

**Ward:** Radcliffe - East

Item 01

**Applicant:** Christina's Palace Ltd

**Location:** 76-78 WATER STREET, RADCLIFFE, M26 4DF

**Proposal:** 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

**Application Ref:** 51669/Full

**Target Date:** 04/11/2009

**Recommendation:** Approve with Conditions

### **Preamble**

The Planning Control Committee resolved not to approve this application at its last meeting on 20th October 2009 contrary to Officer recommendation. It is a requirement that the Committee must carry out two steps when going against an Officer recommendation-

- (i) Resolve to not agree with the Officer recommendation; and
- (ii) Resolve to make their final decision with reasons.

In October, the Committee resolved **not** to accept the officers recommendation, which was to approve the scheme. As such, the Committee must now resolve to issue its final decision and if refused, sound planning reasons must be given for this.

Given the complexities of the scheme and nature of the Committee's concerns, Officers were requested to consider the points put forward by the Members in the public debate and formulate wording to reflect their views. The following wording is considered to reflect the concerns of the Committee :-

"The proposed development involves a use that would not serve the day-to-day shopping needs of local residents and would conflict with the character of the Ainsworth Road/Water Street Local Shopping Centre as identified under UDP Policy S1/4. Furthermore, the proposal would be inconsistent with the role and function of local centres as defined in Annex A of PPS6. In this respect, the proposal would be detrimental to the vitality and viability of the centre contrary to UDP Policies S1, S1/4, S2 and S2/4 and PPS6."

**Below is the original Officer Report with its suggested conditions for further consideration.**

### **Description**

The site comprises of a double fronted A1 retail shop, Nos 76-78 Water Street, Radcliffe and is allocated in the Unitary Development Plan as a Local Shopping Centre - S1/4. It is within a row of mixed uses with a commercial repair garage immediately to the rear. There is an access road to the rear with an existing rear entrance to No 76. There are roller shutters on the front elevation and an entrance door to Water Street.

It is intended to split Nos 76 and 78 into two separate units. The proposal would maintain A1 retail use to No 78 and part of the frontage of No 76. There would be a change of use of the rear of the ground floor and first floor of No 78, and ground floor and first floor of No 76 from retail to massage parlour (sui generis). There would be a new front entrance created for access to No 76 and new access at the rear to No 78 to the retail unit. There would be separate bin storage provision for Nos 76 and 78 within a lobby area at the rear of the premises.

### **Relevant Planning History**

48476 - Proposed conversion from shop into male health salon - Refused 11/10/2007.  
Appeal dismissed 21/11/2008 on the detrimental impact on the vitality and viability of the shopping centre and the negative impact on the character and appearance of the area.  
50997 - Change of use of part the rear of the ground floors and 1st floors to non retail (health/leisure use). Withdrawn - Invalid 24/04/2009  
08/0012 - Enforcement Case. Notice served. Appeal dismissed 7/07/2008

### **Enforcement History**

There has been previous enforcement action involving unauthorised use of the premises. An Enforcement Notice was issued in respect of an unauthorised material change of use from retail (Class A1) to massage parlour (Sui generis). An appeal was made against this notice and was dismissed on 7/7/2008. Following continual use of the premises, the owner was prosecuted in court and as a result found to be in breach, with the penalty of a fine. At this time the applicant say that the use has ceased operating and have resubmitted fresh proposals seeking to regularise the use of the building for a mix retail and massage parlour use. The issues raised with this are discussed below.

### **Publicity**

Twenty three neighbours notified at Seddon Close, Victoria Street, Melton Street, Montgomery Way, Claydon Drive, Knowles Street, Water Street, Ainsworth Road. Four letters of objection received from Ainsworth Road Garage, 4 Ainsworth Road, No 88 Water Street, 115 Victoria Street and 74A Water Street, which raised the following comments -

- Customers to the application premises constantly using the forecourt of the garage business as access to the rear of the premises
- Customers to the application premises use the garage forecourt to park
- Had to install CCTV to monitor incidents which has caused distress to both employees and customers to the garage business
- Female employees from the application premises show disregard and no common decency when entering their workplace
- A brothel has no place in a busy family area where children from junior and senior schools pass
- There is no public access across the business forecourt to the rear of No 76, 78 Water Street
- Why are so many customers and employees not using the front entrance?
- This is a regeneration area and local people are trying to improve the area
- No necessity or justifiable reason for another massage parlour
- The premises are not a legitimate business
- The use is inappropriate for this location
- Object to the new rear access door near to their business
- Layout suggests the retail units may form part of the use proposed at the rear which would be prominent to such a public and busy part of the area.

The objectors have been informed of The Planning Control Committee Meeting.

### **Consultations**

**Traffic Section** - no objections.

**Drainage Section** - no comments received to date.

**Planning Policy** - no objections.

**Greater Manchester Police - designforsecurity** - no objections.

**British Waterways** - no comments received.

**Baddac Access Officer** - access details required.

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

S1/4 Local Shopping Centres

S2/4 Control of Non-Retail Uses in All Other Areas

EN1/2 Townscape and Built Design

HT5/1	Access For Those with Special Needs
HT2/4	Car Parking and New Development
EN1/5	Crime Prevention

### **Issues and Analysis**

**Principle** - The retail unit falls within a Local Shopping Centre, Policy S1/4 as defined in the Bury Unitary Development Plan. The essence of the policy is to maintain and enhance local shopping centres, encouraging the provision of a range of shopping facilities that are required to serve purely local needs, with the main emphasis on consolidation and enhancement of existing retail provision.

UDP Policy S2/4 - Control of Non Retail Uses in all other areas seeks to take into account -

- appropriate scale, character of the proposals;
- non-retail would not result in over concentration of non retail units;
- length of time the unit has been vacant;
- there is alternative local shopping facilities nearby;
- that a display window is retained or provided where appropriate;
- access is provided;
- adequate parking/servicing.

Following the appeal, the Inspector considered there to be two main issues in connection with the appeal. Firstly the impact on the vitality and viability of the Local Centre and secondly, the character and appearance of the area.

#### Vitality and Viability

Policy S2/4 - Control of Non-Retail Uses in all Other Areas, (a) considers whether the proposal would be appropriate in scale and character to the requirements of the area and to serve purely local needs. The area has a mix of business types and part of the application premises would contribute to the A1 uses in the area, in terms of supporting the vitality and viability of the centre. The sui generis use would be located to the rear of the premises and at first floor which would have minimal perception to the street frontage. As such, the proposal is considered to be appropriate to the needs of the area and would comply with S2/4 and S1/4.

Criteria (b) of S2/4 is concerned with the over-concentration of non A1 uses. The Inspector at the appeal concluded that the loss of the three A1 units would reduce the attractiveness of this part of the local centre. This current application differs from the appeal insofar as the retail frontage would now be predominantly retained (85%) and would involve significantly less retail floorspace being lost to non A1 use. Given that the frontage is for the most part retained in a potentially active A1 use, it is considered that the Inspector's concerns have been addressed.

Criterion (c) concerns the length of time that the premises have remained vacant. The appellant justified the proposed change of use from A1 by the length of time the premises had been vacant and that there had been no outside interest to maintain the shop within retail use. The Inspector at the appeal was concerned that the appellant submitted no evidence to show the premises had been actively marketed for A1 use. Given this current application involves the retention of a significant amount of A1 use, there is no requirement to present such evidence,

#### Character of the Area

Criterion (e) of S2/4 requires that a display window is retained where appropriate. Under previously operation, the ground floor windows were shuttered or screened and the Inspector was concerned that this led to an unattractive appearance that was harmful to the character of the area. This matter has been addressed through the proposed retention of an A1 frontage with potentially active display windows. Although there are roller shutters along the frontage, these are existing and there are no proposed changes to this element of the shop front.

It is considered that the current application represents a marked improvement on the

situation that existed at the time of the previous appeal. The retention of the majority of the frontage in A1 use preserves retail floor space and potentially maintains an active retail function that would not have an adverse impact on the nature and character of the local centre. As such, the proposal would comply with S1/4 - Local Shopping Centres and S2/4 - Control of Non - Retail Uses in All Other Areas.

**Residential amenity** - The adjacent shop unit, No 80, is a completely separate unit with A1 retail use at ground floor and residential accommodation above. It has its own entrance to the front and rear. Whilst there would be some disturbance associated with the use, particularly in the evening with customers entering and leaving the premises, it would not generate enough activity to cause a nuisance to the area. In addition, the premises are located within a local shopping centre where it is anticipated there would be a certain amount of activity within the area. As such, the proposal is considered to comply with S1/4 - Local Shopping centres.

**Car parking** - The premises are located within a local shopping centre, which seeks to serve the needs of local people within walking distance. Parking would be available in the public car park directly opposite the premises. As such, there would be no requirement to provide customer parking. The traffic section have no objections to the proposal. It would comply with HT2/4 - Car parking and New Development.

