

**Ward:** Bury West - Church

Item 01

**Applicant:** Morris Homes Ltd

**Location:** FORMER ELTON VALE WORKS, ELTON VALE ROAD, BURY, BL8 2RZ

**Proposal:** RESIDENTIAL DEVELOPMENT - 16 NO. DWELLINGS

**Application Ref:** 51623/Full

**Target Date:** 30/12/2009

**Recommendation:** Minded to Approve

**It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and DCPGN1 and to secure works to the reservoir in accordance with Policy EN5/1 of the adopted Unitary Development Plan. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Chief Planning Officer under delegated powers.**

### **Description**

The works buildings have been demolished and the site sits in a 'bowl' some 8 metres lower than the surrounding land. The land at the bottom of the bowl is generally level, but the sides rise steeply and are heavily planted with trees, which are protected by a Tree Preservation Order.

Elton Vale Road is adopted until the junction with Foulds Avenue. Elton Vale Road then becomes unadopted and serves Elton Vale Sports Club. The road splits and a separate, single width driveway provides access to 6 residential properties.

The access to the site is via an unadopted road, which varies in width from 4 metres to 5 metres. The access road is steep and covers a drop of 6 metres from Elton Vale Road to the application site.

There is a reservoir with an earth dam to the west of the site. The reservoir is some 8 metres higher than the application site and is in separate ownership. Elton Brook is at a higher level and is located to the north of the site. There is a sports field beyond (All Saints sports club). There are further residential dwellings to the south east and Elton Vale sports club is located to the south west of the site.

The proposed development would involve the erection of 16 detached dwellings, which would break down into 1 x 3 bedroom property, 14 x 4 bedroom properties and 1 x 5 bedroom property. The ground on where the dwellings would be sited would be raised by approximately 2.5 metres. All of the dwellings would have an integral or detached garage.

The proposed development would include improvements to the access road by the provision of two laybys, a 1.2 metre wide footpath along the land and resurfacing. A tree survey has been submitted which identifies trees to be removed. A pumping station would be provided on site for foul drainage.

### **Relevant Planning History**

40555 - Outline: Residential development at Elton Vale Works, Elton Vale Road, Bury.  
Withdrawn - 27 May 2003

43838 - Residential development - Demolition of vacant factory buildings & erection of 15 No. 2 & 2.5 storey dwellings (including access road) at Elton Vale Works, Elton Vale Road, Bury. Refused - 30 March 2005. Appeal dismissed - 27 July 2006

The application was refused on the grounds of flood risk. The appeal was submitted and the

issues relating to flood risk were resolved prior to the public inquiry. However, there was an oversupply of housing in relation to the annual average figure for Bury set out in RPG13. As such, the Inspector dismissed the appeal on housing oversupply grounds

45689 - Residential development - Erection of 15 No. 2 & 2.5 storey detached dwellings at Elton Vale Works, Elton Vale Road, Bury. Refused - 24 May 2006

The application was refused due to an oversupply of housing within the Borough.

48809 - 15 detached dwellings at Elton Vale Works, Elton Vale Road, Bury. Refused - 29 May 2008

The application was refused as there was an oversupply of housing within the Borough and the proposed development did not provide any affordable housing.

### **Publicity.**

156 neighbouring properties (Leigh Lane, Mizpah Grove, Birkdale Drive, Kingsley Street, Ainsdale Avenue, Holcombe Avenue, Oakwood Close, Moreton Drive, Greenway Close, Grantham Drive, Elton Vale Road, Woodside Road, Bury New Road, Ainsworth Road, Foulds Avenue, Sandhurst Close) were notified by means of a letter on 2 October. Full lists of the addresses can be found in the working file. A press notice advertising the application as a Major development was published in the Bury Times on 8 October and a press notice advertising the application as affecting a Public Right of Way was published in the Bury Times on 22 October. Site notices were posted on 9 and 14 October.

7 letters have been received from the occupiers of 222, 259 Ainsworth Road; 6, Elton Cottage; Apartment 1, 2, 6, Elton House, Elton Vale Road, which have raised the following issues:

- Impact of the proposal upon the narrow highway
- Impact upon access for emergency vehicles
- Like assurance that the trees and bushes from Elton Grange to Elton Cottage would be unaffected by the proposal
- Impact of the proposal upon wildlife
- Impact of the proposal upon pedestrians
- Impact of the proposal upon existing contaminants in the land
- Object to the regrading of the land and the extra lorries this would bring
- Impact of construction traffic upon the locality
- The proposal would not meet the current housing needs

The objectors have been notified of Planning Control Committee.

### **Consultations**

**Traffic Section** - No objections, subject to the inclusion of conditions relating to the highway improvements, visibility splays and turning facilities.

**Drainage Section** - No objections.

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

**Wildlife Officer** - No objections, subject to the inclusion of conditions relating to vegetation clearance, landscaping and Japanese knotweed removal.

**Public Rights of Way Officer** - Public footpath No. 147 runs along the first 80 metres of the unadopted section of Elton Vale Road. No provision of footpath and as such, pedestrians will be sharing a carriageway with the traffic created by the development.

**Waste Management** - No response.

**Bury West Area Board Co-ordinator** - No response.

**Environment Agency** - No objections, subject to the inclusion of conditions relating to reservoir works, levels, surface water drainage and contaminated land.

**GM Police - designforsecurity** - No objections, subject to the recommendations contained within the Crime Impact Statement are carried out.

**United Utilities** - No objections, subject to maintenance and access rights being maintained.

**Chief Fire Officer** - There is no limit to the number of dwellings on the site, providing all are fitted with sprinklers.

**GMPTE** - No comments.

**Baddac** - No objections.

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

EC2/2	Employment Land and Premises
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6/4	Wildlife Links and Corridors
EN7/3	Water Pollution
EN7/4	Groundwater Protection
EN7/5	Waste Water Management
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
RT2/2	Recreation Provision in New Housing Development
RT3/3	Access to the Countryside
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD11	Parking Standards in Bury
PPS3	PPS3 - Housing
PPS25	PPS25 Development and Flood Risk
PPS23	PPS23 Planning and Pollution Control
EN9	Landscape

### **Issues and Analysis**

**Principle (Employment)** - Policy EC2/2 states that the Council will seek the retention of existing employment land and premises outside the Employment Generating Areas (EGAs) except where it can be demonstrated that an existing employment site is no longer suited in land use terms to continued employment use. In such circumstances, consideration will be given to alternative development providing it would not conflict with the character of the surrounding area.

The application site is located in a 'bowl' and is accessed by a narrow, unadopted track. The site is bounded by residential development. The site was allocated as a Tier 3 site in the Employment Land Review and would not be suitable for continued employment use. As such, an alternative development would be acceptable on the site. Therefore, the proposed development would be in accordance with Policy EC2/2 of the adopted Unitary Development Plan.

**Principle (Residential)** - Policy H1/2 states that the Council will have regard to the need to direct development towards the urban area; the availability of infrastructure and the suitability of the site in land use terms when assessing proposals for housing development.

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

The site is located within the urban area of Bury and is surrounded by a sports club and residential properties. As such, the proposed development would be appropriate in land use

terms and would not conflict with the surrounding uses. The site was previously used as a 'bleach' works and as such the land is brownfield. Therefore, the proposed development would be in accordance with Policy H1/2 of the adopted Unitary Development Plan and Policy L4 of the Regional Spatial Strategy.

**Residential density** - PPS3 advocates a indicative national density of 30 dwellings per hectare as an acceptable minimum to achieve the efficient use of land. The proposed scheme would provide 16 dwellings on a developable site area of 0.67Ha. This would equate to a density of 23 dwellings per hectare

The applicant has put forward a case for a lower density of development on this site:

- Proposed development introduces diversity into the streetscene & represents a increased efficiency of land where there is access to a range of modes of transport other than a private car
- Optimises the potential of the site in terms of sustainability, allowing for a greater choice and variety of housing needs
- GM Fire Brigade will not support a higher density than that which is proposed.

GM Fire service state that there is not a limit on the number of homes from a fire response aspect, provided the proposed dwellings are fitted with sprinklers. Notwithstanding this, the site is physically constrained with a long narrow access outside of the main developable area. The main developable area is further constrained by the levels on site and the number of trees to be retained, which are predominantly around the perimeter of the main developable area. As such, a density of 23 dwellings per hectare would be acceptable in this case, given the physical limitations of the site.

**Affordable Housing** - Policy H4/1 states that the Council will encourage the provision of affordable housing as an integral part of large housing developments.

PPS3 advocates a national indicative minimum threshold of 15 dwellings for affordable units and this supercedes the threshold contained in SPD5.

The proposed development does not provide for affordable housing. A affordable housing statement has been submitted to justify this approach as follows:

- SPD 5 states that the threshold for providing affordable housing is 25 or more dwellings or residential sites of 1 hectare or more. This application is for 16 units and the developable area of teh site is 0.8 ha. Therefore, the scheme does not require affordable housing provision
- PPS3 gas set a national indicative minimum threshold of 15 dwellings and the Council is seeking affordable housing on sites with 15 or more dwellings. A detailed viability appraisal has been submitted
- Special circumstances include the developer having to bear the abnormal and high costs of repair works to the dam and culvert; remediation of the site; relocation of the pumping station and improvement works to the stream.
- Applying affordable housing to the scheme would make the scheme commercially unviable and the site would be left undeveloped.

No figures or evidence was provided to support the assumptions and the previous application (48809) was refused due to the lack of affordable housing provision. A detailed viability appraisal has been submitted with this application and is currently being assessed.

**Design** - The proposed dwellings would be detached and would be two storeys in height. The provision of bay windows, porches and canopies help to break up the elevations. The proposed dwellings would be constructed from a red and buff brick and slate. The proposed materials would further break up the elevations and would not be unduly prominent in the locality.

All dwellings would comply with the aspect standards in SPD6. Therefore, the proposed development would not have an adverse impact upon residential amenity.

All of the proposed dwellings would have front and side or rear gardens. The level of amenity space would be acceptable for the proposed dwellings. There would be adequate space within the rear or side gardens for bin storage. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the adopted Unitary Development Plan.

**Impact upon surrounding land** - The proposed development involves the importation of material to increase the site levels by 2 - 2.5 metres. Currently, there is a difference in levels of 4 - 5 metres across the site. The proposed importation of materials would allow for a gradual slope of 2 metres across the developable area, which would allow for more inclusive access.

The proposed development is located within a bowl and it is not possible to provide an emergency access to the site. The applicant has confirmed that a sprinkler system, which would comply with the British Standard (DD251) would be fitted to all dwellings. GM Fire Service has no objections to the proposal, subject to the inclusion of a condition requiring all dwellings to be fitted with a sprinkler system. Therefore, the proposed development would be in accordance with Policies H2/1 and H2/2 of the adopted Unitary Development Plan.

**Trees** - The trees along the southern and southeastern bank are protected by Tree Preservation Orders (247 & 53). A tree survey was submitted as part of the application and states that most of the trees are in poor condition due to the poor quality of the ground, drainage and old soil retaining walls. The majority of the trees would have to be removed due to their poor quality and to allow access into the site.

The trees along the southern and south eastern banking have amenity value and these trees are to be retained in accordance with the tree survey. The retained trees are located on the upper level of the site and would be unaffected by the infilling operation. The Landscape Practice has no objections to the tree removal as the site is shaded and many of the trees are self-seeded and of poor quality. Therefore, the removal of these trees would not harm the visual amenity of the area.

The proposed landscaping plan indicates that there would be additional planting along the southern and northern boundary to screen the site with additional trees would be planted along the access road and near the pumping station. The front gardens of the proposed dwellings would be landscaped using a mixture of grass, hedgerows and shrub planting. There are no objections to the proposed landscaping plan, subject to the inclusion of conditions relating to the size and girth of the proposed trees. Therefore, the proposed landscaping would be appropriate to the locality and would be in accordance with Policies EN1/3, EN8/1 and EN8/2 of the adopted Unitary Development Plan.

