage to property.

If cars are parked on double yellow lines or causing an obstruction this is a matter for traffic regulations and not the planning system.

The presence of other cash machines in the area is not considered to be a valid reason to refuse the application

## **Summary of reasons for Recommendation**

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

The proposed ATM would not be seriously harmful to the amenity of the street scene or

residential amenity of neighbours and therefore complies with Bury UDP policies S1/4-Local Shopping Centres, EN1/2-Townscape and Built Design, EN1/5-Crime Prevention, EN1/8-Shop Fronts and HT5/1-Access For Those with Special Needs

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 1470-6-3, 1470-250-1A and 1470-250-2A 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. Prior to the ATM hereby approved being brought into use the security measures shown on plans 1470-250-1A and 1470-250-2A (CCTV, comfort zone, lighting and bollards) shall be fully installed to the written satisfaction of the Local Planning Authority. The security measures shall then remain for the duration the ATM is in situ.  
Reason: In the interest of security pursuant to Bury UDP Policy EN1/5 – Crime Prevention.

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

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 07

**Applicant:** Bury Council

**Location:** BOLTON ROAD WEST PLAYING FIELD, RAMSBOTTOM, BURY

**Proposal:** INSTALLATION OF A SKATEPARK ADJACENT EXISTING MULTI USE GAMES AREA

**Application Ref:** 51578/Full

**Target Date:** 24/09/2009

**Recommendation:** Approve with Conditions

### **Description**

The site is within the Bolton Road West Playing Fields adjacent the existing children's play area and multi use games area. Residential properties are around most of the perimeter of the playing fields behind a belt of mature trees. There is an existing 56 space car park accessed directly off Bolton Road West. There are allotment gardens to the south west of the site, also within the recreational space.

The proposal is for a 22m x 34m skate board park surrounded by 1.2m high green bow top railings. The proposal is to replace the existing skate board park near Ramsbottom Leisure Centre whose land is being re-used for the provision of a Surestart building.

The nearest residential properties to the proposed skate park area are on Bolton Road West to the south of the car park, Hazelhurst Close and Stanford Hall Crescent which have a separation distance of over 75m. The properties on Bolton Road West, to the north of the car park are over 95m away, whilst the properties on Lansdowne Road and Maybury Close are over 180m away.

### **Relevant Planning History**

37056 – Multi-purpose hard surfaced play area – Approved Conditionally 30-10/2000  
50635 – Installation of 4 x 5m high flood lighting columns around the existing all weather games area – Approved conditionally 09/12/2008

### **Publicity**

Surrounding neighbours notified by letter dated 03/08/2009 at 61-85, 85A, 87-109, 149, 159-175 Bolton Road West; 1-11 Maybury Close; 14-46 Lansdowne Close; 8 Ripon Hall Avenue; 2-22, 30-46 Stanford Hall Crescent; 1 & 3 Hazelhurst Close – 11 letters of objection from the occupiers of 69, 71, 75, 105, 107, 161 and 173A Bolton Road West; 18 Lansdowne Close; 15 Stanley Street and 2 via e-mail. The concerns are summarised below:

- Ramsbottom already has a skate board park near the baths.
- It should be located within a retail park away from residential properties.
- It should be located in Nuttall Park.
- It should be near the police station so the police can deal with things when they get out of control.
- Why not improve the facilities so it attracts families with young children.
- Hazelhurst Close is used as a short cut.
- The changing facilities are still not used.
- The barrier to the car park is always locked.
- The skate board park would increase the number of youths that congregate due to the existing floodlighting and worsen the anti-social behaviour fuelled by drink and drugs. Some may come from outside the area.
- There is already noise and 'activity' late at night in the park.



- The presence of a skate park would be a concern for the Muslims using the lit football area.
- Increase in litter, noise and vandalism.
- The skate board park would increase the existing problems with drainage.
- A skate board park will be a place for kids to scribble graffiti on. Why not just build a dedicated wall for them to display their work on?
- A lot of Elderly people live in this location who would find this an invasion of their lifestyle.
- There are no toilet facilities in the playing area so both sexes use the trees near the houses.
- Do not object to organised sports activity during the day but object to encouraging the use of the area in the evening.

The objectors have been informed of the Planning Committee.