**Access** - There is an existing entrance into the retail unit No 78, and there are no proposals to alter this access. A new level entrance would be formed to the front elevation to No 76. The proposal complies with HT5/1 - Access for Those with Special Needs.

**Bin storage and servicing** - There would be a new doorway created to the rear of the retail unit No 78 for access to the bin store area which would be contained internally within the lobby area at the back of the premises. There is an existing access to the rear of No 76 and internal bin store area. There would be adequate bin store provision for both units and the proposal would comply with UDP Policy 2/4.

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

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

The proposed change of use would not be detrimental to the vitality and viability of the Local Shopping Centre nor harm the character and appearance of the area. 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 JHA/CPAL/PL.01/02 Rev A/03/04 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The massage parlour use shall not commence unless and until the ground floor retail shop provision is brought into use.  
Reason. To retain retail use at ground floor pursuant to Unitary Development Plan Policies S1/4 - Local Shopping Centres and S2/4 - Control of Non-Retail Uses in

All Other Areas.

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

**Ward:** Bury East

Item 02

**Applicant:** Ms Sannia Rauf

**Location:** 16 NUTTALL STREET, BURY, BL9 7EW

**Proposal:** SINGLE STOREY EXTENSION AT SIDE; 1.8M HIGH FENCE AND GATES TO ALFRED STREET AND NEW VEHICULAR ACCESS

**Application Ref:** 51765/Full

**Target Date:** 18/11/2009

**Recommendation:** Approve with Conditions

### **Description**

No.16 Nuttall Street is a semi-detached 1 bedroom bungalow on the corner of Nuttall Street and Alfred Street. The property, which adjoins a two storey property at No.14, forms a group of red brick semi and detached properties erected in the early 80's between Nuttall Street and Oxford Street to the south. To the north and east are older terraced properties fronting Nuttall Street. To the rear/ south is a semi-detached property with a garage in the rear garden. The site is bounded along Alfred Street by a 3-4m high conifer hedge. Along the Nuttall Street frontage is a dwarf brick wall with railings to a height of approximately 1.2m. Directly across Alfred Street is an area of open, overgrown land adjacent to the gable of No.32 Nuttall Street.

It is proposed to add a single storey extension to the side of the house, over the existing driveway from Nuttall Street. The extension would project 3.5m out to the side and run from the front elevation to the rear, approximately 11m. The roof would run off the existing ridge of the bungalow at No.16 with a smaller pitched roof at the front and rear. The finishing materials would be red brick and grey tile to match the existing bungalow. The existing vehicular access onto Nuttall Street would be closed off with a new access formed onto a parking space within the rear garden. A new boundary fence would be erected along the boundary with James Street.

The application is presented to the Planning Control Committee because the distance between windows across Nuttall Street is less than the minimum 20m indicated in Development Control Guidance Note 6 - Extensions and Alterations.

### **Relevant Planning History**

51488 - No.1. New Bungalow with Parking at Rear - Withdrawn by Applicant 25/08/2009

### **Publicity**

8 Immediate neighbours at 14, 32, 31-35 Nuttall Street and 11, 15 and 33 Oxford Street notified by letter dated 24/9/2009. One letter of objection from the attached neighbour at No.14 Nuttall Street with concerns that the applicant could convert the extension into a separate dwelling in the future.

All representees have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - Requires visibility splay from the new parking space.

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

H2/3 Extensions and Alterations

HT2/4 Car Parking and New Development

SPD6 DC Policy Guidance Note 6: Alterations & Extensions

## Issues and Analysis

**Siting and design** - The proposed site, although small, is considered to be of sufficient size to accommodate a single storey side extension without appearing to constitute overdevelopment or be out of keeping within the locality which is characterised by high density terraced housing. The design and appearance of the proposed extension is considered to be appropriate within the site and would not be out of character with the surrounding area. The red brick and tile finish is considered to be acceptable.

**Residential amenity** - There is a living room window on No.33 Nuttall Street, facing the lounge window in the extension across the road at a distance of 16.5m. Although this 'window to window' distance is less than the 20m indicated in the Council's guidance (DC Guidance Note 6 - Extensions and Alterations), the impact on the occupier's privacy is not considered to be serious given that the new dwelling would only have one ground floor living room window facing No.33 and there are similar relationships between properties along either side of Nuttall Street. On balance it is considered that the residential amenity of the immediate neighbours in this respect, is not detrimentally affected to such an extent as to warrant refusal on this issue.

**Trees** - The line of rather unsightly conifer trees along the boundary with Alfred Street would be removed to the benefit of the overall streetscene.

**Parking and Access** - The parking space created at the rear would compensate for the loss of the space at the side and would comply with the Council's adopted guidance on parking provision. The new gates to the parking space would open inward and would be set back on amended or revised plans to keep it clear of any obstruction above 600mm within the required visibility splay.

**Objection** - The concern from the attached neighbour that the extension could be converted to a dwelling is not a valid reason for refusing the application. The extension, in terms of its design, massing or new windows, does not present any serious detriment to the residential amenity of the neighbour concerned.

The extension is considered to be appropriate and complies with UDP Policies listed.

## Summary of reasons for Recommendation

This application was determined having regard to Policy H2/3 "Alterations and Extensions" of the Bury Unitary Development Plan and Development Control Policy Guidance Note 6 "Alterations and Extensions". Planning permission has been granted because the proposals accord with the policy and guidance in that the design is of an acceptable standard which would not adversely affect the character of the area nor the amenity of nearby residents, and would not adversely impact on highway safety issues. There are no other material planning 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 existing drawing numbered 01 and revised drawings 04A and 03A and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

3. The external finishing materials for the proposal hereby approved shall match those of the existing building.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The extension shall not be occupied unless and until the car parking indicated on the approved plans has been provided and the redundant footway crossing onto Nuttall Street has been reinstated as indicated on the approved plans to the written satisfaction of the Local Planning Authority.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
5. The footway visibility splay indicated on the approved plans shall be implemented before the extension is brought into use and subsequently maintained free of obstruction above the height of 0.6m  
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.

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



**Ward:** Ramsbottom + Tottington - Tottington

Item 03

**Applicant:** Mr & Mrs D Butterworth

**Location:** LAND ADJACENT TO 8 PEEL VIEW, TOTTINGTON, BL8 3EP

**Proposal:** 1 NO. SEMI DETACHED BUNGALOW (RESUBMISSION) ATTACHED TO NO. 8 PEEL VIEW

**Application Ref:** 51766/Full

**Target Date:** 06/11/2009

**Recommendation:** Approve with Conditions

**The application was deferred from the October Planning Control Committee for a site visit to be held prior to this meeting.**

**Description**

The site comprises the side garden of a detached bungalow located at the end of a short cul de sac. The 9 bungalows on this cul de sac are a mix of detached and semi detached and are of the same age and style. The site backs onto open land that is designated as Green Belt and part of the existing garden area of No. 8 is in this area. The rear boundary is formed by a fence with a number of mature trees and substantial shrubs.

The proposal is to build a semi-detached bungalow on the side garden and attached to No. 8. The bungalow will have 3 bedrooms. A parking space is to be provided to the front of the property and a conservatory is proposed on the rear elevation. Materials proposed are brick, white render and grey flat tiles are proposed.

**Relevant Planning History**

51486 - Proposed detached dormer bungalow. Withdrawn by applicant to allow negotiations with Council. August 2009.

**Publicity**

10 Immediate neighbours at 1 to 9 Peel View, 5 and 7 Sunnywood Drive were written to on the 15th September and 3 letters of objection have been received from No's 1, 3, & 5 Peel View. The objections can be summarised as follows:

- Insufficient parking is being provided
- Will make parking situation in area worse to the detriment of highway safety
- Bungalow will project forward of establishing building line and is out of character
- Site is too small for the size of bungalow
- Loss of outlook from properties opposite
- Loss of amenity from overlooking of new windows on the front
- Been misled by owner about his intension's to extend the existing bungalow as a granny flat, not build a new one

The objectors have been informed of the Planning Control Committee

**Consultations**

**Traffic Section** - No objections

**Drainage Section** - No objections subject to standard informative's

**Environment Health Contaminated Land/ Air Quality Team** - No objections subject to standard conditions.

**Baddac** - no comments

**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
H2/6	Garden and Backland Development
OL1/2	New Buildings in the Green Belt
HT2/4	Car Parking and New Development
EN7	Pollution Control
SPD11	Parking Standards in Bury
PPS23	PPS23 Planning and Pollution Control
PPS3	PPS3 - Housing

### **Issues and Analysis**

**Policy** - there are a number of policies relevant to this site but the key policy is H2/6 - Garden and Backland Development .

In terms of H2/6 the main issues are:

- The concentration of such development in the surrounding area
- The relative density of the proposal to the surrounding area
- The impact on neighbouring properties and the local environment
- Access arrangements

Similar developments - In this case there are no other similar developments in the area

Density - the bungalow will be on a plot area of 255 sq m, leaving 255 sq m for the existing bungalow at 8 Peel View. This compares with average plot sizes of 300 sq m. Despite the plot being smaller it is not so small as to be inappropriate to the setting and will allow sufficient land for both parking and private amenity space.