**Ecology** - Essential repairs to the reservoir dam would form part of the proposed development. The proposed works to the dam would enable the current water level to be maintained. The maintenance of the water level would ensure that the aquatic habitat of the Parkers Lodges & Cyrus Nurseries Sites of Biological Importance (SBI) would be unaffected.

The proposed landscaping plan indicates that there would be additional planting along the southern and northern boundary to screen the site and additional trees would be planted along the access road and near the pumping station. The front gardens of the proposed dwellings would be landscaped using a mixture of grass, hedgerows and shrub planting, which would contribute to the continuation of the wildlife link. There are no objections to the proposed landscaping plan, subject to the inclusion of conditions relating to the size and girth of the trees. Therefore, the proposed development would not have an adverse impact upon the wildlife link or the nearby SBI and would be in accordance with Policies EN6/2 and EN6/4 of the adopted Unitary Development Plan.

**Flood risk** - The proposed vehicle access and hardstanding would be constructed from

tarmac. The proposed driveways to the dwellings would be constructed from a permeable surfacing to prevent a higher rate of surface water discharge. Therefore, the proposed development would be in accordance with Policy EN5/1 of the Unitary Development Plan and PPS25.

Elton reservoir is located to the west of the application site and poses a flood risk to the proposed site. The applicant has outlined works to the dam, which include:

- Increasing the capacity of the overflow channel by widening the channel
- Provision of a new siphon overflow pipe
- Sealing up of the original draw-off pipe, which is no longer operational
- Localised raising of the embankment crest so as to guard against overtopping

The improvements have been agreed with the Reservoirs Panel Engineer. The Environment Agency has no objections to the proposal, subject to the inclusion of conditions relating to works to the reservoir; site levels; drainage and land contamination. The proposed reservoir works will be included within the Section 106 as the reservoir is in a separate ownership. Therefore, the proposed development would not have a detrimental impact upon flood risk and would be in accordance with Policy EN5/1 of the adopted Unitary Development Plan and PPS25.

**Highways issues** - The sole access to the site would be from Elton Vale Road, which would be re-surfaced and made wider in sections to allow for the passing of vehicles. A pedestrian footpath would be provided. The access to the site is currently overgrown and the access road would need to be improved to a standard prior to the commencement of the development. The Traffic Section has no objections to the proposal, subject the inclusion of a condition relating to the improvement of the access road prior to commencement of the development. Therefore, the proposed development would not be detrimental to highway safety.

SPD 11 states that there should be a maximum of 2 spaces per 3 bed dwellings and 3 spaces per 4 & 5 bed dwellings. Therefore, the proposed development should be providing a maximum of 47 parking spaces. The proposed development would provide 47 spaces through the provision of long drives and garages, which would comply with the maximum parking standards. Therefore, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

**Access issues** - The proposed site would be raised by 2.5 metres by the importation of material to the site. As such, level access would be provided to all the dwellings. The proposed development would comply with aspects of the Lifetime Homes standard including wheelchair access to the ground floor of all plots, bathrooms would be capable of adaptations and all fixtures and fittings would be at an appropriate height. Therefore, the proposed development would be accessible for all and would be in accordance with Policy H5/1 of the adopted Unitary Development Plan.

**Contributions** - A contribution of £16,693.60 is sought for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1. The works to the dam are included within the Section 106 as the land is outside of the applicant's ownership in accordance with Policy EN5/1 of the adopted Unitary Development Plan. The viability assessment is currently being assessed. If the viability assessment is found to be acceptable at today's values, it is possible that prices may increase by the time the residential units are actually built. Therefore, the lack of affordable dwellings is only acceptable on the basis that an "overage" agreement is entered into to ensure that if house prices did increase that further contributions to affordable housing would be required.

### **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 amenity of the neighbouring residents. The proposed development would not be prominent within the locality nor would it be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Minded to Approve

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered SO8/079 Rev A, N183/P/LP01, N183/P/DA01, N183/P/PL01 A, N183/P/TP01 A, N183/P/HTWHA/01 - 02, N183/P/HTMOR/01 - 02, N183/P/HTSTR/01 - 02, N183/P/HTMAL/01 - 02, N183/P/HTBR/01 - 02, N183/P/HTHAWA/01 - 02, N183/P/HTDH/01 - 02, N183/P/HTBO/01 - 02, N183/HTWILL/01 - 02, N183/P/HTBER/01 - 02, GR1, GR2-1, F1-1, F2-3, 03225/02/1 Rev F, 03225/02/2 Rev F, 0322/02/3 Rev D, 03225/02/4 Rev D, 03225/02/5 Rev A, 03225/03 Rev A, 60117/H/GA/01 Rev P4, 2535.02 A, 0001 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved materials shall be used in the approved scheme.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Following the provisions of Condition 4 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and A Site Verification Report detailing the actions taken and conclusions at each

stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

7. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures in accordance with BS 5837:2005 "Trees in Relation to Construction" and tree works. Any subsequent variation of the timetable shall be subject to further written notice.  
Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
8. The development hereby approved shall not be commenced unless and until full details of proposals to install residential sprinkler systems to BS 9251:2005 or equivalent standard at each dwelling, as required by the Greater Manchester Fire and Rescue Service to overcome the site's emergency access deficiencies, have been submitted to and approved in writing by the Local Planning Authority. The details subsequently approved for each dwelling shall be implemented prior to the first occupation of each dwelling.  
Reason. In the interests of fire safety and to accord with Bury Unitary Development Plan Policy H2/2 - The Layout of New Residential Development.
9. The development hereby approved shall not be first occupied unless and until the highway improvements and signing/white lining scheme indicated on approved plan references 60117/H/GA/01 Rev P4 and N183/P/PL01 have been implemented to the written satisfaction of the Local Planning Authority.  
Reason. To ensure good highway design in the interests of highway safety and to accord with Bury Unitary Development Plan Policy H2/2 - The Layout of New Residential Development.
10. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..
11. No vegetation clearance shall be carried out on site between 1 March and 31 August inclusive in any year unless otherwise approved in writing by the Local Planning Authority.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to Policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan.
12. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of



approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority. The scheme shall be submitted in accordance with the approved timetable .  
Reason. To ensure that the site is free from Japanese Knotweed in the interest of UDP Policy EN9 - Landscape.

13. The development hereby permitted shall not be commenced until such time as a scheme for the provision and implementation of the reservoir embankment, spillway, drawdown and by-wash channel works has been submitted to and approved in writing by the Local Planning Authority.  
The scheme shall be fully implemented in accordance with the proposals outlined in Michael Lambert Associates FRA and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority.  
Reason. To ensure the structural integrity/safety of the existing reservoir embankment and reduce risk to the intended occupants of the development pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan.
14. No development approved by this permission shall commence until details of the existing and proposed site levels have been submitted and approved by the Local Planning Authority.  
The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any period as may be agreed in writing by the Local Planning Authority.  
Reason. To ensure that the development is subject to minimum risk of flooding pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan.
15. No development shall commence unless and until a scheme for the drainage of surface water has been submitted to and approved in writing by the Local Planning Authority.  
The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any period as may be agreed in writing by the Local Planning Authority.  
Reason. To ensure the satisfactory drainage of the site and make provision for the reservoir drawdown connection pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan.
16. No development shall commence unless or until full details of the improvement works to the access road have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the commencement of the infilling operation.  
Reason. To ensure good highways design in the interests of highway and pedestrian safety pursuant to Policy HT2/3 - Improvements to Other Roads of the Bury Unitary Development Plan.
17. Prior to commencement of the development hereby permitted, details of the size and planting medium of the replacement trees shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan.
18. The forward visibility envelopes indicated on approved plan reference 60117/H/GA/01 Rev P4 shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied and

subsequently maintained free of obstruction above the height of 0.6m.  
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety and to accord with Bury Unitary Development Plan Policy H2/2 - The Layout of New Residential Development.

19. A minimum hardstanding of 5.5m measured between the back of the private footways and any proposed garage doors shall be provided and thereafter maintained.

Reason. To enable a vehicle to stand clear of the private footways whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the private footways in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

20. The turning facilities indicated on approved plan reference N183/P/PL01 shall be provided before the development is first occupied and subsequently maintained free of obstruction at all times

Reason. To ensure adequate turning movements of vehicles within the site on the highway in the interests of highway safety and to accord with Bury Unitary Development Plan Policy H2/2 - The Layout of New Residential Development.

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

**Ward:** Radcliffe - East

Item 02

**Applicant:** Eton Business Park LLP

**Location:** REMPLOY LTD, ETON HILL ROAD, RADCLIFFE, M26 2XS

**Proposal:** CHANGE OF USE OF INDUSTRIAL UNIT FROM ELECTRICAL AND ELECTRONIC EQUIPMENT RECYCLING (SUI GENERIS) TO VEHICLE REPAIR AND MOT TESTING CENTRE (CLASS B2) USE; ADDITION OF MEZZANINE FLOOR; NEW VEHICULAR ENTRANCE AND ALTERATIONS TO CAR PARK

**Application Ref:** 51808/Full

**Target Date:** 07/01/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site comprises part of a larger employment premises that is currently vacant on the junction of Bury Road with Eton Hill Road. The building is single storey and constructed in a clad material with profiled roof sheeting. There is a hardstanding area to the north and east of the site and beyond that is an open grazing land. The site is bounded by 2.4m high weld mesh fencing.

To the west of the site is Bury Road fronted by semi detached housing. To the south and south west of the site are commercial and industrial premises

The application is seeking to use part of the building as an MOT, servicing and repair business (Class B2). The amount of existing floorspace involved in the change of use would be 3200sqm and a new mezzanine would be installed measuring 120sqm for parts storage.

The vehicular access to the premises would be from Bury Road utilising an historic existing access, which would need to be widened to 5.5m to enable appropriate passing and manoeuvring space to be created. The entrance used in recent times is currently to the north of the main building from Eton Hill Road.

The existing hardstand would be used for parking to accommodate some 70 spaces including 2 disabled spaces and this area would be fenced off and gated. The perimeter of the car park would be landscaped both to the north and west of the site.

Externally, the scheme involves replacement cladding newly formed openings overlooking the car parking area and building lighting. Two new chimneys would be erected which would be stainless steel and to a height of 5.15m, to provide extraction to the paint spray facility.

### **Relevant Planning History**

51914 - Sub-division, refurbishment and alterations to existing industrial building including recladding the facades and partial demolition of existing building - The applications is currently under consideration

45808 - Temporary sales cabin - Approve with conditions 29/03/2006

49849 - Change of use to include the reception, storage and treatment to recycle electrical and electronic equipment - Approved conditionally - 21/07/2008

31641/95 - Change of use of part of site to lorry park, provision of oil storage tank, 8m overhead lighting poles and 2.4m high security fence. Approved on 28<sup>th</sup> March 1996

31659/98 - Raise section of roof. Approved on 18<sup>th</sup> January 1996

35433/99 - External storage of a prefabricated building to a maximum height of 2 metres for a period of two years. Approved on 29<sup>th</sup> July 1999.

## **Publicity**

34 Letters were sent to the following properties on 8/10/09.

2 Warth Fold Road, 205 - 293 Bury Road, Castlecroft Camping and J Rosenthal Britannia House. A site notice was posted on the site on 14/10/09 and a notice published in the Bury Times on 15/10/09.

As a result of this publicity, 4 letters have been received from 211, 217, J Rosenthal Briatannia House 251 and 271 Bury Road. Comments include -

217 Bury Road

- Would the proposal compound the industrial/commercial status of the site and increase traffic, congestion and noise to the residents.