### **Consultations**

**Traffic Section** – No objection.

**Environmental Health** – No objection subject to possible land contamination conditions.

**BADDAC** – No objection.

**GMP designforsecurity** – No objection.

### **Unitary Development Plan and Policies**

RT1/2 Improvement of Recreation Facilities

RT2/1 Provision of New Recreation Sites

OL5/2 Development in River Valleys

EN1/2 Townscape and Built Design

EN7/2 Noise Pollution

RT3/5 Noisy Sport

### **Issues and Analysis**

**Principle** – All the Bolton Road West playing field area is recreational provision in the urban area protected by Bury Unitary Development Plan (UDP) Policy RT1/1 - Protected Recreation Provision in the Urban Area and within a river valley (UDP Policy OL5/2 - Development in River Valleys). UDP Policy RT1/2 - Improvement of Recreational Facilities seeks to give favourable consideration to proposals that appropriately improve existing recreational land and facilities and Policy OL5/2 - Development in River Valleys considers that development required in association with an outdoor recreation facility is acceptable. Therefore the provision of a skateboard park on this site is considered to be acceptable in principle subject to further consideration of the following issues:

**Visual Amenity** – The proposed skate board park is bounded on the two sides towards Bolton Road West by the existing children's play area and hard surfaced multi games area. It is surrounded by 1.2m high green bow top railings to match the existing children's play area. The tallest of the skate boarding obstacles, a mini ramp, is marginally above the height of the railings with a height of the 1.5m whilst the heights of the other obstacles range from 0.6m to 0.91m. The skate board park will therefore be seen in conjunction with the existing adjacent recreational equipment in the park and not in isolation. The surface of the skate board park is concrete that is polished finished to create the required smooth surface for skating. In the short term, as with any newly laid concrete, the initial colour will appear prominent. However, it will weather and mellow as it ages and as such will not impact adversely on the visual amenity in the future. Given the above the skate board park is considered to be acceptable in terms of visual amenity pursuant to Bury UDP Policy EN1/2 - Townscape and Built Design.

**Residential Amenity** – It is acknowledged that the provision of a skate board park will encourage youths to use the leisure facility. However the proposal is sited within in an existing recreational park where the nearest residential properties area over 75m away. The other properties that surround the recreational park are further away and behind a mature tree belt. Given the above, it is considered that the proposed skate board park

within the existing recreational park would not cause significant harm to the residential amenities of the surrounding residential properties pursuant to Bury UDP Policies RT2/1-Provision of New Recreation Sites and EN7/2 – Noise Pollution.

**Recreational Provision** - A skate board park caters for a popular leisure activity that is usually carried out informally within public areas if no formal site is provided, which creates nuisance and safety issues. The proposal is on a piece of land within the recreational site that is currently unused so does not affect the existing football pitches or play areas. The provision of a formal skate board park to replace the existing one being lost on Porritt Way maintains the standard of the Council's leisure facilities. The proposal is therefore considered acceptable in terms of recreational provision pursuant to Bury UDP Policy RT1/2-Improvement of Recreation Facilities.

#### **Comments on Representations -**

- This proposal is to replace the existing skate board park near the baths.
- Other sites have been assessed but would result in the loss of other facilities
- The use of Hazelhurst Close as a short cut has been brought to the attention of the Parks and Countryside unit and is being investigated.
- The existing changing facilities and car park are used on a regular basis when organised events or games are taking place.
- There is no reason to consider that the provision of a leisure facility would encourage more anti-social behaviour or disturbances in the area.
- Any racist or anti-religion behaviour is a matter for the Police and not a reason to refuse a planning application for a recreational development.
- The application recognises that drainage is an issue on the land and the proposal incorporates a drainage scheme to address this issue.

#### **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 Unitary Development Plan Policies RT1/1-Protected Recreation Provision in the Urban Area, RT1/2-Improvement of Recreation Facilities, RT2/1-Provision of New Recreation Sites, OL5/2-Development in River Valleys, EN1/2-Townscape and Built Design and EN7/2–Noise Pollution. Given the existing leisure use of the land the proposed skate board park would not adversely effect the character of the area. The amenity of the local residents would not be materially affected. It would not cause demonstrable harm to other interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 41-P1 Sheets 1 to 8 and other supporting document received on 25th August 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. 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.

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

**Ward:** Bury East - Moorside

Item 08

**Applicant:** Mr Siraj Miah

**Location:** 46 WALMERSLEY ROAD, BURY, BL9 6DP

**Proposal:** CHANGE OF USE FROM CAFE (A3) TO HOT FOOD TAKEAWAY (A5).

**Application Ref:** 51580/Full

**Target Date:** 15/09/2009

**Recommendation:** Approve with Conditions

### **Description**

The premises were last used as a cafe but have been vacant for approximately 3-4 months. The unit is located on the corner of Walmersley Road and Badger Street and is situated within a Local Shopping Centre that runs between 26 and 64 Walmersley Road. There are double yellow lines along Walmersley Road and single yellows along Badger Street, restricting parking between 8am and 6.30pm.