Impact on neighbours - Whilst the new building will have some impact on neighbours it has an aspect standard of 22m between the proposed front windows and those on No. 5 opposite and this exceeds the adopted standards of the Council. There will be some loss of outlook from the properties opposite, but given the separation distances of 22m it is not considered that this is unacceptable in terms of this policy.

Access and Parking - the site contains 2 off road parking spaces which complies with the maximum standard of 1.5 spaces as recommended in DCPGN 11 - Parking Standards in Bury. In addition the existing property also has a widened driveway to provide 2 spaces it self. The access is at the end of the cul de sac and the highways team have no objection to its position. The highway is of sufficient width to allow a car to manoeuvre into and out of the space safely and as such is acceptable. The applicant has indicated that the driveways will be constructed of permeable materials and a condition is recommended requiring details of these to be supplied. There are no objections to the access and parking arrangements from the Highways Section.

Consequently the proposal complies with UDP Policy H2/6.

**Design** - The property is similar in design to that of the existing bungalows in the cul de sac. Whilst it is set forwards of the existing bungalow by 2.025m, it will not project so far in front of the building as to look out of place or incongruous. The front elevation is brick and the majority of the remaining walls of the building are to be white rendered with flat grey roof tiles. The general simplicity of the design and the choice of materials ensures that it complies with UDP Policy H2/1 - The Form of New Residential Development in terms of its design and assimilates appropriately into the street scene.

**Residential Amenity** - The main aspects of the property are to the front and rear. There are no properties at the rear and it would overlook open fields. The property at the front is 22 m from the front elevation and as such meets the aspect standards of the Council. The rear of the property is 'in-line' with that of the existing bungalow at No. 8 and as such there will be no impact on them. Whilst the proposed bungalow will result in the loss of a hedge at the front of the site this is not considered to warrant refusal of the application in terms of the loss of residential amenity on the street. Consequently, the proposal complies with UDP Policy H2/1 in this aspect.

**Green Belt** - Part of the existing garden area is in the Green belt but none of the proposed new bungalow is on land designated as such. The bungalow is in a residential setting and

as such will not impact on the openness or character of the Green Belt. The applicant has agreed to a condition taking away permitted development rights from both the building and the garden area to ensure that there is no overall change of character to the Green Belt land by any buildings. As such the proposal will not be contrary to UDP Policy OL1/2 - New Buildings in the Green Belt.

**Objections** - The issue of parking in new development and particularly people not using provided spaces and parking on the highway is a common problem. Both Government Recommendations in PPS 3 - Housing and the Councils Parking Standards indicate that maximum provisions should be made. This means that on street parking is a fact of all residential developments and not of sufficient scale in this instance to warrant a reason for refusing permission. All the other issues raised in objections have been dealt with in the analysis above with the exception of the applicant misleading the neighbours. Unfortunately, this is not a planning matter and as such is not an issue for consideration.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-  
Having assessed the application against the listed National and Unitary Development Plan Policies, particularly Policy H2/6 - Garden and Backland Development, it has been found that the proposal accords with these policies providing that conditions are imposed removing permitted development rights to prevent encroachment into the Green Belt. 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 01 and 02 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. Detailed design features shall be incorporated into the proposed building, as shown necessary by the site investigation, to alleviate risks to the written satisfaction of the Local Planning Authority. A comprehensive construction design shall be incorporated to prevent the ingress of landfill gas, to be agreed in writing with the Local Planning Authority before work commences.  
Reason To alleviate any possible risk associated with the production of landfill gas in accordance with the recommendations of the Environment Agency pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan.
7. Following the provisions of Condition 4 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. 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.
9. Full details of the proposed driveways showing the materials and method of construction of permeable surfaces, 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 1 month from the date the new property is occupied 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.
10. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the dwelling hereby approved being first occupied.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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

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

Item 04

**Applicant:** McDonalds's Restaurant Ltd

**Location:** MCDONALD'S RESTAURANT LTD, 103 BURY NEW ROAD, WHITEFIELD, MANCHESTER, M45 7EG

**Proposal:** 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.

**Application Ref:** 51779/Advertisement

**Target Date:** 16/11/2009

**Recommendation:** Approve with Conditions

### **Description**

The site is a McDonalds restaurant with car parking and a drive through. It is located on the junction of Bury New Road and Higher Lane and to the west side is a supermarket and its car park. To the south side are residential properties on Bury New Road.

The application is for replacement signage to the building and free standing adverts as follows;

- Internally illuminated roof signs, one to the front elevation facing the car park entrance 7.2m wide by 0.8m high with the name McDonalds. Another of the same to the side elevation that faces Bury New Road also with a 1.4m high 1.6m wide golden arch logo.
- To the car park entrance a free standing 1.9m high 0.75m wide internally illuminated 'welcome' sign with opening hours.
- On the approach to the drive through a 3.6m high 0.7m wide internally illuminated monolith with a projecting height restrictor at 2.66m.
- Located in the area either side of the drive through service point the 1.9m high internally illuminated rotating units and the non illuminated 1.4m high customer order unit.
- Two non illuminated banners signs 5.3m across and 1.1m high on 1m poles located at the outer edges of the car park on the south and west sides.

### **Relevant Planning History**

There have been numerous applications for development and signage. Full details can be found in the working file.

### **Publicity**

Neighbour notification letters were sent to 58 addresses at 79-93 & 117 Bury New Road, 1A Higher Lane, 5-27 & 6-26 Frankton Road, 1-6 Charles Walk, 32-44 Fountain Place, 2-12 Clegg Street, Aldi Foodstore, Higher Lane, Blue Skies Montassori, Frankton Road, Seaforth Cabin & Childrens Day Nursery Robin Lane.

Two objections have been received. The occupiers of 14 Frankton Road are concerned about the scale of 'illumination pollution' in the area and the cumulative number of signs. The residents of 89 Bury New Road are concerned with the night use of the premises generating noise and the signage will intensify the use.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - recommend a condition regarding luminance.

**Environmental Health (Contaminated Land)** - no comments received to date.

**Baddac** - no objections.

## **Unitary Development Plan and Policies**

EN1/9 Advertisements

### **Issues and Analysis**

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

**Amenity** - the fascia signage replaces existing and although the lettering is larger, it is of a scale appropriate to the building. The rotating signage, customer order unit and height restrictor monolith, are all located around the area of the drive thru where there are existing free standing signs. Viewed in connection with the existing building in they will not be visually intrusive in this commercial site. The welcome sign is not excessively high at 1.9m and is useful to customers as a directional sign. The two banner signs are located at the outer edges of the site where they will be set within the existing landscaping. The signage is part of a re-branding of the restaurant and replaces the existing signage.

**Safety** - the signage is positioned where it will not cause hazard to motorists or pedestrians.

**Response to objections** - the proposed signage replaces existing and the level of luminance is controlled by condition. This application is for signage the purpose of which is to attract customers and the premises has planning permission for use as a drive thru restaurant which did not have any hours restrictions.

The proposal would comply with Unitary Development Plan EN1/9 - Advertisements.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The luminance of the signs shall not exceed 800 cd/m<sup>2</sup>.  
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

For further information on the application please contact **Jane Langan** on **0161 253 5316**

**Ward:** Ramsbottom + Tottington - Tottington

Item 05

**Applicant:** Bury Metropolitan Council

**Location:** ELTON HIGH SCHOOL, WALSHAW ROAD, BURY, BL8 1RN

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

**Application Ref:** 51804/Full

**Target Date:** 18/11/2009

**Recommendation:** Approve with Conditions

### **Description**

The application site relates to Elton High School, constructed in the 1950's. There are two proposals for development for a creative media building and a temporary classroom.

The first site is a grassed area between the main school and Walshaw Road used as muster space. It is intended to erect a single storey building for use as a Creative and Media centre for the school, with the creation of new pedestrian links from the main road and the main school entrance itself.

The proposed media building would be designed such that it would be visually distinct from the main school itself. It is intended that the media building would be available for use only within the normal school day. The school does operate outside normal school hours but it is intended that the facilities within this building are solely for teaching purposes during the school day.

The second development is for a single storey classroom to be located to the rear of the existing two storey John Pass building, just off the access road to the school's main car parking provision to the north east of the site. It would be 3.0m high x 9m in length and 6m in width. It would be located on an existing paved area outside the existing access and parking area.

The proposals provide for no additional car parking.

### **Relevant Planning History**

43241 - Provision of 2 storage units sited behind sports hall - Approve with conditions

20/10/2004

50704 - Three pre-fabricated classroom buildings and new fencing - approve with conditions

06/01/2009

51581 - Construction of single storey building for use as creative and media building; installation of steel clad modular building for use as classroom; installation of double doors to classroom - withdrawn by applicant 15/09/2009 due to changes to the scheme.

