

**BURY METROPOLITAN BOROUGH COUNCIL
ENVIRONMENT & DEVELOPMENT SERVICES**

PLANNING CONTROL COMMITTEE

17 November 2009

SUPPLEMENTARY INFORMATION

Item:01 **76-78 WATER STREET, RADCLIFFE, M26 4DF Application No. 51669**
CHANGE OF USE OF REAR OF GROUND FLOOR AND FIRST FLOOR OF NO. 78
AND GROUND FLOOR AND FIRST FLOOR OF NO. 76 FROM RETAIL (CLASS A1)
TO MASSAGE PARLOUR (SUI GENERIS) WITH NEW FRONT ENTRANCE TO NO.
76 AND NEW ACCESS AT REAR TO NO. 78

Letter received from the agent on 9/11/2009:

JEREMY HARRIS ARCHITECTS LTD
29 Ringley Drive, Whitefield. Manchester M45 7LX
tel 0161 766 2916 fax 0161 766 6804
Planning Services Division
Bury Metropolitan Borough Council
Craig House
5 Bank Street
Bury
BL9 0DN
9 November 2009
by email & post

Dear Sirs

Ref: Ref: *CHANGE OF USE TO PART (GROUND AND FIRST FLOOR) OF 76 – 78
WATER STREET RADCLIFFE FROM RETAIL CLASS A1 USE TO SUI GENERIS
CLASS
USAGE FOR MASSAGE PARLOUR INCORPORATING A NEW FRONT ACCESS
TO
NO. 76 WATER STREET.*

Further to the above application on 12 August 2009 and the planning meeting on 19 October 2009 we understand this to be the position.

1) The planning department had no tangible objection to our client's application providing the planning application carried out the department's recommendations. Their recommendations were carried out in full and any whenever additional information was requested, it was submitted at the earliest opportunity, and usually within 24 hours.

2) The application was not approved on the basis of one committee member objecting on the grounds that it was an 'inappropriate location'. Although the member was not at the previous application's planning meeting, they would have been aware of the application and would have had more than ample time to make any formal objection.

3) The final decision was deferred to the next planning meeting so that the planning department can put forward a coherent objection. We know of no legitimate objection to a planning application of this nature based on 'inappropriate location' within the planning policy; else these objections would have been brought up in our many, previous discussions with the planning department. Objections on moral grounds are not a material

planning consideration and should be disregarded as a result with consideration being only on the planning merits of such a proposal. We suspect therefore, that it is based more on morality rather than planning policy and if it is right, it would be manifestly wrong to refuse the application. However, could you please let us know precisely what the planning ground is that you will base your decision on?

4) We have complied with everything you have asked of us and it is only right and proper that you let us have this information, so that we have the opportunity to respond before the planning meeting. Incidentally, if you are relying on 'inappropriate location', we note that the following establishments are long established within the Bury Metropolitan Borough.

(A list of 11 addresses were supplied)

How is it possible that these are appropriate and our inappropriate?

Yours faithfully

Jeremy Harris
For and on behalf of
Jeremy Harris Architects Ltd

Item:02 16 NUTTALL STREET, BURY, BL9 7EW Application No. 51765
SINGLE STOREY EXTENSION AT SIDE; 1.8M HIGH FENCE AND GATES TO ALFRED STREET AND NEW VEHICULAR ACCESS

Revised Plan

The applicant has revised the plans to indicate the gates set back 800mm and an improved pedestrian visibility splay onto Alfred Street.

Item:03 LAND ADJACENT TO 8 PEEL VIEW, TOTTINGTON, BL8 3EP Application No. 51766
1 NO. SEMI DETACHED BUNGALOW (RESUBMISSION) ATTACHED TO NO. 8 PEEL VIEW

Nothing further to report.

Item:04 MCDONALD'S RESTAURANT LTD, 103 BURY NEW ROAD, WHITEFIELD, MANCHESTER, M45 7EG Application No. 51779
3 ROOF MOUNTED INTERNALLY ILLUMINATED FASCIA SIGNS; 2 INTERNALLY ILLUMINATED DISPLAY PANELS; 4 ROTATING INTERNALLY ILLUMINATED SALE SIGN DISPLAY UNITS; 1 NON ILLUMINATED BANNER SIGN.

Nothing further to report.

Item:05 ELTON HIGH SCHOOL, WALSHAW ROAD, BURY, BL8 1RN Application No. 51804

ERECTION OF SINGLE STOREY BUILDING FOR CREATIVE AND MEDIA STUDIES; ACCESS RAMP; ERECTION OF SINGLE STOREY MODULAR BUILDING

There is nothing further to report.

Item:06 **40 NEW ROAD, RADCLIFFE, M26 1LS Application No. 51814**
EXTERNALLY ILLUMINATED TOTEM SIGN

Additional information:-

An email was received from the applicant on 12/11/09 and in summary the points raised are:-

- 6am-9am and 4pm-10pm would be fairer times for the hours of illumination which will draw attention to the business
- the premises is set back 12m from the road and hidden on the approach from Whitefield by the housing
- trade since opening in May has been poor and being more visible will draw attention to the business
- their suggested hours are reasonable, with the adjacent filling station illuminated 24 hours a day
- with reference to the objectors concerns about highway safety they confirm that there was an incident where a car collided with a similar sign on the site but do not believe that the sign or its illumination was the cause of the accident.