Proposal is for a change of use of the ground floor of the shop unit from cafe to hot food take-away. Unrestricted opening hours have been requested given its location. Staff numbers are unknown but given the size of the site it is likely to be between 2-4 full time/part time staff. A flue would be fitted to the rear elevation and the upper floor would remain as storage.

The existing brickwork on the front, side and rear elevations would be white rendered and the existing roller shutters and boxes would be removed. The existing shopfront would be retained and repainted.

### **Relevant Planning History**

51542 - Change of Use from office to take-away at 55-57 Walmersley Road (opposite application site) Refused due to flue at rear affecting residential amenity of 1st floor flats in the row. August 2009. No Appeal has yet been lodged against this decision.

### **Publicity**

Immediate neighbours notified by letter dated 21/07/2009. Three letters of objection from the Fred Hamer Funeral Services at No.50 Walmersley Road, the owner of 'Donnies Tandoori Take-away at No.44 Walmersley Road and the occupier of a residential property at 74 Badger Street. Concerns are summarised:

- Parking in the area is already difficult and this would make the situation worse.
- There is already increased criminal activity in the locality.
- Increased litter.
- There are already more than enough take-aways in the area.
- Air pollution from extraction systems.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objection.

**Environmental Health** - No comment.

**Baddac** - No objection

### **Unitary Development Plan and Policies**

EN1/2 Townscape and Built Design

S1/4 Local Shopping Centres

S2/6 Food and Drink

## **Issues and Analysis**

**Policy** - UDP Shopping Policy S1/4 relates to Local Shopping Centres and states that the Council will protect, maintain and enhance Local Shopping Centres.

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

Policy EN1/2 - Townscape and Built Design indicates that favourable consideration will be given to proposals which do not have an adverse impact on the character of an area.

**Character and Viability of the Shopping Centre** - The shopping centre appears rather run down and although is made up of mostly retail uses. There are a number of vacant units within it. At present approximately 63% of the shopping centre is in non-A1 retail use and this would remain unchanged since the existing use is an A3 cafe/ restaurant.

The centre already has a significant proportion of non- A1 retail uses and indeed there is a take-away next door at No.44. Given the previous non-A1 retail use and its existing vacant status it is considered that the change of use to take-away would not have a further detrimental impact on the character of the centre or its commercial viability.

**Parking** - There is no off-street parking available for customers. Parking in the area may be a problem issue for existing businesses and residents in the streets behind the site . However the proposed take-away would not generate more traffic than the existing cafe use or indeed any other shop use.

Given that the parking requirement for the existing cafe/restaurant use (A3) with unrestricted opening hours, is 1 per 7sqm, the parking quota for the proposed take-away (A5) would not be significantly different (1 per 8.5sqm), indeed the requirement would be less than the cafe use.

**Servicing** - Servicing and refuse collection would be from the rear and would not change from the previous cafe use and is acceptable.

**Hours of Opening** - The applicant has requested unrestricted opening hours. As the site is within a predominantly commercial area the nearest residential properties approximately 40m away on Badger Street late opening would not be considered to be inappropriate in this location.

**Flue** - The proposed flue would be positioned on rear elevation and would appear to be of modest proportions and as such will not adversely affect the visual amenity of the area. A condition requiring technical details of the extraction system to be approved, is considered appropriate to minimise the impact on the area from any cooking smells.

**Disabled Access** - The existing step into the unit would be omitted to allow level access.

**Objections** - The parking issues have been addressed above. Whilst anti-social behaviour and litter may be issues in the locality as a whole, they reflect wider social problems and as such it would be unreasonable to use these as grounds for refusal for this application in particular. Although there are a number of take-aways in the locality the proportion of outlets to other retail units is acceptable. There concerns about too many take-aways has been addressed in the main report.

The proposal would not have a harmful impact on the character of the area or viability of the local shopping centre. It is therefore considered to comply with the UDP 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 proposed hot food take-away would be considered to be appropriate within the town centre in that it would not have a harmful impact on the Loccal Shopping Centre in which it is situated. There would be no concerns with regard to residential amenity. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to revised drawings received 11th August 2009 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating/dispersing fumes and odours so as to render them inoffensive has been submitted to and approved by the Local Planning Authority. A written statement from a competent person shall be included with the submitted scheme, that the proposed scheme will achieve the requirements of adequate treatment/dispersion under all normal operating circumstances. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.  
Reason. To safeguard the amenities of the occupiers of nearby residential and office accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

**Ward:** Radcliffe - East

Item 09

**Applicant:** Mr Mohammed Perwaiz

**Location:** SENATOR HOUSE, 7-11 BURY ROAD, RADCLIFFE, M26 2UG

**Proposal:** HAND CAR WASH AND VALET FACILITY(RETROSPECTIVE)

**Application Ref:** 51590/Full

**Target Date:** 16/09/2009

**Recommendation:** Approve with Conditions

### **Description**

The application which is retrospective, is on land that was a forecourt of a former car showroom on Bury Road which is located 70m north of its junction with Spring Lane. The site covers an area of 0.26ha and has a frontage of 32m onto Bury Road.