### **Publicity**

33 Neighbouring properties were consulted by letter on 23/7/09 and include -

Bolholt Hotel Ltd, The Stables Sports & Leisure Complex, Walshaw Road;

331, 335, 337, 350, 339, 441, 443, 445, 447, 449, Walshaw Road;

Owlerbarrow Farm, Walshaw Road;

439 Walshaw Road; and

129 to 161, Cotswold Crescent

As a result of this publicity, one objection has been received from the Bolholt Hotel. They

say that they have no objection to a building that contributes for the welfare of the pupils but there are concerns over the enlargement of the school on traffic and access grounds. The congestion at peak times is unreasonable and very dangerous, where the access to the Bolholt is often blocked.

The objector has been notified of the Planning Committee meeting.

### **Consultations**

**Traffic Section** - no objections

**Drainage Section** - no objections

**Env Health Contam Land/ Air Quality** - No objections. Add standard conditions to deal with contaminated land issues.

**Greater Manchester Police - designforsecurity** - No objections. A list of recommendations are made which are in relation to the respective British Standards for security have been passed on to the applicant.

**Baddac** - No objections following amendment to gradient of ramp and correct annotations placed upon the floor plans.

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

CF1 Proposals for New and Improved Community Facilities

CF2 Education Land and Buildings

EN1/2 Townscape and Built Design

HT5/1 Access For Those with Special Needs

HT2/4 Car Parking and New Development

SPD11 Parking Standards in Bury

### **Issues and Analysis**

**Principle** - Policy CF1 encourages proposals for new and improved community facilities where these do not conflict with amenity or the local environment. The proposals are within the existing school site and therefore are unlikely to impact significantly on the local environment or amenity. However, it will be important to ensure that the proposal demonstrates high quality design, particularly as the single storey building will be seen from Walshaw Road. Further consideration on this is below.

Policy CF2 states that the Council will look favourably on proposals for the improvement of educational facilities and advocates the provision of additional educational facilities where resources permit. The proposals would assist to provide additional educational needs to the school and wider area. The site is within close proximity to residential areas thus is a sustainable location to consider siting further educational provision. As such the proposal complies with policies CF1 and CF2

**Visual Amenity and Design** - In terms of the media building, the proposed location of the development would be such that it would be prominent to the main street. The arrangement of the existing buildings, levels changes and existing materials, all well established, mean that any new development between the school and Walshaw Road needs particular care. The design and materials of the existing school are of their time and the nature of the development, which is to have its own identity, has been particularly challenging to enable an appropriate design response.

The proposed building would be constructed in a dark engineering type brick with multi coloured brick highlights in the elevation at an upper level to represent a 'digital signalling'. The entrance would be glazed and of an appropriate scale and massing to both fit in the space available and to assimilate with the surrounding buildings. The fenestration pattern would be representative of the existing window patterns and proportions found within the school.

In real terms, only a small proportion of the building would be visible to the street, namely the frontage and a small part of the northerly elevation due to the positioning in the cruck of the buildings and hall. The deep grass verge would be retained and unaffected save for the



access footpath.

The proposals include the erection of sola boost tubes on the roof. There would be three located on the roof of the building. These structures improve ventilation and heating through solar gain and in built solar panels. This assists the efficiency and reduces the carbon footprint of the development. Their height is relative to their performance and in this instance they are proposed to be 1m tall. This height is not significant in terms of scale or appearance nor would they appear overt nor strident on the building.

All in all the proposal represent a considered development in design terms and is considered to comply with EN1/2.

The proposed modular classroom would not be visible from any public area as it would be located to the rear of the school. The levels and screening to the residential properties on Cotswold Crescent are such that the building would not be visible to them. As such, the proposals for this part of the development are acceptable in terms of visual amenity.

**Residential Amenity** - The proposed media building would be located to the front of the school and given the configuration of the school footprint, the main school screens the development from residential properties to the east and west of the site. There is a bungalow some 28m opposite the media building across Walshaw Road. This property is screened by a high conifer hedge. The media building is single storey and is to be used for day time teaching purposes only. As such it would not give rise to any additional concerns to this property in terms of its visual appearance or proximity due to the distances involved and intervening features. As such the media building likely to impact upon this property.

The modular classroom would be a single storey building to the rear of the school. Properties to the east are well screened and at different levels to the development. The development would not be visible to these properties and given the nature of the use in unlikely to impact upon them in a negative way. The proposals would comply with CF1/1.

**Access** - The media building proposals include the creation of a graded bitmac path access from the main school entrance with a path designed to a 1:21. It would not be necessary for handrails or landings given the gradient. Access to the path would be from the main school entrance.

The proposals would provide level access into the buildings and good circulation space within the building. Disabled WC facilities would be provided within the building. The proposals would conform to HT5/1.

**Car Parking** - The proposals are not seeking to provide any additional car parking. The aims of the development are to provide further enhanced educational facilities to the school pupils, where additional parking is not a concern. The proposed developments are not intended to provide educational provisions outside school hours, to non school pupils or adults. This factor means the proposals would not change the parking demands within the school nor is there any need for further provision. The proposals are not in conflict with HT2/4 or SPD11.

**Other Works** - The proposals indicate on the drawings that a new doorway would be formed on the inner courtyard to improve access to the existing detached structure. This would not be visible to any public area beyond the site itself and is deemed not to be a material alteration requiring planning permission.

**Comments to Objection** - The proposals would not alter or change car parking demands placed upon the school. No parking provision would be lost as a result of the proposals. There is existing traffic restrictions on the main road, which should ensure that parking does not block existing accesses and guides any on street usage to appropriate areas. The proposals would not alter this situation.

## 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 provide additional education facilities to an existing school. The proposals would not impact in terms of visual or residential amenity nor would they affect existing parking provision. As such the proposals would comply with UDP Policies and there are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 08325 A001A, 08325 A002K, 08325 A0012, 08325 A010 rev B, 08325 A005 rev M, tree survey received 12 August 2009, transport statement received 12 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. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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

**Ward:** Radcliffe - West

Item 06

**Applicant:** Mr Andy Foy

**Location:** 40 NEW ROAD, RADCLIFFE, M26 1LS

**Proposal:** EXTERNALLY ILLUMINATED TOTEM SIGN

**Application Ref:** 51814/Full

**Target Date:** 23/11/2009

**Recommendation:** Approve with Conditions

### **Description**

The site is a single storey commercial building with car parking to the front. To the west side is a petrol filling station and to the east residential properties. Directly opposite is a park.

The application is for a 4m high 1.6m wide totem sign located at the front of the site adjacent the footpath. The colours are green, blue, black and orange and the illumination would be external located at the top of the sign.

### **Relevant Planning History**

2285/90 - Illuminated shop sign - A 03/03/92

### **Publicity**

11 notification letters were sent to addresses at 64 & 66 New Road, Green Service Station, New Road, 2-12 Hollinghurst Road.

Three responses have been received two from 9 Beechfield Road and one from 64 New Road, both are concerned that the sign will distract drivers at an accident hot spot.

64 New Road also state that the sign will be visible from and shine into their front bedroom window and refer to an application for a sign at the adjacent petrol station that was refused. They are also a concerned that an illuminated sign will become a congregation point for local youths.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - recommend a condition regarding direction, fixing and colour of external lighting.

**Baddac** - no objection.

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

EN1/9 Advertisements

### **Issues and Analysis**

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

**Amenity** – The sign would be located 20m away from the closest property and with the illumination being external from the top pointing down the sign, it is not considered that it would be seriously detrimental to the amenity of the closest residential property No. 64 New Road. The position of the sign at the edge of the site would give it a long range of visibility but it is there to advertise the business and with external illumination would not result in an intrusive feature along the road viewed in connection with the adjacent business and its illuminated signage. A condition is added for the sign to be illuminated during opening hours only and which the applicant verbally agreed to on 26/10/09.

**Safety** – the signage is positioned where it will not cause hazard to pedestrians or motorists.

**Response to objections** – the totem is located within the forecourt of the premises and the Traffic Section has raised no objections on highway safety grounds.

To protect residential amenity a condition is added for illumination during opening hours only and not after 10pm.

The refused application referred to was for an internally illuminated free standing advertising unit at the adjacent garage that did not relate to the use on the site. In this application the sign is different, it is an externally illuminated one that relates to the business and should be considered on its own merits.

Anti social behaviour in the area is not a consideration when determining advertisement applications.

The proposal would comply with Unitary Development Plan Policy EN1/9 - Advertisements.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The direction, fixing and colour of the external lighting shall be to the satisfaction of the Local Planning Authority.  
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to policies EN1/9 - Advertisements of the Bury Unitary Development Plan.
2. The sign hereby permitted shall not be illuminated outside the hours that the shop is open or after 10pm.  
Reason. To safeguard the amenities of the area and pursuant to Policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

For further information on the application please contact **Jane Langan** on **0161 253 5316**

**Ward:** Bury East

Item 07

**Applicant:** Newmanor Properties

**Location:** 15 - 19 THE ROCK, BURY, BL9 0JP

**Proposal:** CONVERSION AND REFURBISHMENT OF UPPER FLOOR TO CREATE EIGHT NEW RESIDENTIAL UNITS (RESUBMISSION OF PLANNING APPLICATION 51460)

**Application Ref:** 51846/Full

**Target Date:** 01/12/2009

**Recommendation:** Approve with Conditions

### **Description**

The building is located within a terrace of buildings, which is located within the Bury Town Centre Conservation Area and the main shopping area of the town centre. The ground floor of the buildings are used for a variety of uses including banks, shops and offices. The upper floors of the buildings were last used as a dance studio. There is pedestrian access to the upper floors from The Rock at the front. There is also vehicular access from North Back Rock.