211 Bury Road

- Concerned about the volume of traffic.
- A pedestrian crossing should be provided.

J Rosenthal comments

- Concerned that Parking may occur on street on Eton Hill Road

271 Bury Road comments only -

- Does not want paint to spread from the site onto their cars.
- Could the hours be open from 8am?
- The last roller shutter was noisy, what time would the new one open?
- The entrance would be better from Eton Hill Road.
- The car park should be locked and secured when not operating.

The correspondents have been notified of the Planning Control committee meeting.

## **Consultations**

**Traffic Section** - No objections subject to conditions relating to the widening of the access and laying out/demarcating of the car parking area.

**Drainage** - No objections.

**Environmental Health Contam Land/ Air Quality** - No objections subject to standard conditions.

**Environmental Health Pollution Control** - No objections subject to standard conditions.

**GM Police - designforsecurity** - No objections but makes suggestions for necessary British Standards that applies to locks, glazing and doors, which has been passed to the architect.

**Baddac** - Sought clarification of details including a clearly demarcated route from the disabled parking spaces to the entrance; entrance threshold detail and door widths.

## **Unitary Development Plan and Policies**

EC2/1	Employment Generating Areas
EC3/1	Measures to Improve Industrial Areas
EC4/1	Small Businesses
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN7/2	Noise Pollution
EN7/1	Atmospheric Pollution

## **Issues and Analysis**

**Principle** - The site is located within an Employment Generating Area EC2/1/10, where development involving uses within classes B1 (Business), B2 (General Industry) and B8 (Storage and Distribution) are considered to be acceptable. Other uses will only be permitted where they constitute limited development or do not substantially detract from an area's value as an Employment Generating Area.

UDP Policies EC3/1 - Measures to Improve Industrial Areas, EC4/1 - Small Businesses and EC6/1 - Assessing New Business, Industrial and Commercial Development assesses proposals in terms of their scale, position, servicing requirements, visual appearance, landscaping and neighbourliness.

The application site is a part of a large employment land holding, which in turn is a part of a much wider Employment Generating Area. The nature of the use is within one of the identified use classes when considering appropriate development within Employment Generating Areas, in this instance, Class B2, and as such, the principle of the use is acceptable. The proposals would comply with UDP Policy EC2/1.

**Residential Amenity and Access-** Policies EN1/2, EN1/7 and EC3/1 seek to ensure that developments are of a high standard of design, with appropriate consideration given to amenity, maintain a good standard of design along a throughroute and improve the condition, appearance and functionality of older industrial premises.

The site is bounded by roads, open land and other commercial businesses. The nearest residential properties to the site are fronting Bury Road and are at least 35m away from the nearest corner of the building to Bury Road.

The servicing and MOT testing would operate within the building itself. The external areas would be used for parking. As such the impact upon amenity from working is likely to be not significant given the distances involved and the nature of intervening land uses and features.

The scheme includes paint spray facilities within a booth roughly located centrally within the building. It would be serviced by two chimneys 5.15m high. The chimneys would be standard galvanised finished and industrial in appearance. Environmental Health consider that the site and the building are sufficiently far away from residential properties so as not to be affected by the use, flues or general activities. They also consider the use of planning conditions can control good levels of ventilation, flues and extraction, hours of use and noise.

There would be a perception of change when the Bury Road access is used. However, this is an historic access, which Remploy could have used at any time but chose not to. With minor widening, the access can be made up to a safe standard and whilst comings and goings may be perceived by the residents, they are not so close to be unduly impacted upon by traffic movements.

The proposals would comply with EN7/2.

**Design and Visual Amenity** - The scheme would involve a reface of the existing building in new cladding to replace the existing materials. A brick plynth would be retained and cladding would be installed for the upper third of the elevation. A number of new openings would be created facing the parking areas, 9 in total for access into the vehicle bays. A planning condition is to be imposed to require the approval of the cladding details.

The Bury Road elevation would have a number of windows serving offices on the ground floor. These would be over 30m away from residential properties opposite and so are unlikely to give rise to issues of overlooking. The Bury Road elevation is proposed to be clad in a similar fashion to the rest of the building, replacing existing cladding. These works would improve the existing tired appearance of the building and comply with UDP Policy EN1/2 and EN1/7.

The external areas are shown to utilise the existing hardsurfacing and the periphery of the site would be landscaped. This would improve the overall appearance of the site, screen the car parking and working areas. This would help to assimilate the site into the open land areas to the north and east. No specific planting scheme details have been submitted. However, a planning condition should be imposed to ensure that proposed planting is of a

high standard, is carried out, becomes an effective screen and contributes to the neighbouring wildlife corridor. On this basis the scheme would comply with EC3/1 and EN6/4.

The chimneys would be of an industrial appearance, which are common place to such areas and uses. They would be located roughly centrally in the site and as such not in close proximity to sensitive uses or the main road. As such the chimneys are not considered to have any detrimental impact upon the visual amenities of the area.

**Parking and Access** - The scheme proposes that 70 car parking spaces and covered cycle provision for 4 cycles would be provided. The Council's maximum parking standards contained within SPD 11 considers that for a Class B2 use, 1 space per 60sqm parking should be provided (maximum 56 for the use), 1 per 700sqm for cycle spaces (5 needed) and a minimum of two motorcycle spaces. The scheme and the nature of the use is such that parking is also required for the vehicles awaiting repair.

The application details state that some 30 people would be employed. 48 spaces would be given over to customer use and 22 for staff.

The scheme would provide the maximum provision for the use. Covered cycle parking would be provided in front of the reception area and as such the development would comply with SPD11 and HT2/4.

The Traffic Section have been consulted on the proposals and have no objections to the use of the access or its location subject to conditions including the need to devise a travel plan to reduce the reliance upon the private car. The proposals do include shower facilities and a travel plan would be a positive and sustainable step to reduce car demands. The proposals would comply with EC3/1.

BADDAC had sought additional details on the scheme to ensure that there would be level access into the premises and a demarcated route into the premises from the allocated disabled parking spaces. This has been provided and level access would be provided and routing has been clarified. The proposals would comply with HT5/1.

**Proposed Hours** - The existing premises has a lawful use with no restriction on hours. The applicant states that the use would operate between 0700 hours and 1800hrs. As the site is within an Employment Generating Area and as there is not any particularly sensitive uses so close to the site to warrant restricting hours, it is considered to be unreasonable to restrict the hours of operation.

**Boundary Details** - The existing boundary features around the site comprise a mix of walling and 1.8m high palisade fencing. The scheme seeks to replace old and damaged fencing but otherwise the fencing would remain in situ and be added to at the entrance area, to secure off the open land from the turning head.

**Response to Objections** - A number of comments have been made and concerns in relation to the traffic that would arise as a result of the development. The site is allocated for employment use and given the size of the site, the allocation would have expected that significant numbers of people could use the site. The use is not in conflict with the Unitary Development Plan and there is sufficient access to the site. As such traffic is considered to be such that the use would be acceptable.

The scheme does not intend to rely upon on street parking and provision has been made within the site.

Issues of noise, paint spray and hours have been dealt with in the main report.

## **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 bring into use an existing vacant employment site within an allocated Employment Generating Area. The use with conditions is considered to be acceptable and would comply with Unitary Development Plan 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 3097: 05 rev.F, 3097: 07 rev.A, 3097: 17 rev. D, 3097: 18, 3097: 20 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. Any soil or soil forming materials brought to site for use in soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
4. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. The development hereby approved shall not be brought into use unless and until a detailed scheme showing flues, ventilation openings and extraction equipment has been submitted to and approved by the Local Planning Authority and in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.  
Reason - To ensure the dispersion of fumes takes place to maintain the residential amenities of nearby residential properties pursuant to Unitary Development Plan Policies EN7/2 - Pollution Control, EC4/1 - Small Businesses, EC6/1 - Assessing New Business, Industrial and Commercial Development and EC3/1 - Measures to Improve Industrial Areas.
6. In considering the design of any exhaust fan(s) and/or flue(s), noise emissions associated with any proposed plant shall be designed not to increase the

prevailing ambient noise levels [LA<sub>eq</sub> (5 mins)] as measured at the boundary of the site.

The ambient noise levels shall be determined by survey, by the applicant, to the satisfaction of the Local Planning Authority and a copy of the survey report shall be provided to the LPA before any development takes place.

Reason - To ensure the dispersion of fumes takes place to maintain the residential amenities of nearby residential properties pursuant to Unitary Development Plan Policies EN7/2 - Pollution Control, EC4/1 - Small Businesses, EC6/1 - Assessing New Business, Industrial and Commercial Development and EC3/1 - Measures to Improve Industrial Areas.

7. 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.
8. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
9. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
10. No development shall commence unless and until details of replacement fencing and building lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented as part of the approved scheme.  
Reason - To ensure the satisfactory development of the site in terms of the visual amenities of the area and residential amenities of the nearby residential properties pursuant to Unitary Development Plan Policies EN7/2 - Pollution Control, EC4/1 - Small Businesses, EC6/1 - Assessing New Business, Industrial and Commercial Development and EC3/1 - Measures to Improve Industrial Areas.
11. The use hereby approved shall not be commenced unless and until the access alterations indicated on the approved plans in the form of the widening of the existing access onto Bury Road to a width of 5.5m and provision of 6m minimum kerb radii have been implemented to the written satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority.  
Reason - To ensure good highway design in the interests of highway safety and pursuant to Unitary Development Plan Policies EC4/1 - Small Businesses, EC6/1 - Assessing New Business, Industrial and Commercial Development and EC3/1 - Measures to Improve Industrial Areas.
12. Prior to the occupation of the site, details of a Travel Plan the details of which shall be submitted to and approved in writing by the Local Planning Authority. The



scheme shall include details of the provision of suitable shower, changing and locker facilities. A Travel Plan Co-ordinator for the site shall be appointed and their details shall be submitted in writing to the Local Planning Authority. A survey of staff shall take place within 3 months of opening and a full written Travel Plan shall be prepared and submitted within 6 months of opening for approval by the Local Planning Authority. Upon each 12 month anniversary from occupation a review statement of implementation shall be submitted together with a programme of implementation incorporating any agreed changes of the travel plans with the Local Planning Authority.

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

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

**Ward:** Bury East

Item 03

**Applicant:** Castleland Properties Ltd

**Location:** THOMAS FRENCH LTD, JAMES STREET, PIMHOLE, BURY, BL9 7EG

**Proposal:** DEMOLITION OF EXISTING MILL BUILDING & RESIDENTIAL DEVELOPMENT :  
37 AFFORDABLE DWELLINGS

**Application Ref:** 51826/Full

**Target Date:** 13/01/2010

**Recommendation:** Refuse

### **Description**

The application site is located within the Pimhole area of Bury. The site is occupied by a single mill building, which covers approximately half of the site. The building is located to the rear of the site and there is a large hardstanding to the west of the building, which is currently used for servicing and parking. Access to the site is from James Street to the west. There is a palisade fence to the west and south boundaries.

There is a mill building to the north of the site, which is currently in use for industrial, business and warehousing and separate to the site, but shares access. There are scrap yards located to the east and the East Lancashire Railway is located to the south of the site. James Street forms the boundary to the west of the site and beyond that are residential dwellings.

The proposal seeks full planning permission for the demolition of the mill building and the erection of 37 dwellings. There would be a mixture of house types, including 8 x two bed dwellings; 22 x three bed dwellings; 2 x four bed dwellings and 5 x five bed dwellings. The majority of the properties would be two storeys in height and the 5 bed dwellings would be three storeys in height. There would be a mix of terraced and semi-detached properties. Access would be taken from James Street opposite the junction with Wilson Street.

### **Relevant Planning History**

49559 - Outline application - Block of business units (B1) at Wood Street Mill, James Street, Bury. Refused - 14 April 2008.