The Metrolink runs north/south along the embankment at the rear of the site. To the north are commercial premises and a row of terraced houses and across Bury Road to the west are terraced houses fronting Schofield Street.

The application site itself comprises a large open hardstanding area in front of a largely vacant two storey brick building which accommodates a small office for the car wash. The other building adjacent to the northern boundary is currently used for tyre sales. The site is bounded by steel railings to a height of 1.5m. There is an entrance at either end of the frontage onto Bury Road.

The applicant proposes to regularise the use of the external hardstanding area to the front of the site as a hand car wash and valeting service and introduce new ground markings to enable on-site vehicular movements to be managed and a 'one-way system imposed. It is indicated within the application that the car wash and valet has been operating from the site for over 4 years and generally accommodates up to 30 cars per day.

The proposed layout indicates areas for cars queuing, washing, polishing and valeting with an entrance at the southern end of the site and an exit to the north. There are two existing external lighting columns, approximately 4m high on the Bury Street frontage that would illuminate the hardstanding from dusk although proposed opening hours are from 9am to 5pm daily.

### **Relevant Planning History**

46222 - Outline Planning Application For Residential Development - Refused 29/08/2006

49311 - Change Of Use From Furniture Workshop To Motor Vehicle Repair Workshop / Mot Testing Station - Refused 16/06/2008

The application is as a result of enforcement action by the planning department.

### **Publicity**

The following neighbours notified by letter dated 23rd July 2009:

5, 13 - 27 (odds) Bury Road, 1-4 Schofield Street, 1 and 2 Pine Street, Coney Green High School, Kwik Fit and Dean Smith Car Sales on Bury Road.

One representation from the occupier of 17 Bury Road who states that whilst there is no objection to the principle of the use as car wash, there is a concern about

- noise and disturbance from staff and drivers playing loud music and shouting.
- potential hazards caused by young drivers pulling out onto the road without due care.

The objector has been informed of the Planning Control Committee.

## **Consultations**

**Traffic Section** - No objection subject to removal of various signage around the site.

**Drainage Section** - No objection.

**Environmental Health** - No objection.

**GMP designforsecurity** - No objection.

**Baddac** - No objection.

**Serco Metro** - No comment.

## **Unitary Development Plan and Policies**

EC2/2 Employment Land and Premises

EC4/1 Small Businesses

EC6/1 New Business, Industrial and Commercial

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

H3/1 Assessing Non-Conforming Uses

HT2/4 Car Parking and New Development

S4/4 Car Showrooms, Car Sales Areas and Petrol Filling Stns

## **Issues and Analysis**

**Policies** - UDP Policy EC2/2 Employment Land and Premises Outside Employment generating Areas states that employment land and premises should be retained unless it is no longer suitable. As the employment use is being retained the proposal complies with this policy.

Policy EC4/1 states that proposals for small businesses should be accepted unless they are incompatible with the surrounding area and conflict with other policies.

Policy EC6/1 details criteria for the assessment of new commercial businesses. Such criteria includes size and scale of the development, access and parking, landscaping, residential amenity and safety issues.

In terms of the principle of using the land for car washing and valeting, given the commercial nature of the immediate locality and the previous car based activities on the site, the use is considered acceptable in that it would not have a seriously detrimental impact on the character of the area and would be subject to restrictions relating to hours of opening and noise.

**Siting** - There are no residential properties immediately adjoining the site as the property on the northern boundary are commercial premises and to the south is a Kwik Fit tyre and exhaust centre. The residential properties across Bury Road have blank side gables facing the site. As such the site is within a commercial area and is acceptable in terms of Policy EC6/1.

**Residential Amenity** - UDP Policy H3/1 - Assessing Non Conforming Uses seeks to assess proposals for uses within residential areas and takes into account factors such as noise, vibration, visual intrusion, traffic generation, parking arrangements and hours of operation.

Although the applicant's statement that the use has been operating for more than 4 years is open to debate, it appears to have been on site for at least 2 years. During this time there have been no complaints with regards to noise and disturbance associated with the use of the car wash to the Council's Environmental Health Pollution Control Section although the objector to this proposal states that there are noise concerns.

The applicant states that there are up to 30 cars a day using the service which generates a certain amount of traffic and activity to and from the site. However, the site is located adjacent to a busy road and there is already a certain amount of traffic to and from the Industrial Estate. The hours of operation are Monday to Saturday 9am to 5pm and 10am to



4pm on Sundays and Bank Holidays which would be acceptable given the fact that the main road separates the use from the nearest residential properties.