Directly facing the front of the building, there is a terrace of commercial properties. To the east of the site is The Rock, which is pedestrianised and there are extensive gardens for the Rectory, belonging to the Parish Church to the rear.

The proposal involves the conversion of the first and second floors of the building to form 8 apartments. The apartments would be 1 bedroom units. There would be no external changes to the building resulting from the development proposals. The scheme does involve the refurbishment of the front elevation. The main access to the proposed flats would be from the front of The Rock and there would be pedestrian access to the bin store at the rear.

### **Relevant Planning History**

51460 - Conversion and refurbishment of first and second floor to create eight residential units at 15 - 19 The Rock, Bury. Withdrawn - 26 August 2009

This application was withdrawn as additional information was required about bin storage and the treatment of the windows to the front elevation.

### **Publicity**

15 neighbouring properties have been notified of the application (5 - 27 (odd) The Rock; 26, 30, 36, 40, Sleepmasters The Rock; 1A Union Street & The Rectory, Tithebarn Street) by means of a letter on 9 October and a press notice was published in the Bury Times on 15 October. Site notices were posted on 14 October 2009. One letter has been received from the occupiers of Alliance & Leicester (27 The Rock), which has raised the following issues:

- Lack of parking facilities.
- Concern relating to the bin store in the rear of the property.
- There may be security issues.

The objector has been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objections (confirmed verbally).

**Drainage Section** - No objections.

**Environmental Health - Contaminated land** - No comments.

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

**Conservation Officer** - No objections, subject to the inclusion of a condition relating to a

method statement for the refurbishment of the front elevation.

**Waste Management** - No response.

**GM Police - designforsecurity** - No objections.

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

H1/2	Further Housing Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN7/2	Noise Pollution
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
TC2/1	Upper Floors
TC2/1	Upper Floors
Area	The Rock/Peel Way
BY5	
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD11	Parking Standards in Bury

### **Issues and Analysis**

**Principle** - Policy S1/1 states that the Council will protect, maintain and enhance the role of Bury town centre as a sub-regional shopping centre and promote the centre as a focal point for further development.

Policy TC2/1 states that the Council will support proposals which bring underused and vacant space on upper floors of premises into beneficial use.

The proposed development would retain the two retail units at ground floor level and would bring the upper two floor into use. Therefore, the proposed development would be in accordance with Policies S1/1 and TC2/1 of the adopted Unitary Development Plan.

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

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

The proposed development would involve the conversion of an existing building, which equates to previously developed land. The site is located within the town centre and there would be adequate infrastructure available. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the adopted Unitary Development Plan and Policy L4 of the Regional Spatial Strategy.

**Elevations/refurbishment** - The proposed development would not involve any changes to the position of the openings within the building. The main access to the apartments would be from the existing front door on The Rock. There would be a second access to the rear, which would be primarily used as access to the bin store.

The proposed development would involve the cleaning and restoration of the front elevation and the red decorative motifs. The front elevation is an important and prominent elevation in the Conservation Area. The Conservation Officer has no objections to the proposal, subject

to a condition relating to full details of the restoration through the submission of a method statement. The windows on the front elevation are constructed with fine metal glazing bars. The proposed development would involve the provision of secondary glazing behind the original windows and as such, the original windows and facade would be unaffected by the proposal. Therefore, the proposed development would not have an adverse impact upon the character and appearance of the Conservation Area. The proposed development would be in accordance with Policies EN1/2, EN2/1 and EN2/2 of the adopted Unitary Development Plan.

**Aspects/amenity** - The proposed 1 bed apartments would vary in size from 45 square metres to 53 square metres, which would provide adequate living space for the potential occupiers. There would be over 23 metres between the front elevations of No. 15 - 19 The Rock and Nos 36 & 40. As such, the proposed development would comply with the aspect standards set out in SPD6 and would not have an adverse impact upon the residential amenity of the occupiers of nearby properties.

**Bin storage/lighting** - A bin store would be located within the rear yard, which is bounded by 3.5 metre high brick wall. The potential occupiers would have pedestrian access to this area, via the existing door in the rear elevation. There would be adequate space within the rear yard for the bins and details of external lighting would be secured via a condition. The objector is concerned relating to security. The 3.5 metre high wall would provide adequate separation and security between No. 21 & 27 The Rock and GM Police have no objections to the proposal. Therefore, the proposed development would discourage crime and would be in accordance with Policy EN1/5 of the adopted Unitary Development Plan.

**Noise** - There is activity during the day and evening in the surrounding area. Town centre living adds to the vitality of a town centre. In order to protect the amenity of the potential occupiers of the proposed flats, conditions are proposed for noise insulation and secondary glazing to maintain good standards of control against noise.

There were concerns regarding noise potential with the nearby Rock Triangle scheme. However, these related to specific noise sources (i.e. servicing, proximity to the nightclub, proximity to the fire station) rather than the noise associated with commercial activity, which would not be significant in this case.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the future occupiers of the residential units, subject to conditional control. The proposal would be in accordance with Policy EN7/2 of the adopted Unitary Development Plan.

**Servicing** - There is vehicular access to the rear yard, which is used by the commercial buildings with a small area reserved for residential bin storage.

**Parking** - No off-road parking would be provided. The proposed development incorporates 1 bed apartments and would be located within the town centre, where there is good access to services and public transport. As such, no specific on site parking is required and there is town centre parking provision. Therefore, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

**Response to objectors** - The issues raised by the objector have been dealt in the report above.

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

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

The proposed development is acceptable in principle and would not have an adverse impact upon the character and appearance of the conservation area. The proposed development would not be detrimental to highway safety or crime.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

The refuse storage facilities indicated on the approved plans reference ..... shall be implemented and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved becoming first occupied and shall thereafter remain available at all times. Reason - In order to ensure that the development would maintain adequate facilities for the storage of domestic waste, including recycling containers, in the interests of amenity and pursuant to the following Unitary Development Plan Policies:

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 675-100, 675-101, 675-102, 675-103, 675-104, 675-105 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. No development shall take place unless and until full details of the restoration of the front elevation have been supplied to and approved in writing by the Local Planning Authority. The works that form the approved scheme shall be completed prior to first occupation of the dwellings hereby approved.  
Reason. In order to preserve features of special architectural or historical interest pursuant to the following Policies of Bury Unitary Development Plan:  
EN1/1 - Visual Amenity  
EN1/2 - Townscape and Built Design  
EN2/1 - Character of Conservation Areas  
EN2/2 - Conservation Area Control
4. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flats, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the residential development is first occupied.  
Reason. To protect the residential amenities of the occupiers of the proposed residential properties pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
5. Prior to the commencement of the development hereby approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the dwellings hereby approved.  
Reason. To discourage crime and the fear of crime pursuant to Policy EN1/5 - Crime Prevention of the Bury Unitary Development Plan.
6. The refuse storage facilities indicated on the approved plans shall be implemented and made available for use prior to the development hereby approved becoming first occupied and shall thereafter remain available at all times.  
Reason. In order to ensure that the development would maintain adequate facilities for the storage of domestic waste, including recycling containers, in the interests of amenity and pursuant to the following policies of the Bury Unitary



Development Plan:  
Policy H2/4 - Conversions  
Policy EN1/2 - Townscape and Built Design

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

**Ward:** North Manor

Item 08

**Applicant:** Bury Council - Architectural Practice

**Location:** HOLCOMBE BROOK CP SCHOOL, LONGSIGHT ROAD, RAMSBOTTOM, BLO 9TA

**Proposal:** RETROSPECTIVE APPLICATION FOR NEW ACCESS ROAD AND STORAGE CONTAINER

**Application Ref:** 51871/Reg 3 Council's Own Development      **Target Date:** 10/12/2009

**Recommendation:** Approve with Conditions

### **Description**

The application site is Holcombe Brook Primary School, Longsight Road which is a typical 1970's single storey brick building with a cladded low pitched roof. Access is directly off Longsight Road which leads into a small car park at the front and main entrance to the school. The school is set within a predominantly residential area, with houses along the north and eastern boundaries and Hewlett Court, a care home for the elderly, to the south.

Background - The existing access into the school was extended along the northern boundary of the school by a rough stone track when the storage container was brought onto site in 2003. Following permission for the classroom extension to the rear of the school, a temporary surface was laid to enable access to this part of the site. The track was subsequently tarmaced over by the school to create an emergency access route, access to the rear of the school and for additional parking provision for particular events at the school. Permission was not sought for this at the time.