Response to the above -

The recommended Condition 2 states that the illumination shall not be outside opening hours or 10pm which would allow the evening illumination that the applicant requires. Illumination from 6am however is considered to be detrimental to the amenity of the adjacent residential properties and Condition 2 should remain as recommended.

Item:07 **15 - 19 THE ROCK, BURY, BL9 0JP Application No. 51846**
CONVERSION AND REFURBISHMENT OF UPPER FLOOR TO CREATE EIGHT NEW RESIDENTIAL UNITS (RESUBMISSION OF PLANNING APPLICATION 51460)

Nothing further to report.

Item:08 **HOLCOMBE BROOK CP SCHOOL, LONGSIGHT ROAD, RAMSBOTTOM, BL0 9TA Application No. 51871**
RETROSPECTIVE APPLICATION FOR NEW ACCESS ROAD AND STORAGE CONTAINER

Nothing further to report

Item:09 **BROOKVALE HOME, SIMISTER LANE, SIMISTER, PRESTWICH, M25 2SF Application No. 51872**

INSTALLATION OF TWO WIND TURBINES

In the paragraph marked - **Principle**, the first paragraph to read:

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

In the **Summary of reasons for Recommendation**, the paragraph to read:

The applicant has demonstrated that there are **very** special circumstances associated with the proposed development which would outweigh the in-principle harm and any other harm, in order to justify the grant of planning permission. It will not affect the amenities of surrounding residents or character of the area nor adversely impact on highway safety issues. The proposals would comply with the policies of the Unitary Development Plan and there are no other material considerations that outweigh this finding.

Objection has been received from No 123 Simister Lane on 9/11/2009 with the following comment:

- the wind turbines proposed would be excessively intrusive, unsightly and detract from the village environment.

Item:10 LAND ADJACENT 7 WESTLANDS, WHITEFIELD, M45 7HH Application No. 51875

ERECTION OF SINGLE BUILDING CONTAINING 4 NO. FLATS (RESUBMISSION OF PLANNING APPLICATION 51477)

Publicity

A letter has been received from the occupiers of 5 Westlands, which has raised the following issues:

- Lack of parking provision.
- Proposed building is not in keeping.
- Adverse impact upon property prices.
- Impact upon traffic generation and highway safety.

The objector has been notified of the Planning Control Committee.

Response to objectors - The impact upon property prices is not a material planning consideration. The remaining issues were dealt with in the main report.

Issues and Analysis - A plan showing the bin store is attached. There would be a difference in levels of 1 metre to the north of the proposed building. Full details of the levels and any retaining structures will be secured via a condition.

Therefore, a condition relating to retaining walls should be added:

16. No development of these plots shall commence unless and until details of the existing ground levels, proposed ground levels and details of any retaining walls have been submitted to and approved in writing by the Local Planning Authority before any development commences on site. The approved details which receive the written

approval of the Local Planning Authority shall be implemented in full before the dwellings are occupied.

Reason: To secure the satisfactory development of the site and the assimilation of the new building(s) into the locality pursuant to Policies EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development of Bury Unitary Development Plan.

Additional Item for Information

Appeals Reports

Attached are the latest reports on Appeals received and appeals determined. This item was not originally included within the agenda.

**Planning Appeals Decided
between 06/10/2009 and 13/11/2009**

Application No.: 50570/FUL
Decision level: DEL
Recommended Decision: Refuse
Applicant: Mr W & Miss A Stewart/Bibbv
Location: LAND ADJACENT TO WHITTLES COTTAGES, TURTON ROAD, TOTTINGTON,
Proposal: ERECTION OF BLOCK OF FOUR STABLES, HAY STORE AND MANEGE

Appeal Decision: Dismissed
Date: 21/10/2009
Appeal type: Written Representation:

Application No.: 51064/FUL
Decision level: DEL
Recommended Decision: Refuse
Applicant: Mr Simon Turner
Location: 160 ST ANNS ROAD, PRESTWICH, M25 9GJ
Proposal: TWO STOREY EXTENSION AT SIDE

Appeal Decision: Dismissed
Date: 21/10/2009
Appeal type: Written Representation:

Application No.: 51563/FUL
Decision level: DEL
Recommended Decision: Refuse
Applicant: Mr P Blackburn
Location: 2 HONEYWOOD CLOSE, RAMSBOTTOM, BURY, BL0 9RL
Proposal: CREATION OF WALK-ON TERRACE WITH 1M HIGH SAFETY GLASS SCREEN
(RETROSPECTIVE)

Appeal Decision: Dismissed
Date: 22/10/2009
Appeal type: Written Representation:

Total Number of Appeals Decided: 3

**Planning Appeals Lodged
between 06/10/2009 and 13/11/2009**

Application No.: 51328/LDCP

Appeal lodged: 15/10/2009

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Mr D Irving

Location: 321 TURTON ROAD, TOTTINGTON, BL8 3QG

Proposal: LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED SINGLE STOREY SIDE AND REAR EXTENSION

Total Number of Appeals Lodged: 1