Given the hours of operation and the lack of complaints received in terms of noise and disturbance of the service, it is considered the use does not have a seriously detrimental impact on the residential amenity of the local residents, due to the size and scale of the operation. It would comply with UDP Policy H3/1.

**Visual Amenity** - The use of the site as a car wash, which is located adjacent to existing commercial businesses, does not raise any serious visual amenity issues. There are no external alterations to the existing building other than the existing advertising boards. The existing metal railings along the frontage mitigate the visual impact from Bury Road and the views from the residential properties across Bury Road are not directly onto the site. The car wash is considered to comply with UDP Policy EN1/2 - Townscape and Built Design.

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

**Traffic** - Visibility at the junction of Wild Street with Dumers Lane is at an acceptable standard and Highways Section have no objections to the proposal. In addition they have required formal signage to be provided to manage the vehicles entering and leaving the site and this is subject to a condition. As such the use would comply with EC6/1.

**Security** - The police have no objection to the proposal.

**Objections** - The concerns of the occupier of No.17 Bury Road with regard to highway safety will be mitigated by the condition requiring adequate signage at the entrance and exit points. The concern regarding noise have been addressed in the report above.

The retrospective application complies with UDP Policies listed and is considered to be acceptable.

### **Summary of reasons for Recommendation**

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

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

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The ground markings on the hardstanding indicated on the approved layout plan shall be demarkated and made available for use within one month of the date of this decision notice.  
Reason. To ensure adequate management of vehicles within the site in the interests of safety pursuant to UDP Policy EC6/1
2. This decision relates to revised drawings received 13th August 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. There shall be no operations in association with the car wash and valeting of vehicles outside the following times: 9am to 5pm Monday to Saturday and 10am to 4pm on Sunday and Bank Holidays.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies H3/1 - Assessing Non-Conforming Uses of the Bury Unitary Development Plan.
4. Within 28 days of the date of this consent, car park informatory signs in accordance with Diagrams 833 -836 of The Traffic Signs Regulations and General Directions 2002 will be provided at the access to and egress from the site, to the written satisfaction of the Local Planning Authority.  
Reasons: To ensure good highway design in the interests of highway safety pursuant to UDP Policy EC6/1.

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

**Ward:** Whitefield + Unsworth - Pilkington Park

Item 10

**Applicant:** Mr G Redfearn

**Location:** 4 HIGHER CROFT, WHITEFIELD, M45 7LY

**Proposal:** DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF DETACHED TWO STOREY DWELLING (OUTLINE)

**Application Ref:** 51603/Outline Planning  
Permission

**Target Date:** 21/09/2009

**Recommendation:** Approve with Conditions

### **Description**

The application is submitted in outline with all matters reserved for future approval. The site has a detached bungalow with an attached garage at present and is on a residential cul-de-sac characterised by a mix of two storey houses and bungalows.

The northern boundary is shared with No.2 Higher Croft, a two storey detached house which has a gable with a bathroom window adjacent to the side boundary and conservatory on the rear. To the south is a public footpath connecting Higher Croft with Lower Croft to the west. Across the footpath is a large detached two storey house. The rear garden boundary to the sides and rear is planted up with a mix of small trees and shrubs.

It is proposed to demolish the existing bungalow and replace it with a two storey detached house. The indicative scheme submitted with the application shows the new house would be centrally positioned within the plot and have a generally rectangular footprint with width of 20m and a depth of 12m. An indicative elevation submitted shows a maximum ridge height of almost 9m with an eaves height of 5.65m. The existing vehicular access point, centrally positioned on the frontage would be retained.

### **Relevant Planning History**

None relevant.

### **Publicity**

Immediate neighbours notified by letter dated 28/7/2009 as follows: 2, 6 - 10 Higher Croft and 1-7 Higher Croft. Two representations received from the occupiers of No.5 Lower Croft and No.2 Higher Croft are summarised below:

- A two storey house would reduce privacy for neighbours to side and rear by overlooking.
- Loss of outlook from properties to the side and rear.
- Reduce daylight and sunlight into No.2 Higher Croft.

Whilst stating there is no objection to the proposal, the occupier of No.8 Higher Croft has written with concerns about the possible blocking of the road by construction traffic and potential for damage caused to residents vehicles.