The application is retrospective and seeks permission for the access road and regularisation for the siting of the storage container. The road extends from the existing entrance into the school at a slight incline and runs along the northern boundary of the school adjacent to the houses on Bealey Close and Oak Avenue and returns along the rear of the school with a turning head area. The container is located adjacent to this access road to the north of the main school building, has been in situ since 2003 and therefore has deemed consent. However, the school has included it as part of the application.

### **Relevant Planning History**

09/0010 - Enforcement case - 21/01/2009

48927 - New classroom building, toilets and playground area - approved 15/1/2008

### **Publicity**

65 Neighbours consulted at 10, 12, 14 Oak Avenue, 82 - 90 (evens), 103 Longsight Road, 5,7,9,11,15,17, Bealey Close, 9-31 (odds) Hawthorn Avenue, residents of Hewlett Court. One letter of objection has been received from No 17 Bealey Close with the following comments:

- The access road is adjacent to their house and used as a car park and not emergency access purposes only
- Parking on the access roads is exacerbated when events are held at the school
- The noise it creates is not acceptable
- Complaints to the school have been ignored.

The objector has been informed of The Planning Control Committee.

## **Consultations**

**Traffic Section** - no objection.

**Baddac** - no comments to make.

## **Unitary Development Plan and Policies**

EN1/2 Townscape and Built Design  
CF2 Education Land and Buildings  
HT2/4 Car Parking and New Development  
HT6/2 Pedestrian/Vehicular Conflict  
EN8/2 Woodland and Tree Planting

## **Issues and Analysis**

**Policies** - The improvement of school facilities is welcomed within the terms of Unitary Development Plan Policy CF2 - Education Land and Buildings.

UDP Policy EN1/2 - Townscape and Built Design seeks to ensure that proposals do not have an adverse effect on the character of the area in terms of scale, layout, materials, access, service provision and landscaping.

**The Access Road** - The application for the access road is retrospective having been formally tarmaced by the school following a previous planning consent to extend the school at the rear. Previously, the road has been used for adhoc parking and for parents to park on occasions such as parents evenings, shows and sporting events. It's intended use is only for access by emergency vehicles to the rear of the school.

As such, it is accepted that a condition to install a barrier adjacent to the container which would prevent unauthorised parking further along the road would be acceptable and resolve the issue of the use of the road. This would alleviate the impact on the occupiers of the nearby residential properties in terms of noise and nuisance which has previously been associated with the unauthorised use of the access road.

It complies with UDP Policy CF2 - Education Land and Buildings and HT2/4 - Car Parking and New Development.

**Container** - The storage container is positioned to the north of the school building adjacent to the access road. It is 12.4m from the nearest house to the north and partially screened by a stone wall, timber fence panels and conifer trees along the northern boundary of the site, and therefore not significantly visible to occupiers of the nearby houses.

The container is 6.8m long, 3.1m wide and 2.5m high. It has been painted green and although weathered over time, is not conspicuous in colour. Given it's size and position within the school grounds, it is considered not to be detrimental to the visual amenity of the area.

The container is positioned to the side of the access road with adequate provision for access by emergency vehicles.

There is no loss of parking provision for the school staff.

No record of any complaints have been received about the siting of the container.

As such, the siting of the container is considered not to have a detrimental impact on the visual amenity of the area or the outlook from the occupiers of the adjacent houses and complies with UDP Policy EN1/2 - Townscape and Built Design.

**Trees** - Two trees have been recommended for removal as part of the general landscape maintenance and not as a result of the development. The school intend replacement planting of these trees and therefore a condition has been suggested requiring a scheme to be submitted and implemented within a fixed time frame.

The proposal complies with EN8/2 - Woodland and Tree Planting.

**Objection** - The objector raises the issue that the access road is mainly used as an area for general parking use which is not acceptable. The installation of a barrier will prevent unauthorised access and parking to this area and resolves the problems raised by the objection.

## **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 does not harm the character of the area or the amenities of neighbouring residents. There is no impact on highway safety issues.  
There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. This decision relates to drawings KB02REVTWO; KB/HOL/01PLANNING REVISION TWO; Revised Design and Access Statement. Plans dated 4/11/2009.  
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.
2. Details of the barrier system to be installed and its location on site shall be submitted and approved by the Local Planning Authority within 28 days of the date of this decision. The approved scheme shall then be implemented and be in use within 56 days of the scheme hereby approved for the duration of the development it serves.  
Reason. In the interests of highway safety and to avoid pedestrian and vehicular conflict of Unitary Development Plan Policy HT2/4 - Car parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.
3. A replanting scheme shall be submitted to and approved by the Local Planning Authority within 3 months of the date of the decision. The approved scheme only shall then be implemented not later than 6 months from the date of the approved scheme.  
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.

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

**Ward:** Prestwich - Holyrood

Item 09

**Applicant:** Brookvale Home

**Location:** BROOKVALE HOME, SIMISTER LANE, SIMISTER, PRESTWICH, M25 2SF

**Proposal:** INSTALLATION OF TWO WIND TURBINES

**Application Ref:** 51872/Full

**Target Date:** 08/12/2009

**Recommendation:** Approve with Conditions

**The application is Minded to Approve subject to expiry of the period for advertising the application as a departure from the Unitary Development Plan. This period expires on 12 November 2009.**

### **Description**

The application site is Brookvale Home, a residential and day care facility which is located on the fringe of Simister Village, Prestwich and within the designated Green Belt. The surrounding area is a mix of residential dwellings to the south and east and agricultural land to the north and west.

The application seeks the erection of two wind turbines which would be sited approximately 120m and 170m to the north of the main complex within a field. They would have a tower height of 18.3m, rotor blades 13m long in overall width with a maximum height of 25m. The masts would be affixed to concrete bases 5sqm in size. A noise statement has been submitted with the proposals and states that noise levels of approx 40 dB (A) could be generated at a distance of 107m.

The applicant states the siting of these wind turbines to their home would significantly reduce their energy bills and become almost self sufficient in terms of energy production and use. Brookvale Home, under the umbrella of the Charity Commission, aims to mirror the Government's commitment to reducing carbon emissions and increasing the amount of energy produced from renewable sources.

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

### **Relevant Planning History**

39984 - erection of 14 bedroom accommodation unit - approved 11/12/2002.

### **Publicity**

97 properties were notified on 15/10/2009 including Simister Lane, Simon Lane, Heywood Old Road, High Winds, Park View, The Highlands, Heaton View and Egypt Lane. A site notice was posted on 15/10/2009 and a press notice was published in the Bury Times and Prestwich and Whitefield Guide on 29/10/2009.

As a result of this publicity, 8 letters of objection have been received from - Brookvale Farm Cattery 167A Simister Lane, 99, 121, 147 Simister Lane, Simister Village Community Association, 3 unknown addresses. These raise the following issues:

- Would be next to an area of land where animals graze.
- Affect the character of Simister Village.
- Will be an eyesore.
- Increase in noise.
- Detrimental to bats and birds life.
- Decrease in house values.

- No benefit to wider community.
- Applicant seeks to reduce costs only for profit.
- Should consider alternative options.
- Why stop at 2 turbines?

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

### **Consultations**

**Traffic Section** - no objections.

**Drainage Section** - no objections.

**Environmental Health Contaminated Land** - no comments.

**Environmental Health Pollution Control** - no objections.

**Projects and Wildlife Officer** - no objections.

**Manchester Airport Environment Department** - no objections.

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

PPG2 PPG2 - Green Belts

PPS7 PPS 7 Sustainable Development in Rural Areas

PPS22 PPS22 Renewable Energy

PPS1 PPS1 Delivering Sustainable Development

RSS 13 Regional Spatial Strategy for the North West

OL1/2 New Buildings in the Green Belt

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

EN4/1 Renewable Energy

EN7/2 Noise Pollution

SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt

EN6 Conservation of the Natural Environment

EN1/1 Visual Amenity

### **Issues and Analysis**

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

- To check unrestricted sprawl;
- Prevent neighbouring towns merging;
- Assist in safeguarding the countryside from encroachment;
- Preserve the setting and special character of historic towns;
- Assist in urban regeneration.

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

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

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

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

PPS1 - Planning and Climate Change (Supplement to PPS1) sets out how planning should

contribute to reducing emissions and stabilises climate change and take into account the unavoidable consequences. Local Authorities should provide a framework that promotes and encourages renewable and low-carbon energy generation and supporting infrastructure. In particular, Planning Authorities should :

- Not require applicants to demonstrate either overall need for renewable energy or question the energy justification for why a proposal must be sited in a particular location;
- Ensure local approach is consistent with PPS22;
- Consider identifying suitable areas for renewal and low carbon energy sources and supporting infrastructure;
- Expect a proportion of the energy supply of new development to be secured from decentralised and renewable or low carbon energy resources.

PPS7 - Sustainable Development in Rural Areas seeks to:

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

PPS22 - Renewable Energy seeks to promote development which facilitates renewable energy resources. Environmental and economic benefits of all proposals are material considerations which should be given significant weight in determining whether proposals should be granted planning permission.