The application was refused as there was insufficient information with regard to appearance of the buildings and servicing and parking arrangements, although the report did confirm that the use was acceptable in principle.

Pre application enquiry - Residential development at Wood Street Mill, James Street, Bury. The applicant entered into pre-application discussions in January 2009. Issues relating to the loss of employment land and the design, layout and servicing of the proposed and adjacent sites.

### **Publicity**

46 neighbouring properties (6 - 44 (evens), Hardware House, Beach House, 50, 52, 54 James Street; 68 - 88 Valley Mill Lane (evens); Unit 6, 7, 7A, 8, 10, 11 Pimhole Business Park; Saleses Farmhouse, Pimhole Road; Primrose Hill & the Coach House, School Street) were notified by means of a letter on 16 October and a press notice was posted in the Bury Times on 22 October. Site notices were posted on 22 October.

7 letters of objection have been received from East Lancashire Railway, Design A Frame & EAS Technology, Wood Street Mill, James Street; Farmer Dan & Software Solutions, Beech House, James Street; A One Distribution, Hardware House, James Street, which have raised the following issues:

- No objections, subject to retention of fencing between site and railway land.

- Existing employment uses could be compromised and curtailed by residential development in terms of noise, disturbance, dust and odour
- Prefer to see the sub-division of the existing mill for industrial units
- The proposal would compromise the movements of HGVs and delivery vans, which deliver to and collect from the premises.
- Access for delivery vans and HGVs is currently difficult, due to on-street parking
- Proposal would lead to additional on-street parking (residential and industrial)
- Insufficient information has been provided to determine how access would be provided to the adjacent employment site

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - Object to the proposal as the proposed development would result in the loss of existing facilities for loading and unloading at the site. As such, vehicles would not be able to enter and leave in a forward gear, which would lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and pedestrian conflict.

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

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

**Environmental Health - Pollution Control** - Object to the proposal, as the existing industrial uses would have an adverse impact on residential amenity

**Wildlife Officer** - No objections, subject to the inclusion of conditions relating to mitigation, vegetation clearance and Japanese knotweed.

**Waste Management** - No objections. The bin store provision should accommodate 3 x 240 litre bins for refuse and recycling.

**BADDAC** - Welcome commitment to lifetime homes, but require clarification as to how the dwellings would comply with this standard. Concerns relating to the access to the dwellings as there may be dangerous crossfalls.

**GM Police - designforsecurity** - No objections, subject to proposal being constructed in accordance with Crime Impact Statement.

**United Utilities** - No response.

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

EC2/2	Employment Land and Premises
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H3/2	Existing Incompatible Uses
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/6	Public Art
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7/2	Noise Pollution
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT2/7	Lorry Parking
HT6/2	Pedestrian/Vehicular Conflict
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing

SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD11	Parking Standards in Bury
PPG24	PPG24 - Planning and Noise
EC2	Existing Industrial Areas and Premises
PPS9	PPS9 Biodiversity and Geological Conservation

### Issues and Analysis

**Principle - Employment use** - Policy EC2/2 states that the Council will seek the retention of existing employment land and premises outside the EGA except where it can be clearly demonstrated that it is no longer suited in land use terms to continued employment use. In these circumstances consideration will be given to alternative development, providing it would not conflict with the character of the surrounding area and other policies of the Plan.

SPD14 sets out the Council's approach towards proposals to redevelop employment land and premises for higher value uses, such as residential. In basic terms, the SPD follows a sequential approach whereby the Council's starting point is to safeguard employment sites that are considered suitable, in land use terms, for continued employment use.

The suitability of the site has been given detailed consideration as part of the Bury Employment Land Review. The review has concluded that the site **is** suitable, from a land use perspective, for continued employment use. As such, the main issue is whether the retention of the site is viable in financial and market terms.

A planning statement was submitted as part of the application, which seeks to justify the loss of employment use primarily on the basis of a lack of viability. The statement specifies that:

- There is no demand for the site;
- The retention of employment use on the site (in existing state or following refurbishment or following introduction of new floorspace as a mixed development) is not commercially viable;
- The planning history of the site renders it unsuitable for employment use.

### PRE APPLICATION ENQUIRY

The applicant entered into pre-application discussions in January 2009, where advice was given that the loss of employment land would be contrary to current policies. Further meetings were held to discuss the loss of employment land and the Council expressed concern at the lack of detail as follows:

- Options needed to be backed up with detailed development appraisals;
- The market testing process should be followed (para 3.13 of Supplementary Planning Document 14 – Employment Land and Premises – approved Council Policy);
- Mixed use development should be appraised in terms of viability;
- If it can be proven that a mixed use scheme is not viable, then a one-off payment should be made (in accordance with the Council Policy in SPD14)
- Methods of marketing;
- Marketing particulars;
- Duration and frequency of the marketing;
- Duration of the site being marketed through a professional agent
- Expressions of interest & reasons for not pursuing the lease/purchase.

These points have not been addressed in the Planning Statement and no evidence relating to the marketing of the site has been provided.

A meeting was held in July, which was based on the layout and design of the site and dwellings. Various aspects of the layout and design were discussed, such as the heights of the dwellings; aspect standards; size of gardens; bin storage. There were concerns relating to noise and the implications of placing residential properties in close proximity to existing industrial uses.

As the Highways Officer was unable to attend the meeting, an e-mail was forwarded to the architects identifying issues and amendments with the proposed layout. The majority of these details were incorporated into the submitted plans, but the issue relating to the turning/servicing facilities for the existing mills was not.

A meeting has been held with Ward Members to brief them of the pre-application enquiry and the application. The Members were satisfied with the explanation given.

#### MARKET DEMAND

The planning statement states that the site was comprehensively marketed between October 2005 and May 2007. However, no evidence, such as the details of marketing particulars, methods of marketing or press adverts have been submitted. Therefore, there is no evidence to support the fact that the marketing took place and that the marketing was undertaken in a realistic and comprehensive manner as required by SPD14.

The planning statement states that the site has not been marketed since May 2007. While the current economic downturn has reduced activity, there may be demand for this type of site and an occupier could have been found in the two and a half years since the site was last marketed.

The Planning Statement states that during the marketing period, an offer of £1 million was made for the site and was rejected as it was 'significantly lower than the sites calculated value'. The average value of employment land within Bury is £450,000 per hectare and the value of the application site would equate to £351,000. As such, an offer of £1 million would be significantly higher than the value of the site as employment land and may indicate that the owner had a 'hope value' to the site based on residential value rather than employment.

#### COMMERCIAL VIABILITY

The applicant has quoted several costs to demonstrate that the site is no longer viable financially. However, this is a simple breakdown on costs and does not include details of potential incomes. As such, the applicant has failed to provide a robust development appraisal and there is insufficient information to assess whether the retention of the site is viable in financial or market terms.

It should be noted that if the applicant were able to demonstrate that the retention of the site was no longer viable in financial and market terms, the applicant should provide a compensatory payment for the economic harm arising from the loss of the site to housing or a higher value use, in accordance with SPD14. The applicant has rejected a compensatory payment as the Planning Statement states in paragraphs 6.03 & 6.04 that a one off payment would be 'wholly inappropriate' as social housing is not considered to be a high end value.

#### PLANNING HISTORY.

An outline planning application for the erection of a block of B1 business units was refused in April 2008. The report makes it clear that the proposed use (B1) would not conflict with the existing uses on the site and would not impact upon residential amenity, subject to conditional control. The application was refused as there was insufficient information with regard to the appearance of the buildings and the servicing and parking layout. There was no objection to the principle of employment uses.

#### CONCLUSION

The Employment Land Review concluded that the site was suitable in land use terms for continued employment use. Despite being made fully aware of the requirement during a pre-application discussion, the applicant has failed to demonstrate that the retention of the site in employment use is no longer viable either through a lack of demand or through robust development appraisals, or marketing. Therefore, the proposed development is contrary to Policy EC2/2 of the adopted Unitary Development Plan and SPD14.

#### **Principle - Residential Development**

Policy H1/2 states that the Council will have regard to the following factors when assessing

proposals for housing development, which include the need to direct development towards the urban area; the availability of infrastructure and the suitability of the site in land use terms with regard to amenity, the nature of the local environment and the surrounding land 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 direct development into the urban area and infrastructure would be available. The introduction of residential development in close proximity to an industrial uses indicates that the site would not be suitable in land use terms with regard to the impact of the amenity of the proposed dwellings. This issue is discussed in more detail below. Therefore, the proposed development would conflict with Policy H1/2 of the adopted Unitary Development Plan.

**Affordable Housing** - Policy H4/1 states that the Council will encourage the provision of affordable housing as an integral part of large housing developments.

The supporting statement states that the proposed development would provide 37 affordable dwellings and Great Places, which is a housing association, would take on the ownership and management of the dwellings once built out. Great Places has indicated that HCA funding has not yet been obtained and therefore, the provision of affordable units has not yet been secured. Therefore, 25% of the proposed units should be identified as affordable housing and should be controlled with a Section 106 agreement to ensure compliance with Policy H4/1 of the adopted Unitary Development Plan.

**Noise issues** - Policy EN7/2 states that in seeking to limit noise pollution, the Council will not permit development, which could lead to an unacceptable noise nuisance to nearby occupiers or amenity users and development that would be close to a permanent source of noise.

There are existing industrial buildings to the north of the site; scrap yards to the east and the East Lancashire Railway to the south. There would be a 2.1 metres high brick wall around the perimeter of the site.

A noise survey was undertaken and submitted with the application. This survey acknowledges that complaints from the future occupiers of the proposed dwellings is likely. As such, noise levels may deteriorate to a point where action may be required under the Environment Protection legislation. There is a distinct danger that the approval of residential development could have negative impact on the viability of the adjoining businesses in terms of introducing a non-compatible use into an essentially industrial area on the eastern side of James Street. These concerns are borne out by the letters of objection from the occupiers of the surrounding businesses, which express the same concerns.

The Pollution Control Section states that an accepted method of minimising noise disturbance is to provide a suitable 'buffer zone' between houses and industry. It was suggested during the pre-application enquiry that a buffer zone should be incorporated into the layout of the site. No buffer zone has been provided within the proposed development and this may not be practical due to the location of the industrial buildings and uses.

Therefore, the existing mill buildings and surrounding industrial uses would be a permanent source of noise to the proposed dwellings, which would have negative consequences for the continued use of the land for employment uses. Therefore, the proposed development would be contrary to Policies EC2/2, H1/2 and EN7/2 of the adopted Unitary Development Plan.

#### **Design and impact upon surrounding area**

There would be a mix of house types in the proposed development, including 2, 3, 4 & 5 bed properties in a mix of terraced and semi-detached dwellings. The proposed dwellings

are a mixture of two and three storey dwellings and are of a traditional design. There are terraced properties opposite the site and the mill building to be retained is of a traditional design. The proposed dwellings would be constructed from brick with stone cills and heads and concrete roof tiles. The proposed materials would be appropriate.

All of the proposed dwellings would have a rear garden and bin storage would be located within the rear garden. The proposed gardens would be adequate in terms of size and a 1.8 metre high fence would be located between gardens. A 2.1 metre high brick wall would be built on the external boundaries to the site, which would not be unduly prominent in the locality. Therefore, the proposed development would be in accordance with Policies H2/1, H2/2 and EN1/2 of the adopted Unitary Development Plan.

**Residential amenity** - There would be 15.6 metres between the front elevation of Block D and the three storey element of Block E (plot 18). The aspects standards in SPD6 state that there should be a minimum of 16 metres between a habitable room window and a three storey blank wall. The proposed development would fall slightly below the normal aspect standard but the proposed development would not have a significant adverse impact upon the amenity of the future occupiers of Block D.