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

### **Consultations**

**Traffic Section** - No objection.

**Drainage Section** - No objection.

**Environmental Health** - No objection subject to standard contamination conditions.

**GMP designforsecurity** - No objection.

**Baddac** - No objection.

## **Unitary Development Plan and Policies**

EN1/2	Townscape and Built Design
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
SPD11	Parking Standards in Bury
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD16	Design and Layout of New Development in Bury

## **Issues and Analysis**

**Principle** - The principle of residential development is established by the existing dwellinghouse. In addition, Policy H2/1 (Further Housing Development) indicates that development needs to be within the urban area, have available infrastructure, avoids the release of open land and is suitable in land use terms. The proposal complies with all these criteria.

Whilst the application is in outline with all matters reserved for future approval, it is appropriate to consider the following policies in the light of the proposed footprint and indicative elevations.

Layout, size and Design. Policy H2/1 (Form of Residential Development) indicates that the following factors should be considered in assessing proposals.

- a) Height and roof type of adjacent buildings
- b) Impact on residential amenity
- c) Density and character of surrounding area
- d) Position and proximity of neighbouring property
- e) Finishing materials.

Policy H2/2 (Layout of New Residential Development) highlights factors to be considered when assessing new development.

- a) Parking and access
- b) Traffic calming
- c) Density
- d) Space about and between dwellings
- e) Tree protection, landscaping and screening
- f) Open space
- g) Safety and security
- h) Disabled access
- i) Public rights of way

Policy EN1/2 (Townscape and Built Design) relates to character of an area and streetscape and highlights similar factors listed under policy H2/1 (Form of New Residential Development).

**Layout** - From the information submitted the new house, whilst less deep, would extend over the area currently forming the driveway and side garden and be in line with No.2 Higher Croft's frontage onto the cul de sac. In terms of the impact on the appearance of the street scene, the house would not appear out of keeping with others in the immediate vicinity. The gap between the new house and No.2 Higher Croft would be 2.3m, slightly wider by 300mm than the existing separation. The indicative elevation shows an overall height of 8.95m which is not dissimilar to other houses in the area.

**Residential Amenity** - As the application is in outline, details are limited. However, from the proposed footprint it is considered that there would be a minimum of 21m between the rear elevations of the new house and the property to the rear (5 Lower Croft). This distance would comply with existing standards and be adequate as a two storey property is proposed. There would not be any direct overlooking of No.2 Higher Croft. In the absence of details and in the interests of residential amenity, conditions restricting the height of the roof and the position of habitable room windows in the new property are considered appropriate

at this stage.

In terms of outlook, the new property would extend into the skyline when viewed from No.5 Lower Croft. However given that the new house would be over 21m away, the impact on the amenity of the occupiers of No.5 would not be serious enough to warrant refusing the application as this situation often occurs on residential estates, and would comply with standards normally sought.

Given that the new house would be in line with the adjacent house, it is not considered that it would have a seriously detrimental impact on daylight or sunlight to warrant refusing the application. The window in the gable of No.2 Higher Croft is to bathroom window which does not constitute a habitable room and therefore cannot be afforded a great deal of weight. The relative aspect means that the garden and conservatory of No.2 Higher Croft would still benefit from the sun during the afternoon and early evening.

**Traffic** - The site plan indicates that the existing access point would be retained and this is considered to be acceptable. The site is spacious enough to accommodate at least one car parking space which is acceptable and complies with UDP policy and guidance.

**Objections** - The concerns of the objectors have been dealt with above. The concerns regarding construction traffic impeding the highway and possible damage to other vehicles are not planning matters.

The proposed replacement house complies with the adopted UDP policies listed and is considered to be acceptable in principle.

### **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 proposal is considered to accord with the Unitary Development Plan policies in that the size and layout of the scheme would not adversely affect the character of the area nor the amenity of nearby residents. The proposal would not adversely impact on highway safety. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. Applications for approval of reserved matters must be made not later than:
  - the expiration of three years beginning with the date of the grant of outline planning permission; and
  - that 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. 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, access, scale, appearance and landscaping of the site.  
Reason. To ensure the satisfactory development of the site and because this application is in outline only.

3. This decision relates to drawings numbered RDS:07:290:02:SP and the proposed footprint and siting of the new dwelling 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.
4. The maximum eaves and ridge height of the proposed two storey house shall be no higher than 5.5m and 9m respectively from the existing finished floor level.  
Reason. In the interest of visual amenity pursuant to UDP policies H2/1 The Form of New Residential Development.
5. No habitable windows shall be inserted in the side (north/south) elevations of the proposed dwelling.  
Reason: To protect the residential amenities of the occupants of the adjoining properties pursuant to Bury UDP Policy H2/1 The Form of New Residential Development.
6. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
7. Prior to the 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.
8. Following the provisions of Condition 7 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
9. 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.

10. Details of the existing ground levels, proposed ground levels and the level of proposed floor slabs shall be submitted to and approved in writing by the Local Planning Authority before any development commences on site. Details which receive the written approval of the Local Planning Authority shall be implemented in full.