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

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

**Principle** - In assessing the proposed development against the above policies, a certain 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 and the additional harm a structure of this size and position would have on the openness of the Green Belt.

One such circumstance can include supporting the national policy drive to meet renewable energy targets. National guidance contained in PPS22 is particularly supportive of renewable energy and Local Authorities are advised that, when considering proposals in the Green Belt under PPG2, examples of very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Key principle VI of PPS22 states that small scale projects can provide a limited but valuable contribution to overall output of renewable energy and to meet energy needs both locally and nationally, and therefore Local Authorities should not reject planning applications simply because the output is small. Additionally, Supplementary to PPS1 - Planning and Climate Change, emphasises that tackling climate change is a key government priority for the planning system and that local policies should be designed to promote not restrict renewable and low carbon energy and supporting infrastructure.

Regional guidance in Regional Spatial Strategy Policy EM17 states that maintaining the openness of the Green Belt and acceptability of the location/scale of the proposal and its

visual impact on character/sensitivity of the surrounding landscape should be taken into account but not necessarily be used to rule out development.

**Applicant's Case** - The applicant has submitted a case in support of demonstrating very special circumstances. Before deciding on this option, the applicant considered other technologies to assess possible alternatives, including solar powered PV panels, solar thermal panels and ground source heating pumps. However, these were not considered viable alternatives in terms of amount of space they would require or energy output produced. They have also attempted to reduce energy bills through a variety of means through insulation and energy saving bulbs. The energy production from an 18m mast makes the wind turbines economically viable and environmentally sound in the proposed location. Opting for a smaller mast height would adversely affect the viability of the project of the turbines as it would have a much lower output and performance. It is estimated that the two 11KW turbines would generate approximately 45.38MWh of energy each year which equates to just over 90% of the total energy used by the care home per annum and would become almost self sufficient in terms of energy production and use, as well as equating to an annual saving of 25.77 tonnes of carbon. There will be no excess on an average basis from the expected generation. However, generation not used in peak periods versus lower demand would be fed back into the Grid. This and the reduction in energy costs would enable the care facility to run at full capacity to the benefit of the wider community which it serves. These are considered to be acceptable special circumstances.

**Visual Impact - Long range views** - The wind turbines would be sited to the north of Brookvale and would be afforded screening from some directions by the site buildings, existing trees and hedgerows. The scheme would be situated in a low lying level area and is considered not to cause any major detrimental effects to the visual amenities of the Green Belt or any long distance views by way of size or height. The height of the turbines, being maximum of 25m would not be of a significant size to have a detrimental impact on the Green Belt, and especially when viewed against the skyline, the turbine scale and colouring will considerably reduce their impact on the surrounding area.

*Close Range views* - Although the turbines may be visible from close and mid distances, from long distances they will appear at a much smaller scale to other vertical features in the area, such as electricity pylons. The turbines will not affect the strategic views across the countryside and there would be no cumulative impact of the proposed development. It is therefore the in-principle harm caused by inappropriateness which must be overcome by any perceived benefits.

**Noise and Residential Amenity** - A noise report has been submitted with the application, which assesses the noise output generated by the turbine and the effect it would have on the amenity of the occupants of Brookvale Home and the nearest residential properties. The noise from the turbines would be less than the background noise from the nearby motorway and as such any noise emissions would be lost against the already extant background noise in the nearby vicinity. The report concludes that the proposed location would not have a detrimental impact on the amenity of residents of the surrounding properties or those of Brookvale Home. The Environmental Health Pollution Control Section raise no objections to the application.

**Wildlife** - The land immediately surrounding the application site for the proposed turbines is rural /agricultural. Advice provided by Natural England states it is good practice for the siting of turbines to avoid close proximity to trees, mature hedgerows and water bodies, which could be used as foraging and commuting routes for bats, or away from buildings where bats may be roosting. They recommend a separation of some 50m between such features and wind turbines be maintained. This would be so in this case. There are no adjacent sites that are designated as having any local, regional or national ecological interest and this is confirmed by the Council's ecologist having no objections to the scheme. As such, the proposal is considered not to be detrimental in terms of ecological impact and would comply with UDP Policy EN6 - Conservation of the Natural Environment.



**Departure** - Communities and Local Government Circular 02/2009 made changes to the requirements to refer certain types of planning applications to the Secretary of State. For the purposes of this Direction, "Green Belt development" means development which consists of or includes:

- a) the provision of a building or buildings where the floor space to be created by the development is 1,000 sq m or more; or
- b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

In this instance, although the application is inappropriate development in the Green Belt and a Departure from the Unitary Development Plan, Very special circumstances have been demonstrated as outlined above which outweigh any harm there would be to the openness of the Green Belt, and as such does not need to be referred to Government Office .

**Response to Objections** - The turbines would be in a field, which is private land belonging to the home and not where animals would be directly affected. The locations of turbines are frequently in rural locations and generally do not cause harm to animals. There is separation between the turbines and grazing land and as such it is not considered to be too significant a concern.

In terms of the impact upon house prices, the development is not especially close to any residential property. There is the home intervening between the development and Simister Lane and the nearest residential property is some 200m away (Brookvale Farm). The impact upon house prices is not a planning matter to consider.

The objections consider that there would not be a benefit to the wider community as a result of the development. The proposals represent a sustainable approach to the production of energy by reducing reliance upon fossil fuel based energy. Furthermore, any residual energy produced can be fed back in to the main grid, which is used by the wider community. The impact upon visual and residential amenity, wildlife, cost savings, noise and alternative siting has been discussed in the main report.

**Conclusion** - It is considered that the applicant's arguments, together with the national drive to meet challenging renewable energy targets, the likely economic and environmental benefits that are to be generated by the proposal, and the lack of significant harm caused to the openness of the Green Belt, there are reasons of sufficient weight to be regarded as very special circumstances being demonstrated, which clearly outweigh the in-principle harm. The scheme would have no adverse impact upon any ecological sensitivities and nor terms of noise. As such, the proposal would be considered acceptable and would justify the grant of planning permission.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows -  
The applicant has demonstrated that there are special circumstances associated with the proposed development which would outweigh the in-principle harm and any other harm, in order to justify the grant of planning permission. It will not affect the amenities of surrounding residents 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.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings site location plan dated 14/10/2009; Gaia-Wind 11kw Footprint; Design and Access Statement dated 14/10/2009; and the development shall not be carried out except in accordance with the drawings hereby approved.

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

3. The surface treatment of the wind turbine shall be finished in non - galvanised non- reflective light grey as shown in the Design and Access Statement page 7 received on 14/10/2009.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 - Visual Amenity of Bury Unitary Development Plan.

4. The wind turbine hereby approved shall be maintained to operate and perform in accordance with the manufacturer's specifications to ensure that noise generated by the wind turbine does not exceed the specified noise levels prescribed within the product specification sheet and accompanying noise impact assessment report produced by Hayes McKenzie dated 19th February 2009.

Reason - To maintain the residential amenity of the residents surrounding the site and pursuant to UDP Policy EN7/2 - Noise Pollution.

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

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

Item 10

**Applicant:** Glennys Glover Properties

**Location:** LAND ADJACENT 7 WESTLANDS, WHITEFIELD, M45 7HH

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

**Application Ref:** 51875/Full

**Target Date:** 09/12/2009

**Recommendation:** Approve with Conditions

### **Description**

The application site is currently vacant and is situated between two large residential properties (6 and 7 Westlands). No 6 is on the northerly side and is elevated to the site. The property is a two storey detached house, with the gable wall facing the site. No 7 is a detached double fronted bungalow situated at a higher level with significant windows facing the site in its side wall. The site was originally part of the curtilage to No.7 and included a large detached garage near the rear boundary which has been demolished and a driveway to the front of this structure.

The site has a gradual rise from its lowest level next to street level on Westlands up to a level area towards the rear of the land which is the site of the former garage to No.7. At the very back there is a retaining wall supporting higher land with boundary fencing to houses in Ross Avenue. The site includes a number of trees in the frontage area and also hawthorns and privets, which are approx 4 - 5 metres in height, next to the rear fence line.

The proposal involves the erection of a three storey building containing 4 flats. There would be 2 no. 2 bedroom units and 2 no. 3 bedroom units. The proposed building would be located centrally within the site and would be constructed from brick with concrete tiles.

The trees along the frontage would be cleared to provide a parking area, which would be accessed centrally. The proposed parking area would provide 6 spaces, including 1 disabled parking bay. Replacement trees would be located at the rear and the front of the site. A bin store would be provided at the side of the proposed building.

### **Relevant Planning History**

34568/98 – Change of use from dwellinghouse (Class C3) to residential institution (Class C2) for the provision of care to children at 26 Philips Park Road, Whitefield. Withdrawn - 9 January 1999.