Block H is located some 6 metres to the east of Block J. As such, plot 29 (Block J) would obstruct the 45 degree line when drawn from the front elevation of plot 28 (Block H). Therefore, plot 29 would result in a loss of light to the habitable rooms (living room and bedroom) of plot 28. Similarly, the gable elevation of plot 28 would result in a loss of light to the habitable room windows (dining room and bedroom) on the rear elevation of plot 29. Therefore, the position of plots 28 & 29 would have an adverse impact upon the amenity of the future occupiers of these dwellings by means of loss of light.

The proposed development would be contrary to Policy H2/1 and H2/2 of the adopted Unitary Development Plan due to the poor interrelationships.

**Ecology** - A Phase 1 Habitat Survey report has been submitted as part of the application. The survey concludes that there is no evidence that the existing building is utilised by bats for roosting, but there is significant activity within the area. There is the potential that a nest has been constructed within a cavity behind the cladding and there is a small patch of Japanese Knotweed present on site. The Wildlife Officer has no objections, subject to the inclusion of conditions relating to details of mitigation for bats, vegetation clearance and the eradication of Japanese Knotweed. Therefore, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan and PPS 9 - Biodiversity and Geological Conservation.

**Highways issues** - The proposed development would develop the existing car park as part of the residential development, which would leave no turning or servicing facilities for the remaining mill. HGVs would have to reverse into the site from James Street. The title documents indicate that the mill buildings to the north of the site have a right of access over part of the application site, which would have been used by all users. The Traffic Section has objected to the proposal as HGVs reversing from James Street would have an adverse impact upon traffic flow and pedestrian safety. Therefore, the proposed development would be contrary to Policies H2/2, HT2/7 and HT6/2 of the adopted Unitary Development Plan.

**Parking issues** - SPD11 states that the maximum parking standards for residential dwellings within a high access area are:

- 1.5 spaces for each 2 bed unit
- 2 spaces for each 3 bed unit
- 3 spaces for each 4 bed units and above.

Therefore, the proposed development should be providing a maximum of 77 spaces.

The proposed development would provide 44 spaces with each unit having at least 1 space. The proposed parking provision would comply with the requirements for parking from Great Places Housing Association and visitor parking could be provided within the site. Secure

cycle parking would be provided in the rear gardens and the site has good access to public transport. Therefore, the proposed parking provision would be acceptable and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

**Access issues** - The Design & Access Statement states that the proposed house types have been designed to comply with the Lifetime Homes standard. BADDAC welcome the commitment to lifetime homes, but seek more information as to how compliance with the 16 points will be achieved. This would not form a reason for refusal, but in the event of a suitable scheme coming forward, additional detail should be submitted.

The application site slopes from west to east and has an overall fall of 3 metres across the site. BADDAC have concerns relating to the access to the dwellings and the potential for dangerous crossfalls. Similarly, this would not form a reason for refusal, but additional information with regard to gradients across the site should be provided.

**Recommendation:** Refuse

### **Conditions/ Reasons**

1. The proposed development would result in the loss of employment land and would prejudice the future viability of the existing industrial premises to the north and east of the site and is thereby contrary to Policies EC2 - Existing Industrial Premises and Areas, EC2/2 - Employment Land and Premises outside the Employment Generating Areas and H1/2 - Further Housing Development of the Bury Unitary Development Plan.
2. The proposed residential development would be sited adjacent to existing industrial and commercial premises and would represent the juxtaposition of incompatible uses in terms of noise pollution. The proposed development is thereby contrary to PPG24 - Planning and Noise and Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
3. The proposal would result in the loss of existing facilities for the loading and unloading of vehicles which visit the existing mill building and would not maintain suitable accommodation for service vehicles to enter and leave the site in a forward gear. This is highly likely to lead to vehicles parking and carrying out manoeuvres on the highway, including the reversing of heavy goods vehicles onto and from the adopted highway, to the detriment of the free flow of traffic and pedestrian and road safety. Therefore, the proposed development would be contrary to the following Policies of the Bury Unitary Development Plan:  
Policy H2/2 - The layout of new residential development  
Policy HT2/7 - Lorry parking  
Policy HT6/2 - Pedestrian/vehicular conflict
4. The proposed layout of plots 28 & 29 would be seriously detrimental to the residential amenities of the potential occupiers of these two dwellings by reason of their height, size and position. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:  
Policy H2/1 - The Form of New Residential Development  
Policy H2/2 - The Layout of New Residential Development

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



**Ward:** Radcliffe - West

Item 04

**Applicant:** C Smith & Sons (Rochdale) Ltd

**Location:** LAND AT JAMES STREET, RADCLIFFE

**Proposal:** OUTLINE RESIDENTIAL DEVELOPMENT - Up to 82 DWELLINGS

**Application Ref:** 51848/Outline Planning  
Permission

**Target Date:** 13/01/2010

**Recommendation:** Approve with Conditions

### **Description**

The site is a vacant piece of land, 2.44ha in size located on the edge of a modern residential development carried out by Barratt Homes and otherwise surrounded by traditional terraced housing to the south west and north of the site.

The site is part of a wider allocation under Policy EC2/1/14 and historically had been occupied by Radcliffe Paper Board and extended much further to the south east. Part of the land had been redeveloped for housing and the application land was left to retain provision employment land purposes. Planning permission was subsequently granted for 15 industrial factory buildings in December 2001, but this has not been implemented.

This application is seeking outline planning permission for the erection of up to 82 dwellings. All matters are reserved for a future submission of reserved matters. As such the only consideration of the application is whether the principle of residential development up to a maximum of 82 units is acceptable.

### **Relevant Planning History**

51849 - Remediation of land in preparation for residential development - Yet to be decided.  
43313 - Conversion of offices into 8 terraced dwellings - Approved - 14/1/05  
36520 - Residential Development 288 dwellings - Approved 12 December 2001  
36519 - Outline for the Erection of 15 Factory Buildings - Approved - 6 February 2002

### **Publicity**

303 Letters were sent to properties on Lodge Brow, James Street, James Street North, Morton Street, Joseph Street, Stand Lane, Fir Street, Lawndale Close, Woodvale Road, Glenwood Close, Merebrook Close, Aldwyn Close, Greendale Drive, Albion Street, Rupert Street, Johnson Street and Outwood Road on 15 October 2009. (A full list of the addresses can be found in the working file).

Site notices were erected on 17 October 2009 and a press advert was published in the Bury Times on 14 October 2009.

As a result of this publicity, 8 letters have been received. 3 provide comments, 4 object and 1 supports the proposals.

Objections - 24 Glenwood Close -

- The proposals show an upper limit of 12m for the dwellings and as their house backs on to the existing derelict land, the height of the dwellings would block the view.
- The creation of a footpath link through to the Barratt estate would be senseless as this would encourage youths from the nearby houses to use the Barratt's estate and cause trouble. Glenwood Close would be particularly affected. The pedestrian route would perpetuate litter.
- The existing stream is full of rubbish and overgrown weeds. The building of a perimeter

cut off drain would be hazardous in particular to dogs that are walked in the area.

#### 17 Morton Street

- Morton St is a very small quiet street, currently unadopted with a gravel road and old york stone paving. Whilst there is no objection to building on the site itself, they are opposed to anything that would a detrimental effect on Morton Street itself.
- Strongly oppose the idea of a pedestrian walkway at the top of their street. From experience ginnels of this type attract groups of youths, thus leading to increased litter, graffiti, crime and traffic.

#### 17 Merebrook Close

- The rear of their house is private and the development of dwellings there would reduce this.
- If houses are approved then there should be large bushes planted between the new and existing housing.

#### 7 Aldwyn Close

- When the existing residential development by Barratts was done, it was deemed that this site would not be developed by housing. They object now that a scheme has been presented for housing.

#### Support -

##### Endura properties Ltd

- Strongly supports the application as it will make a clear statement of intent that Radcliffe is at last being reinvented as per the bold statements made by Urbed in recent years.
- For too long now Radcliffe has been forgotten and a project such as this would make a clear statement that there are investors who see that Radcliffe should not be forgotten.
- As a local landlord I also see the huge benefits a development such as this would bring to what is currently a very impoverished area.
- I have occupied sites in the James Street area for 30 years now and would be delighted to give full support to projects such as this as we have allowed the town to be systematically dismantled for too long and inward investment is long overdue.

#### Comments

##### 18 Glenwood Close

- Not clear on how the height of the new dwellings would relate to the existing properties.
- Against the creation of any pedestrian link through from the development into the Barratt's estate. It may perpetuate crime.
- Would object to any additional traffic using the Barratts estate.
- How would the risk of contamination be eliminated? Wants absolute confirmation that there would be no risk to their health.
- Supports residential development on this site but wants the above two matters to be resolved.

##### 21 Glenwood Close

- Concerned if a pedestrian link is created as there has been a history of motorcross bikes using the land. Barriers should be erected to prevent such access.

##### 128 James Street

- Traffic calming measures should be considered to encourage cars to use Outwood Road instead of James Street.

Respondents have been notified of the date of the Planning Control Committee meeting.

#### **Consultations**

**Traffic Section** - No objection in principle to the development.

**Drainage Section** - No objections in principle. Attach informatives over the need to obtain appropriate consents from the Environment Agency and United Utilities.

**Environmental Health Contaminated Land/ Air Quality** - No objections subject to conditions to deal with land contamination matters.

**Wildlife Officer** - No objections subject to conditions to deal with ecological concerns on site clearance.

**Environment Agency** - No objections subject to conditions relating to the manner of dealing with surface water run off, culvert works, finalised levels of properties being provided as part of the reserved matters.

**Greater Manchester Police - designforsecurity** - No objections in principle. However, the data provided in the accompanying Crime Impact Assessment is dated and as the Police have not provided the assessment, there are some inaccuracies and other issues are not correct. They suggest that a thorough Crime Impact Assessment is submitted at the reserved matters stage.

**United Utilities** - No response to date.

**Chief Fire Officer** - No response to date.

**GMPTE** - No objections in principle. There is adequate infrastructure and in order to maximise the benefits of the site's location, it should be ensured that the pedestrian environment is designed to be as safe and convenient as possible so as not to discourage people from accessing the site on foot or by public transport. This applies both within the site and in relation to surrounding development. Given the likely increase in patronage to result from the development, it is reasonable to expect the developer for a financial contribution towards the improvement of the waiting environment by upgrading a northbound bus stop to a shelter. GMPTE welcomes the residential travel plan provided within the Transport Assessment.

**GM Archaeological Unit** - No response to date.

**BADDAC** - No objections at this stage.

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

PPS1	PPS1 Delivering Sustainable Development
PPS3	PPS3 - Housing
PPS9	PPS9 Biodiversity and Geological Conservation
PPG13	PPG13 - Transport
PPS23	PPS23 Planning and Pollution Control
PPS25	PPS25 Development and Flood Risk
RSS 13	Regional Spatial Strategy for the North West
EN1/5	Crime Prevention
EN1/6	Public Art
EN6/3	Features of Ecological Value
EN9	Landscape
EC2/1	Employment Generating Areas
H1/2	Further Housing Development
H4/1	Affordable Housing
RT2/2	Recreation Provision in New Housing Development
EN7/3	Water Pollution
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD3	DC Policy Guidance Note 3: Planning Out Crime

### **Issues and Analysis**

**Principle** - The site is the only outstanding area of the former Radcliffe Paper Mill that has not been subject to redevelopment. The site is covered by a S106 which seeks to retain the land in employment use given that the remainder of the paper mill site was redeveloped for residential.

The former paper mill was designated as an Employment Generating Area (EGA) and, technically, this outstanding site should also be considered as such. Under Policy EC2/1, the Council will seek to retain EGA's in use classes B1 (offices), B2 (general industry) or B8 (storage and distribution) use unless it constitutes limited development or does not substantially detract from the areas value for generating employment.