Reason: To secure the satisfactory development of the site and the assimilation of the new buildings into the locality pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

11. A minimum driveway of 5.5m measured between the highway boundary and any proposed garage doors shall be provided to the written satisfaction of the Local Planning Authority and thereafter maintained. In the absence of a garage the driveway shall be a minimum of 5m.

Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/3 -Extensions and Alterations of the Bury Unitary Development Plan and Associated DC Guidance Note 6- Extensions and Alterations.

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

**Ward:** Prestwich - Holyrood

Item 11

**Applicant:** Bury Metropolitan Borough Council

**Location:** HEATON PARK CP SCHOOL, CUCKOO LANE, WHITEFIELD, M45 6TE

**Proposal:** EXTENSION AND REFURBISHMENT OF SCHOOL TO PROVIDE NEW CHILDREN'S CENTRE

**Application Ref:** 51622/Full

**Target Date:** 28/09/2009

**Recommendation:** Approve with Conditions

### **Description**

The site is Heaton Park Primary School which is located within a primarily residential area. The school building is set to the south of the site and accessed off Cuckoo Lane, and bounded on the north, east and west by residential properties.

The school building is single storey and comprises primarily of buff facing brickwork, timber boarded eaves and white upvc windows. There is a detached modular nursery building to the front of the school. There are existing playgrounds to the east and west, with playing fields to the rear of the school and staff car park area to the front/west of the school. The site is constrained by level changes around the building, particularly leading to the playgrounds and fields at the rear, although internally, the arrangements are level. There are trees located to the front of the school building, adjacent to the Cuckoo Lane boundary. The application proposes to replace the existing nursery modular building with an attached single storey children's centre and foundation stage unit located on the south eastern elevation of the school fronting Cuckoo Lane. The Children's Centre would be open from 9am to 5pm weekday and would enable families from the locality to access a range of services. There would also be occasional weekend and evening use by local community groups.

The proposal includes extensive refurbishment and modernisation of the infants classroom areas. The proposal equates to approx 648 sq.m of existing area to be refurbished and 400 sq. m of new build extension. The playground to the east of the proposed building would be configured with a new access ramp and new footpath to improve circulation routes in and around the site and buildings.

The development would result in the removal of 2 trees.

### **Relevant Planning History**

43303 - Erection of storage building - Approved 13/10/2004.

42737/04 - Office extension - Approved 19/07/2004.

38992/02 - Two classroom extension - Approved 30/04/02.

### **Publicity**

Immediate neighbours notified. Letter received from No 20 Penrith Avenue with the following comments:

- Would like assurances the school fencing is all made to the same height as the fencing at the side of the playground.
- Has problems with items being thrown into garden, windows smashed from footballs and children climbing over the fence into the garden.
- Raising the fence height would stop this from happening.
- Use beyond school hours would attract more children to the school.

The objector has been notified of The Planning Control Committee meeting.



## **Consultations**

**Traffic Section** - No objections.

**Drainage Section** - No objections.

**Greater Manchester Police - designforsecurity** - No objections. Recommendations made regarding security and forwarded to agent on 20/8/09.

**Environmental Health Contaminated Land** - No objections subject conditions requiring contaminated land and gas details.

**Landscape Practice** - No objections. Request tree protection measures and replacement planting of trees removed.

**BADDAC** - Welcome level approach and thresholds to the entrances and ramp access to the playground. Clarification required to position of disabled toilet for other school users. Details of ramp, steps and tactile paving are required.

## **Unitary Development Plan and Policies**

CF2	Education Land and Buildings
CF1/1	Location of New Community Facilities
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
CF5	Childcare Facilities
PPS23	PPS23 Planning and Pollution Control
EN8	Woodland and Trees
EN1/3	Landscaping Provision
EN8/2	Woodland and Tree Planting

## **Issues and Analysis**

**Policies** - Unitary Development Plan Policies CF1/1 - Location of New Community Facilities, CF2 - Education Land and Buildings and CF5 - Child Care Facilities consider that proposals for new and improved community facilities will generally be supported, where they do not conflict with amenity or the local environment. The area in which Heaton Park School is located has been identified as requiring a children's centre, and would serve the needs of local parents and children. It would be located within an existing primary school which is within walkable distance for most of the local community it seeks to serve. In principle the proposals would be acceptable subject to siting, access and amenity and complies with UDP Policies CF1/1 - Location of New Community Facilities, CF2 - Education Land and Buildings and CF5 - Childcare Facilities.