35004/99 - Change of use from dwellinghouse (Class C3) to children's day nursery (Class D1) at 26 Philips Park Road East, Whitefield. Withdrawn - 5 February 1999

44334 - Residential development - 1 dwelling at land at 7 Westlands, Whitefield. Approved with conditions - 29 June 2005

This planning permission is still valid.

50445 - Residential development - 3 storey block of 6 flats at land adjacent to 7 Westlands, Whitefield. Refused - 2 December 2008.

The application was refused due to the height, size and position of the proposed building, the access arrangements were substandard, the proposed car parking provision was substandard, the landscaping works consisted of inappropriate species and the proposal would lead to the trees along the frontage.

51477 - Erection of single building containing 4 no. flats at land adjacent to 7 Westlands, Whitefield. Refused - 14 August 2009

The application was refused due to the loss of a group of trees along the frontage, the impact upon residential amenity of No. 7 and the poor quality parking, boundary treatment and landscaping.

### **Publicity**

18 neighbouring properties (1 - 7 Westlands; 1 - 13 (odds) Ross Avenue; 20, 22, 24 Philips Park Road East) were notified by means of a letter on 16 October. Six letters have been received from the occupiers of 3 Ross Avenue & 1, 3, 4, 7 Westlands, which have raised the following issues:

- Impact upon residential amenity through overlooking.
- Impact upon residential amenity.
- No need for any more dwellings in the area.
- Impact upon traffic generation and highway safety.
- Lack of parking.
- Impact upon drainage.
- Loss of trees.
- Loss of visual amenity.
- Proposed building is not in keeping with the locality.

The objectors have been notified of the Planning Control Committee

### **Consultations**

**Traffic Section** - No objections, subject to the inclusion of conditions relating to visibility splays and car parking.

**Drainage Section** - No objections, subject to the inclusion of a condition relating to drainage.

**Environmental Health - Contaminated Land** - No objections, subject to the inclusion of conditions relating to contaminated land and a note relating to air quality.

**Landscape Practice** - No response.

**Waste Management** - No response.

**GM Police - designforsecurity** - No objections.

### **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
H2/6	Garden and Backland Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN7	Pollution Control
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD11	Parking Standards in Bury
PPS23	PPS23 Planning and Pollution Control

### **Issues and Analysis**

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

Policy L4 of the Regional Spatial Strategy states that the average rate of housing provision

is 500 dwellings per year.

The proposed development is located within a residential area. As such, there would be adequate infrastructure and the proposed development would not conflict with surrounding land uses. The application site was last used as a garden and is previously developed land. The principle of residential development on this site was established following the grant of planning permission for 1 dwelling in 2005 (44334). Therefore, the proposed development is acceptable in principle and would be in accordance with Policy H1/2 of the adopted Unitary Development Plan and Policy L4 of the Regional Spatial Strategy.

**Impact upon the surrounding area** - The proposed building would have three floors, with the third floor located within the roofspace. There are two existing dwellings on either side of the proposed building and are at a higher level than the application site. No. 6 Westlands is 1.3 metres higher than the site and No. 7 is 3 metres higher. The proposed building would be 1.3 metres lower than No. 6 Westlands and 1.2 metres lower than No. 7. The proposed building would relate to the existing dwellings in terms of height and would not be a prominent feature in the streetscene. Therefore, the proposed three storey building would be appropriate in terms of height, scale and massing.

**Design** - The existing dwellings in the cul-de-sac are all different in height, form and elevation and there is a mixture of bungalows, two storey and three storey properties. The proposed building would be of a traditional design and would incorporate bay windows and lintels. It would be constructed from brick with a tile roof, a material that would match the existing properties in the locality. The proposed development would assimilate into the street scene and would not be unduly prominent within the locality. The proposed scheme would be in accordance with Policies H2/1, EN1/1 and EN1/2 of the adopted Unitary Development Plan.

**Layout** - The area to the rear of the proposed building would be used as amenity space, which would be acceptable in terms of size for four apartments. A secure cycle store would be provided to the north of the building and the bin store has been relocated to the south of the building. The proposed bin store would be constructed from the same materials as the main building (brick with a tile roof). The bins would not be visible from the adjacent property as they would be screened by the bin store. Therefore, the bins would not have an adverse impact upon the amenity of the neighbouring residents, in terms of sight and smell.

The proposed parking area would be located at the frontage. This area has been reduced in size following the previous applications due to a concern relating to the expanse of parking on the frontage. The proposed parking area would be surfaced using block pavements and would be screened by two areas of landscaping, which have been increased in size following the previous applications. A bike store would be provided at the side of the proposed building. Therefore, the proposed development would be in accordance with Policies H2/1 and H2/2 of the adopted Unitary Development Plan.

**Drainage** - The objectors have raised concerns about the capacity of the drainage system in Westlands and its ability to cope with the proposed development. The Drainage Section has no objections to the proposal, subject to the inclusion of a condition relating to foul and surface drainage. Therefore, the proposed development would not have an adverse impact upon the drainage system and would be in accordance with Policy EN7/5 of the adopted Unitary Development Plan.

**Residential amenity** - There would be at least 26 metres between the front elevation of the proposed building and the nearest point of No. 1 Westlands. There would be 23 metres between the rear elevation of the proposed building and the rear elevation of No. 3 Ross Avenue. There are 4 - 5 metre high privets along the rear boundary and the bungalows on Ross Avenue are approximately 2 metres higher than the application site. Taking this into account, a sight distance of 23 metres would be acceptable given these interrelationships and would not result in a loss of light or privacy for the occupiers of the properties on Ross Avenue.

There are two windows in the gable elevation of No. 6 Westlands, which would face the application site. These windows relate to an en-suite bathroom and a main bathroom. As these are not habitable windows and aspect standards do not apply. Therefore, the proposed building would not have an adverse impact upon the amenity of the occupiers of No. 6 Westlands.

No. 7 Westlands is a bungalow, which is located some 3 metres higher than the application site, which would be equivalent to first floor level of the proposed building. There are two windows in the gable elevation of the property, which are both secondary windows. This room has a main bay window on the front and rear elevation, which are considered to be the primary aspects. The bay window is located on the front elevation and is angled away from the proposed building. The proposed development would not obstruct the 45 degree line taken from the bay window and taking into account the difference in levels, would not have an adverse impact upon light.

Therefore, the proposed development would comply with the aspect distances contained in SPD6 and would not have a significant adverse impact upon the amenity of the neighbouring residents. The proposed development would be in accordance with Policies H2/1, H2/2 and EN1/2 of the adopted Unitary Development Plan.

**Trees** - The appearance of the close is typified by tree lined drives and there are a number of mature trees within the locality. The trees within the garden area of No. 6 Westlands are protected by a Tree Preservation Order, but are sufficiently far away from the development to be unaffected.

Three trees on the frontage of the site would have to be removed to enable access to the proposed car park. These trees are not of a high quality individually, but make a contribution collectively. They are not protected by a Tree Preservation Order but would be replaced to maintain a tree-lined drive appearance to Westlands. On this basis the issues concerning trees would not have an adverse impact upon the character and appearance of the locality. The proposed development would be in accordance with Policies H1/2 and EN8 of the adopted Unitary Development Plan.

**Vehicular access** - A new access would be formed centrally within the site onto Westlands. The proposed access would comply with the required visibility splays and the Highways Section has no objections to the proposal, subject to the inclusion of a condition relating to visibility splays and car parking being implemented. Therefore, the proposed development would not have a detrimental impact upon highway safety and would be in accordance with Policy HT4 of the adopted Unitary Development Plan.

**Car parking** - SPD11 states that the maximum parking standards for residential dwellings within a high access area are 1.5 spaces for each 2 bedrooomed unit. Therefore, this development should be providing 6 parking spaces, including disabled parking and cycle parking. The proposed development would provide 6 spaces, including 1 disabled bay and cycle parking. The proposal would comply with the maximum parking standards and would not lead to vehicles parking on the road. As such, 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.

**Equal access for all** - The proposed development would provide level access to the dwellings and the provision of a disabled parking bay in close proximity to the entrance is welcomed. Therefore, it is considered that the proposed development would be fully accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

**Response to objectors** - The issues raised by the objectors 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 permission 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 within the locality 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 08379/01, 08379/02, 08379/03, 08379/04, 08379/05, 08379/06 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. Only the materials hereby approved shall be used in the development.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as

determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and 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.

7. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:

- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
- A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

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

8. No trees subject to a Tree Preservation Order shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.

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

9. 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.

10. A landscaping scheme, including details of the replacement trees and a permeable surfacing for the car park, 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.

11. Development shall not commence until details of foul & surface water drainage aspects have been submitted to and approved by the Local Planning Authority.

Reason. To ensure satisfactory arrangements for foul and surface water drainage



pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.

12. The visibility splays indicated on the approved plans shall be implemented before the development is first occupied and subsequently maintained free of obstruction above the height of 0.9m.  
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
13. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
14. No trees, unless indicated otherwise on plans submitted, shall be felled, lopped or topped before or during the construction period without the previous written consent of the Local Planning Authority.  
Reason To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