The suitability of the site has been considered as part of the Bury Employment Land Review and this has concluded that, given the degree of access constraints to the site, it is no longer considered appropriate for continued employment use. This being the case, it is considered that the loss of the site to residential development would not substantially detract from the areas value as an EGA and, consequently, would not conflict with UDP Policy EC2/1.

**Housing** - Policy L4 of the Regional Spatial Strategy sets a target for housing in Bury for 500 dwellings per annum. Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for housing development, including the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding uses.

The site is surrounded by residential development both old and more recently constructed. It has been left vacant despite the permission for industrial development on the site. In terms of housing, there is with ready access to surrounding infrastructure and services and is a brownfield site. Policy L4 considers that an 80% target for housing should be on such land.

Given these considerations and the principle of acceptance following on from the Council's Employment Land Review, the use of the site is considered an appropriate one.

The proposals have been submitted with an indicative master plan. The scheme shows that the site is capable of accommodating the densities of development proposed, whilst maintaining separation distances and accesses in line with adopted planning policy documents and guidance. At the time of a reserved matters application being submitted for the layout, it would be expected that aspect standards would need to be achieved in accordance with the Council's normal considerations. The master plan indicates that these could be achieved. Similar considerations apply to the proposed heights of the units.

**Culvert and Flood Risk** - There is a culvert running through the site, which would be a constraint to development. This is detailed within the scheme's accompanying Flood Risk Assessment. The Environment Agency have been consulted on the proposals and are content that subject to conditions requiring further investigative works, the culvert would not be an impediment to the redevelopment of the site.

The topography of the site is such that there is a need to ensure that water run off rates are appropriately designed in such that water surcharge and flooding does not occur. The Environment Agency consider that this can be resolved at the reserved matters stage.

**Traffic** - The application has been submitted with a Transport Assessment due to the scale of the scheme. The assessment has been passed to Greater Manchester Transportation Unit for consideration principally due to the traffic light modelling works that have been done for Radcliffe in light of the major schemes with planning approval in the immediate area.

The assessment includes a number of measures including a residential travel plan framework, which is supported by GMPTE. There are conditions that should be appended at this stage to the scheme, if approved, to ensure the items highlighted in their response are included within any subsequent reserved matters application.

**Ecology** - The application includes a thorough ecological assessment of the site dated March 2008. Though now slightly dated and early in the survey season. The nature of the site is such that it has recently cleared of buildings and its isolation from other sites of ecological interest means that the findings will still be valid. The only features of interest on the site are a number of ponds and a ditch, all features presumably created incidentally during demolition as some of these features were under the footprint of the buildings; giant hogweed and knotweed; and house sparrows a UK Biodiversity Action Plan (BAP) species. Conditions are suggested to ensure that vegetation is cleared when appropriate in the year, that the hogweed is properly deal with and that a method statement for the measures to

incorporate, mitigate or compensate for the Features of Ecological value within the site have been provided.

**Response to Objections** - Residents have responded to the consultation raising particular concern with matters that are of detail. These include the provision of a foot way through to the existing estate and heights.

The application is submitted in outline with all matters reserved. Subsequent approvals would be needed for the layout, scale, appearance, access and landscaping of the site. Matters of height and movement through the site would be considered in detailed when and if applications come forward for subsequent reserved matters approval. They are not particularly key to the consideration of the principle of the development at this stage as there are no obvious sensitivities in terms of these factors.

In terms of the comments about remediation, this application has been submitted with a remediation strategy and a separate application has been submitted to deal with remediation in its own right (51849). This tandem application is seeking full planning permission for the remediation of the site for residential development and appears elsewhere on this Committee Agenda.

Land remediation is subject to strict controls through Environmental Protection Act (EPA) and Town and Country Planning Acts (where such proposals require planning permission and operate in accordance with planning conditions). Land remediation strategies are complex documents and take the approach of directing how to deal with a site to bring it into a useable state relative to the end use. Residential development is a sensitive end use and as such the levels of remediation are strict. Cross contamination is considered and prevented by many measures and controls. Any deviance from the permitted processes can have significant ramifications and actions can be dealt with swiftly both through planning controls and EPA enforcement controls. This application if accepted, would be subject to stringent planning conditions designed purposefully to ensure that the land is remediate to a high standard, appropriate for use and in a fashion such that surrounding sensitive uses are not affected.

### **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 site is no longer suitable for employment in terms of the Council's Employment Land Review and as such it can be released for an alternative use. The proposals would provide a residential use into the area, which would assimilate with surrounding residential development. The principle of residential development is accepted. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. Applications for approval of reserved matters must be made not later than:
  - the expiration of three years beginning with the date of the grant of outline planning permission; and
  - that the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the layout, scale, appearance, access thereto and the landscaping of the site.  
Reason. To ensure the satisfactory development of the site and because this application is in outline only.
3. As part of the first reserved matter application submitted for residential development, a full Crime Impact Assessment shall be submitted to and be approved by the Local Planning Authority as part of the supporting documentation. The report shall consist and comprise up to date crime statistics, design criteria incorporated to mitigate crime and the fear of it, how crime has influenced the layout and hard and soft measures that have been incorporated into the layout proposals.  
Reason - To reduce the risk and fear of crime in the design of the layout, appearance, access and landscaping of the site pursuant to PPS1 Delivering Sustainable Development and pursuant to Unitary Development Plan Policy EN1/5 - Crime Prevention.
4. As part of the first reserved matter submission, a detailed programme of phasing and implementation works shall be submitted to and approved in writing by the Local Planning Authority. The programme shall include timing details of proposed ground works, remediation, culvert investigations and works to be carried out to the culvert and finished levels. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.  
Reason - The site contains difficult topography and proposed reformation works complicated with the existence of a culvert pursuant to PPS 25 - Development and Flood Risk and PPS23 - Planning and Pollution Control.
5. No development approved by this permission shall be commenced until a scheme to regulate the surface water run off has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be supported by detailed calculations and be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.  
Reason. To reduce the increased risk of flooding and pursuant to PPS25 Development and Flood Risk.
6. No development shall commence on site unless and until an investigation to determine the route, depth, size, materials, method of construction and condition of the culverted watercourse beneath the site is carried out and the results submitted to the Local Planning Authority. Any necessary remedial works identified shall be agreed in writing with the Local Planning Authority and approved shall be carried out in accordance with the approved details in an agreed timing and methodology of implementation.  
Reason. To reduce the increased risk of flooding and pursuant to PPS25 Development and Flood Risk.
7. The development hereby approved shall not commence unless and until details proposed external site levels and proposed finished floor levels (based upon Ordnance Survey Datum) identifying potential overland flow routed from culvert blockage/failure and drainage event exceedence has been submitted to and approved in writing by the Local Planning Authority. The approved levels shall be implemented in accordance with the approved details in an agreed timing and methodology of implementation.  
Reason. To reduce the increased risk of flooding and pursuant to PPS25 Development and Flood Risk.

8. The development hereby permitted shall not be commenced unless and until a scheme to (i) dispose of foul drainage and (ii) Dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.  
Reasons - To prevent pollution of the watercourse and pursuant to EN7/3 - Water Pollution and PPS25 Development and Flood Risk.
9. No vegetation clearance shall take place out on site between 1st March and 31st August inclusive in any year unless otherwise approved in writing by the Local Planning Authority.  
Reason - To safeguard a Biodiversity Action Plan species, House Sparrows and thus not to impact upon the population of the species pursuant to Unitary Development Plan Policy EN6/3 - Features of Ecological Value and PPS9 - Biodiversity and Geological Conservation.
10. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Giant Hogweed is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.  
Reason. To ensure that the site is free from Japanese Knotweed in the pursuant to Unitary Development Plan Policy EN9 - Landscape and PPS23 - Planning and Pollution Control.
11. No works of development shall take place until a method statement for the measures to incorporate, mitigate or compensate for the Features of Ecological value within the site have been provide and approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with a timing and implementation plan, which shall form part of the method statement.  
Reason - The site contains features which are of ecological value as identified within the accompanying Ecological Statement pursuant to Unitary Development Plan Policy EN6/3 - Features of Ecological Value and PPS9 - Biodiversity and Geological Conservation.
12. 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.
13. Following the provisions of Condition 12 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.

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

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

15. 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.

16. Following the provisions of Condition 12 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.

17. The development hereby approved shall include an element of public art that would be sufficient to be in accordance with Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.

Reason - To ensure that the development would contribute to satisfying the need for public art pursuant Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.

18. The development hereby approved shall include an element of recreational



provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development.

Reason - To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development

19. The development hereby approved shall include provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy H4/1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments. The approved details shall be submitted as part of the first reserved matters application relating to the housing proposals within the site and the approved provision shall be implemented prior to the first occupation of the residential element of the site or as otherwise agreed in writing by the Local Planning Authority.

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

20. As part of the submission of the layout of the site, details relating to the provision of a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall include the agreed measures contained within the approved residential Travel Plan as part of the implementation of the development and the agreed measures shall be in place prior to the occupation of the first dwelling.

Reason - To promote the sustainable transport measures identified within the approved Transport Assessment and pursuant to Planning Policy Guidance Note 13 - Transport.

21. This decision relates to the following reports Site Investigation and Risk Assessment R1283-R01, Remediation Statement R012-C2269-CSS, Contaminated Land Air Quality Environmental Audit, Ecological Survey and Assessment by Environmental Research Advisory Partnership, Transport Assessment by Daneswell Let, Flood Risk Assessment by M Lambert Associates, Coal Mining Report by J V Everett, and the development shall not be carried out except in accordance with the reports hereby approved.

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

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

**Ward:** Radcliffe - West

Item 05

**Applicant:** C Smith & Sons (Rochdale) Ltd

**Location:** LAND AT JAMES STREET, RADCLIFFE

**Proposal:** REMEDIATION OF LAND IN PREPARATION FOR DEVELOPMENT

**Application Ref:** 51849/Full

**Target Date:** 13/01/2010

**Recommendation:** Approve with Conditions

### **Description**

The site is a vacant piece of land, 2.44ha in size located on the edge of a modern residential development carried out by Barratt Homes and otherwise surrounded by traditional terraced housing to the south west and north of the site.

The site is part of a wider allocation under Policy EC2/1/14 and historically had been occupied by Radcliffe Paper Board and extended much further to the south east. Part of the land had been redeveloped for housing and the application land was left in response to retain provision employment land purposes. Planning permission was subsequently granted for 15 industrial factory buildings in December 2001, but this has not been implemented.

This application is seeking full planning permission for the remediation of the site, suitable for residential end use. The scheme would seek to remodel the land to create a slope from north to south, following Johnson Street topography, in regular 1m increases in levels across the site. In this process, the scheme would decontaminate the land, remediate it and model it to the proposed profile. Principally the remediation would comprise the identification of source/pathways linkages, re-profiling of land and some importation of inert material where necessary.

### **Relevant Planning History**

51848 - Outline residential development for up to 82 dwellings - Yet to be decided.

43313 - Conversion of offices into 8 terraced dwellings - Approved - 14/1/05

36520 - Residential Development 288 dwellings - Approved 12 December 2001

36519 - Outline for the Erection of 15 Factory Buildings - Approved - 6 February 2002

### **Publicity**

303 Letters were sent to properties on Lodge Brow, James Street, James Street North, Morton Street, Joseph Street, Stand Lane, Fir Street, Lawndale Close, Woodvale Road, Glenwood Close, Merebrook Close, Aldwyn Close, Greendale Drive, Albion Street, Rupert Street, Johnson Street and Outwood Road on 15 October 2009. (A full list of the addresses can be found in the working file).

Site notices were erected on 17 October 2009 and a press advert was published in the Bury Times on 14 October 2009.

As a result of this publicity, 8 letters have been received. 3 provide comments, 4 object and 1 supports the proposals. These comments are included within the report for 51848 - Outline Residential Development for a maximum of 82 dwellings found elsewhere on this agenda.