**Siting** - Due to the layout of the existing building and the level differences between the inside and outside areas, there are limited options for extending the building. The area to the front/east of the school was considered to be the most appropriate option, for several reasons. The existing detached modular nursery building has become unviable due to the size of the building and the numbers of children now attending, and a new facility is needed to accommodate the current student population. A new building in its place attached to the school would enable the children's centre to operate as a separate entity from the main school, whilst utilising the existing pedestrian access and have its own clearly identifiable entrance. The building would also accommodate a new nursery unit adjacent to the children's centre which would provide an integrated solution that meets the requirements of both the school and children's services with improved access between the external and internal areas. The proposed location of the facilities largely retains the existing levels in the external space to the east of the school, although a proposed ramp will improve access to the lower playground. As such, the siting of the new building is considered acceptable and complies with UDP Policies CF1/1 - Location of New Community Facilities, CF2 - Education Land and Buildings, CF5 - Childcare Facilities and EN1/2 - Townscape and Built Design.

**Design** - The design relates to the existing school building in terms of scale, massing and fenestration. Similar facing brickwork and aluminium framed doors and windows as existing are proposed. Although the extension would be approximately 1m higher than the

existing building, this does not significantly impact visually on the surrounding area given the school is set lower than Cuckoo Lane. In elevation, it is proposed to introduce coloured render and blockwork, which would add interest to the building and give it a separate identity to the main school build. As such, the design and materials are considered acceptable and would comply with UDP Policy EN1/2 - Townscape and Built Design.

**Residential amenity** - The proposed building would be visible from the rear elevations of Beeston Grove. However, being single storey, positioned approx 35m from these properties and separated by fencing, it is considered to be an acceptable distance away. The facility would be open between 9am and 5pm and some occasional evening and weekend use by local community groups. During the week, these hours are similar to that of school opening times and would not impact on residential amenity. Whilst there would be additional activity from people using the facility in the evening and at weekends, mostly by parent groups, it would be for occasional use only. The applicant has verified the latest the building would be used would be until 9.30pm. A condition restricting the hours that the centre would be available for out of school activities until 9.30pm would ensure that there would be minimal impact on the amenity of the surrounding residents.

There is a proposed formalised new play area to the east of the site which would replace an existing grassed play area, and therefore no different to the existing situation in terms of impact on residential amenity. The proposal complies with UDP Policy CF1/1 - Location of New Community Facilities and CF2 - Education Land and Buildings.

**Access** - The site is challenging in terms of the level changes in and around the buildings. The position of the building enables the existing levels to be maintained. A ramp of 1:20 from the side elevation of the new building to the new play area which is approx 0.5m below the level of the building is proposed. Internally, there is level access and provision of a disabled toilet within the new Children's Centre facility. Revised plans demonstrate steps and tactile paving would be incorporated within the scheme. BADDAC have been consulted and raised no objection to the revised scheme. The proposals comply with HT5/1 - Access for Those with Special Needs.

**Parking** - There are no proposals to provide additional parking facilities. There would be no increase in the number of staff and no additional children to the school. The children's centre is a facility which would serve the needs of the local community and as such users of the facility would be within walking distance, and has been the experience of other children's centres within the Borough. Therefore, additional parking provision would not be required. The proposal complies with HT2/4 - Car Parking and New Development and CF1/1 - Location of New Community Facilities.

**Trees** - A tree survey has been carried out which concludes that the proposed extension would necessitate the removal of 2 trees. Due to their condition they have been categorised as C rated and in fair condition, although not worthy of retention or a TPO. Tree protection measures would adequately take care of the other trees in the near vicinity, although a small amount of crown lift facilitation pruning would be required to those identified as trees T3, T6 and T7 as shown on plan. Four new trees are suggested to be planted towards the front of the site. A condition requiring a detailed landscaping scheme to be implemented on completion of the works will confirm the type and position of replants. The proposal complies with EN1/2 - Landscaping Provision.

**Response to Objector** - The application does not include proposals to erect a fence along the boundary with their property. Whilst the proposed centre would increase the number of people visiting the school grounds, there would not be a net increase in the number of pupils to the school. The Centre would be positioned more than 110m from the objector's property and should not result in increase in nuisance to the objector or their property.

## **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 will not harm the character of the area nor the amenities of neighbouring residents. The scheme will not adversely impact on highway safety issues. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 7099 - 02-01 Rev A Site Plan; 01-03 Rev A Existing plans and elevations; 02-01 Rev F Proposed floor plan; 02-02 Rev F Proposed elevations; 02-03 Rev D Proposed drainage and roof plan; 02-04 Rev C Proposed sections 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. 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.

7. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.

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

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

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

9. The extension to the school incorporating the Children's Centre hereby permitted shall not be available for use outside the following times: 08.00 to 21.30 hours daily.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies CF1/1 - Location of Community Facilities of the Bury Unitary Development Plan.

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