Respondents have been notified of the date of the Planning Control Committee meeting.

### **Consultations**

**Traffic Section** - No objections

**Drainage Section** - No objections in principle. Attach informatives over the need to obtain appropriate consents from the Environment Agency and United Utilities.

**Environmental Health Contaminated Land/ Air Quality** - No objections subject to conditions to deal with land contamination matters.

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

**Environment Agency** - No objections subject to conditions relating to the manner of dealing with surface water run off, culvert works, finalised levels of properties being provided as part of the reserved matters.

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

**United Utilities** - No response to date.

**Chief Fire Officer** - No response to date.

**GM Archaeological Unit** - No response to date.

**BADDAC** - No objections

**Wildlife Officer** - No objections subject to conditions to deal with ecological concerns on site clearance.

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

EC2/1	Employment Generating Areas
EN6/3	Features of Ecological Value
EN7/3	Water Pollution
EN10/1	Derelict Land
EN7	Pollution Control
EN9	Landscape
PPS9	PPS9 Biodiversity and Geological Conservation
PPS23	PPS23 Planning and Pollution Control
PPS25	PPS25 Development and Flood Risk

### **Issues and Analysis**

**Principle** - UDP Policy EN10/1 considers that the Council will encourage the reclamation of derelict land. Although the land is not 'derelict' in land use terms, the land would benefit from a decontamination and remediation process to make it suitable for development.

This land has been left and no re-development has taken place on the site. Immediate works to the site created two rough plateaus, one fronting on to James Street and a second behind the recent Barratt's estate. There is a steep embankment between the site and the Barratt's estate with levels changes of around 6m. From north to south a difference of 13m can be seen.

This proposal if accepted, would allow the land to be prepared, remodelled, remediated and decontaminated up to a high specification suitable for a sensitive end use. In this instance the application states to a standard suitable for residential purposes. Furthermore, the site is surrounded by residential development both old and more recently constructed and the delivery of the site suitable for development is welcomed, whether an employment use or other use. This is subject to other policies and considerations of the development plan. Notwithstanding this, the principle of this is considered to be a positive statement of intent to clean up the site making it suitable for development.

As such the proposals are considered to be acceptable in principle.

**Culvert and Flood Risk** - There is a culvert running through the site, which would be a constraint to development. This is detailed within the scheme's accompanying Flood Risk Assessment. The Environment Agency have been consulted on the proposals and are content that subject to conditions requiring further investigative works, the culvert would not be an impediment to the redevelopment of the site.

The topography of the site is such that there is a need to ensure that water run off rates are appropriately designed in such that water surcharge and flooding does not occur. The Environment Agency consider that this can be resolved through the need to discharge planning conditions.

**Ecology** - The application includes a thorough ecological assessment of the site dated March 2008. Though now slightly dated and early in the survey season. The nature of the site is such that it has recently cleared of buildings and its isolation from other sites of ecological interest means that the findings will still be valid. The only features of interest on the site are a number of ponds and a ditch, all features presumably created incidentally during demolition as some of these features were under the footprint of the buildings; giant hogweed and knotweed; and house sparrows a UK BAP species. Conditions are suggested to ensure that vegetation is cleared when appropriate in the year, that the hogweed is properly deal with and that a method statement for the measures to incorporate, mitigate or compensate for the Features of Ecological value within the site have been provided.

**Response to Objections** - Residents have responded to the consultation raising particular concern with matters that are of detail relating to residential development. Responses to these issues can be found in the application for residential development (51848).

Land remediation is subject to strict controls through Environmental Protection Act (EPA) and Town and Country Planning Acts (where such proposals require planning permission and operate in accordance with planning conditions). Land remediation strategies are complex documents and take the approach of directing how to deal with a site to bring it into a useable state relative to the end use. Residential development is a sensitive end use and as such the levels of remediation are strict. Cross contamination is considered and prevented by many measures and controls. Any deviance from the permitted processes can have significant ramifications and actions can be dealt with swiftly both through planning controls and EPA enforcement controls. This application if accepted, would be subject to stringent planning conditions designed purposefully to ensure that the land is remediate to a high standard, appropriate for use and in a fashion such that surrounding sensitive uses are not affected.

### **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 remediation of the land is welcomed and the levels proposed would assimilate into the area appropriately. The proposed works would bring the site into beneficial use and would comply with Unitary Development Plan 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 the following reports Site Investigation and Risk Assessment R1283-R01, Remediation Statement R012-C2269-CSS, Contaminated Land Air Quality Environmental Audit, Ecological Survey and Assessment by Environmental Research Advisory Partnership, Transport Assessment by Daneswell Let, Flood Risk Assessment by M Lambert Associates, Coal Mining Report by J V Everett, and the development shall not be carried out except in accordance with the reports 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. A detailed programme of phasing and implementation works shall be submitted

to and approved in writing by the Local Planning Authority. The programme shall include timing details of proposed ground works, remediation, culvert investigations and works to be carried out to the culvert and finished levels. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason - The site contains difficult topography and proposed reformation works complicated with the existence of a culvert pursuant to PPS 25 - Development and Flood Risk and PPS23 - Planning and Pollution Control.

4. No development approved by this permission shall be commenced until a scheme to regulate the surface water run off has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be supported by detailed calculations and be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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

5. No development shall commence on site unless and until an investigation to determine the route, depth, size, materials, method of construction and condition of the culverted watercourse beneath the site is carried out and the results submitted to the Local Planning Authority. Any necessary remedial works identified shall be agreed in writing with the Local Planning Authority and approved shall be carried out in accordance with the approved details in an agreed timing and methodology of implementation.

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

6. The development hereby approved shall not commence unless and until details proposed external site levels and proposed finished floor levels (based upon Ordnance Survey Datum) identifying potential overland flow routed from culvert blockage/failure and drainage event exceedence has been submitted to and approved in writing by the Local Planning Authority. The approved levels shall be implemented in accordance with the approved details in an agreed timing and methodology of implementation.

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

7. The development hereby permitted shall not be commenced unless and until a scheme to (i) dispose of foul drainage and (ii) Dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reasons - To prevent pollution of the watercourse and pursuant to EN7/3 - Water Pollution and PPS25 Development and Flood Risk.

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

Reason - To safeguard a Biodiversity Action Plan species, House Sparrows and thus not to impact upon the population of the species pursuant to Unitary Development Plan Policy EN6/3 - Features of Ecological Value and PPS9 - Biodiversity and Geological Conservation.

9. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Giant Hogweed is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the

date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

Reason. To ensure that the site is free from Japanese Knotweed in the pursuant to Unitary Development Plan Policy EN9 - Landscape and PPS23 - Planning and Pollution Control.

10. No works of development shall take place until a method statement for the measures to incorporate, mitigate or compensate for the Features of Ecological value within the site have been provide and approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with a timing and implementation plan, which shall form part of the method statement.

Reason - The site contains features which are of ecological value as identified within the accompanying Ecological Statement pursuant to Unitary Development Plan Policy EN6/3 - Features of Ecological Value and PPS9 - Biodiversity and Geological Conservation.

11. 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.

12. Following the provisions of Condition 11 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.

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

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

14. 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.

15. Following the provisions of Condition 11 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and  
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

**Ward:** Bury West - Church

Item 06

**Applicant:** Miss Jackson

**Location:** 169 BOLTON ROAD, BURY, BL8 2NW

**Proposal:** CHANGE OF USE FROM HAIRDRESSERS (A1) TO HOT FOOD TAKEAWAY (A5)  
AT GROUND FLOOR WITH EXTRACTOR FLUE AT REAR

**Application Ref:** 51863/Full

**Target Date:** 01/01/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site is located within a terrace of properties, which front onto Bolton Road. All of these properties are in commercial use, including three shops (A1), an accountants and letting agent (A2) and a hot food takeaway (A5). The properties back onto Back Bolton Road South, which is a one way street with a layby for parking and there is a second layby on Fountain Street to the west.

There are residential properties opposite the site and to the west across Fountain Street. The industrial units to the south are at a lower level and there is a car wash to the east. There are offices above the existing retail uni.

The proposal involves the change of use of a hairdressers (A1) to a hot food takeaway (A5). A flue would be installed on the rear elevation. The proposed opening times would be from 12.00 to 23.00 daily.

### **Relevant Planning History**

27152 - Change of use of post office to ground floor lock up shop with self contained flat above at 169 Bolton Road, Bury. Approved - 28 May 1992.

38822 - Installation of automated teller machine at 169 Bolton Road, Bury. Approved with conditions - 26 March 2002.

### **Publicity**

The neighbouring properties were notified by means of a letter on 11 November . Three letters have been received from the occupiers of 159A, 161, 168 Bolton Road, which have raised the following issues:

- There are currently 2 food outlets in the row of properties
- Impact upon road safety
- Impact of increased noise
- Lack of parking provision
- Impact upon existing hot food takeaways in the locality
- Impact of litter and anti-social behaviour

### **Consultations**

**Traffic Section** - No objections.

**Drainage Section** - No objections.

**Environmental Health Contaminated Land** - No response.

**Environmental Health Pollution Control** - No objections, subject to the inclusion of a condition relating to fumes and odours.

**Waste Management** - No response.

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

EN7/2 Noise Pollution



EN1/2	Townscape and Built Design
S1/4	Local Shopping Centres
S2/6	Food and Drink
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD11	Parking Standards in Bury

### **Issues and Analysis**

**Principle** - Policy S1/4 states that the Council will seek to maintain and enhance local shopping centres and will encourage the provision of a range of shopping facilities required to serve local needs.

Policy S2/6 states that the Council will have regard to the following when assessing proposals for hot food takeaways:

- the amenity of nearby residents by reason of noise, smell, litter and opening hours
- whether the proposal would result in a over concentration of A5 uses
- parking and servicing provision
- provision of the storage and disposal of litter
- the impact of any ventilation flues

The proposed development would result in two hot food takeaways in a row of 7 commercial properties and would not result in an over provision of A5 uses within the locality.

**Impact upon residential amenity** - The addition of the flue on the rear elevation would be the only external change to the building. As such, the shop front would remain and the proposed development would retain the appearance of a shop. The proposed flue would be located on the rear elevation and would be adjacent to the outbuilding. The Pollution Control Section has no objections to the proposal, subject to the inclusion of a condition relating to fumes and odours.

The proposed hours of opening would be from 12.00 to 23.30 seven days a week. The proposed development is located within an existing centre and there is an existing hot food takeaway within the terrace of properties. As such, the hours of use would not have an adverse impact upon the amenity of the neighbouring occupiers.

**Highways issues** - SPD11 states that the maximum parking standards for a hot food takeaway would be 1 space per 8.5 square metres and this proposal should provide a maximum of 10 spaces. There are two existing laybys on Back Bolton Street and Fountain Street, which are in close proximity to the application site. The two laybys can accommodate 10 cars, which would comply with the maximum parking standards.

In conclusion, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

### **Response to objectors**

The issues relating to the road safety, parking provision, noise and the number of food units have been dealt with above. The issue of competition is not a material planning consideration.

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

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

The proposed development is acceptable in principle and would not have an adverse impact upon the amenity of the neighbouring properties nor would it 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 the drawings received on 6 November and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating/dispersing fumes and odours so as to render them inoffensive to local residents has been submitted to and approved by the Local Planning Authority. A written statement from a competent person shall be included with the submitted scheme, that the proposed scheme will achieve the requirements of adequate treatment/dispersion under all normal operating circumstances. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.  
Reason. To safeguard the amenities of the occupiers of nearby residential and office accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. The use hereby permitted shall not be open to customers outside the following times: 12.00 to 23.00 daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

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

Item 07

**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

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

### **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. Seven letters have been received from the occupiers of 3 Ross Avenue & 1, 3, 4, 5, 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.
- Adverse impact upon property prices.
- The current application fails to address the previous reasons for refusal.
- The proposed development will set a precedent.

A letter has been received from Fairhursts on behalf of the residents of 1, 2, 3, 4, 6, 7 Westlands & 1 & 3 Ross Avenue, which have raised the following points:

- No objection to the development of the site in principle
- Failure to address the reasons for refusal of application 51477
- Proposal is not in keeping with the character of the area
- The proposal represents overdevelopment of the site
- Impact upon residential amenity
- No need for the proposed dwellings
- The proposal would create an unacceptable precedent
- Impact upon the current foul drainage system

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. The second reason for refusal on the previous

application (51477) referred to the culmination of the three features (expanse of car parking, the inadequate width of planting and the concrete post and timber fencing) creating a discordant feature on the frontage. Given the reduction in size of the proposed parking area and the increase in the areas of landscaping, the provision of a concrete post and timber fence would not be harmful to the visual amenity of the area. A bike store would be provided at the side of the proposed building. There would be a difference in levels of 1 metre to the north of the proposed building. Full details of the levels and any retaining structures would be secured via a condition. 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 existing properties connect to a pumping station, which is located within the garden of No. 1 Westlands and is maintained by United Utilities. The proposed development may connect to the existing pumping station or may provide a new pumping station. The Drainage Section has no objections to the proposal, subject to the inclusion of a condition relating to foul and surface drainage, including full details of any proposed pumping station. 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 aspect 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 bedroomed 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 impact upon property prices is not a material planning consideration. Each planning application is assessed on its own merits. The remaining issues raised by the objectors have been dealt with 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 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 validity evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. 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, including full details of any pumping station, 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 and to accord with Bury Unitary Development Plan Policy H2/2 - The Layout of New Residential Development.

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.

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

before the dwellings are occupied.

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

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

**Ward:** North Manor

Item 08

**Applicant:** Mrs M Gregory

**Location:** LAND TO SOUTH WEST OF QUEENS PLACE, SUMMERSEAT, RAMSBOTTOM, BL9 5PH

**Proposal:** CHANGE OF USE FROM VACANT LAND TO PARKING FOR 11 CARS

**Application Ref:** 51890/Full

**Target Date:** 15/12/2009

**Recommendation:** Approve with Conditions

### **Description**

The application site is located within the Summerseat Conservation Area and is a vacant piece of land, which is located to the south west of Queens Place. The site is overgrown and is used for occasional parking currently. The site is level and the site slopes steeply to the south towards Miller Street and the railway. There are mature trees located at the top of the slope. There are residential properties located to the north, east and west of the site.

The proposal involves the change of use of the land to an area for parking. Eleven spaces would be provided for use by local residents. The parking spaces would be demarcated using natural stone setts, with a gravel surfacing. A timber knee rail would be located at the rear of the parking spaces.

### **Relevant Planning History**

21906 - Erection of double garage at land opposite 19 Queens Place, Summerseat.  
Refused - 16 March 1989

25526 - Proposed garage at land opposite 19 Queens Place, Summerseat. Refused - 4 April 1991

### **Publicity**

14 neighbouring properties (1 - 19 Queens Place (odds); 6, 8, 9, 76 Pollards Lane) were notified by means of a letter on 21 October and a press notice was published on 29 October. Site notices were posted on 21 October.

One letter has been received, which has raised the following issues:

- What would an 'authorised user' be and who would use these spaces
- The footpath along Queens Place is not obstructed by cars and is too narrow for use by people with prams
- There are no parking restrictions and cars can park on both sides of the road.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objections in principle, but gravel would not be acceptable

**Drainage Section** - No objections

**Landscape Practice** - No objections.

**Conservation Officer** - No objections

**GM Police - designforsecurity** - No objections

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

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

EN2/1 Character of Conservation Areas

EN2/2	Conservation Area Control
EN6/4	Wildlife Links and Corridors
EN8/2	Woodland and Tree Planting
EN9/1	Special Landscape Areas
OL1/5	Mineral Extraction and Other Dev in the Green Belt
OL5/2	Development in River Valleys
HT2/4	Car Parking and New Development
HT4	New Development
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
PPG2	PPG2 - Green Belts

### **Issues and Analysis**

**Principle** - PPG 2 establishes a presumption against inappropriate development, including new buildings, within the green belt there are several exemptions, including development required for essential facilities for outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the green belt and do not conflict with the purposes of including land within it. Proposals for development, which do not fall into one of the above categories is inappropriate development and will only be permitted in special circumstances.

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

The proposed development would involve the provision of a small car park for use by local residents. The application site is currently used for occasional parking and the proposed development would maintain the openness of the site. Therefore, the proposed development would not have an adverse impact upon the openness and character of the Green Belt and would be in accordance with Policy OL1/5 of the adopted Unitary Development Plan and PPG2.

**Impact upon conservation area** - The proposed site is a small area of land, which is accessed directly off the adopted highway. The proposed parking spaces would be demarcated using natural stone setts and AD pave 50 would be used as a permeable surfacing. AD pave 50 is a metal frame, which holds the gravel in place. A timber knee rail would be provided along the rear of the spaces. The proposed materials would be appropriate to the Conservation Area and the Conservation Officer has no objections to the proposal.

The proposed development would involve the removal of a tree, which is located in the south east corner of the site. The tree is of poor quality and contributes little in terms of visual amenity. The Landscape Practice has no objections to the scheme.

Therefore, the removal of the tree would not have an adverse impact upon the character or visual amenity of the Conservation Area and would be in accordance with Policies EN8, EN2/1 and EN2/2 of the adopted Unitary Development Plan.

**Residential amenity** - The nearest residential dwellings would be some 10 - 11 metres away from the proposed parking spaces. The proposed site is currently used for parking and as such, there would be no significant increase in noise. Therefore, the proposed development would not have an adverse impact upon residential amenity and would be in accordance with Policy EN7/2 of the adopted Unitary Development Plan.

**Highways issues** - The Traffic Section has no objections in principle to the proposed development, but are concerned that there may be a loss of gravel from the parking spaces onto the adopted highway. The agent has suggested the use of ADpave50, which would prevent the loss of the gravel.

**Parking** - The proposed site is currently used for parking, which is causing damage to this

grassed area. Queens Place is a one way street, which is very narrow in places and cars tend to park on one side of the street. The proposed development would allow 11 vehicles to park off-road. This would reduce on-street parking, resulting in a wider carriageway and the would improve the free-flow of traffic.

Therefore, the proposed development would improve highway safety and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

**Response to objectors** - The proposed development would not affect the footpath along Queens Place.

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

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

The proposed development would not impact upon the openness of the Green Belt and would not have an adverse impact upon the amenity of nearby residents. The proposed development would not have an adverse impact upon the character and appearance of the Conservation Area 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 the drawings received on 20 October 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 car park shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved details shall be implemented as part of the development.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. 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.

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

**Ward:** Radcliffe - North

Item 09

**Applicant:** Wesley Methodists Primary

**Location:** WESLEY METHODIST PRIMARY SCHOOL, FORTH ROAD, RADCLIFFE, M26 4PX

**Proposal:** RETROSPECTIVE APPLICATION FOR THE SITING OF THREE METAL STORAGE CONTAINERS

**Application Ref:** 51898/Full

**Target Date:** 18/12/2009

**Recommendation:** Approve with Conditions

### **Description**

The three steel containers are sited together and form a square at the south west corner of the school building and are screened on two side (south/east) by a timber lattice fence and on the north by a school building.

The school buildings are situated at the southern part of the site with the playing field to the north and west. The tarmac playground is situated to the south of the main school building. The largest of the three steel containers measure 6.5m long by 2.4 wide with a height of 2.5m. The two smaller containers measure 3m by 2.5m. The containers are coloured green and are used for general storage of equipment including goal posts. The containers are screened on the southern and eastern sides by the trellis fencing to a height of approximately 2.3m and it is proposed to plant ivy to grow on the lattice fence. The western side is unscreened at present but it is proposed to add a further fence along part of the elevation and plant three evergreen trees in front of the doors to the larger container.

### **Relevant Planning History**

51938 - Rear Canopy, New Fence to Play Area - Undecided.

### **Publicity**

77 immediate neighbours surrounding the site on Turks Road, Eastfields, Salisbury Road and Forth Road were notified by initial letter dated 26/10/2009 and revised plan letter dated 10/11/2009. Four objections from residents to the west at Nos 8, 10 and 12 Eastfields and 5 Forth Road have been received and are summarised below:

- The containers are an eyesore when viewed from the rear gardens of surrounding properties.
- The containers are screened from two sides but not the western side.
- They transgress privacy.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Greater Manchester Police** - No objection.

**Baddac Access** - No objection.

**Environmental Health** - No objection.

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

CF2 Education Land and Buildings

EN1/2 Townscape and Built Design

EN8/2 Woodland and Tree Planting

### **Issues and Analysis**

**Principle** - Unitary Development Plan Policy CF2 relates to Education Land and Buildings and states that where appropriate, favourable consideration will be given to the provision,

improvement and dual use of educational facilities. The additional storage space allows better use of facilities within the school building at a reasonable cost although a purpose built building would be the long term solution for the school. The principle of siting a storage facility within the grounds of the school is therefore acceptable subject to satisfactory siting, design and size of such a facility. A temporary period of five years is considered a suitable period of time to allow the containers to remain on the site given their temporary nature. This has been agreed by the applicants agent.

**Visual Amenity** - UDP Policy EN1/2 relates to design and states that the Council will give favourable consideration to proposals which do not have an unacceptably adverse impact on the character of an area.

In terms of siting, the containers are located immediately adjacent to the main school building and approximately 30m from the southern and western boundaries. The position of the containers appears to be practical and allows the containers to be viewed against the backdrop of existing buildings.

In terms of design, the containers themselves are not attractive and without any screening, would appear out of keeping with the predominantly residential area in which the school is sited. However, the containers are well screened on the southern and eastern elevations by the fencing and planting which will increase in coverage over time. It is proposed to screen the western elevation in a similar way and add climbing plants and evergreen trees to further screen the containers. The school building completely screens the containers from the north. In terms of visual amenity, given the existing and proposed screening of the containers and their neutral colour, they are considered to be acceptable as a short term solution to the storage problems at the school. As such the scheme complies with UDP Policy EN1/2 Townscape and Built Design.

**Residential Amenity** - Given the acceptability of the existing and proposed screening and the distances to the boundary with neighbouring properties, it is considered that the containers would not have a seriously detrimental impact on the amenity of the neighbours surrounding the school and therefore would comply with Policy CF2.

**Neighbour Representations** - The objections from residents appear to be based on the existing views of the unscreened western elevation. The proposed screen fencing and planting should ameliorate the visual impact of containers from these properties.

It is considered that the proposal would be acceptable for a temporary period of five years and would comply with UDP policies listed.

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

Permission should be granted having regard to the policies and proposals listed and the reason for granting permissions can be summarised as follows;-  
The containers are well screened and will not be seriously detrimental to the visual amenity of the locality or residential amenity of the surrounding neighbours. The proposal therefore complies with policies listed. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. This decision relates to drawings numbered KB/WES/PLANNING 01 AND PLANNING CONT REV 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.

2. The permission hereby granted is for a limited period only, namely for a period expiring 14th December 2014. The containers and associated works comprising the development for which planning permission is hereby granted are required to be removed at the expiration of the said period and the land reinstated to its former condition to the written satisfaction of the Local Planning Authority within one month of the date of this decision.  
Reason. In the interests of visual amenity and in view of the temporary nature of the development pursuant to UDP Policy EN1/2 Townscape and Built Design.
3. The proposed screen fence along the western elevation shall be erected within one month of the date of this decision notice and thereafter maintained in situ whilst the containers are in position.  
Reason: In the interests of visual amenity pursuant to UDP Policy EN1/2 Townscape and Built Design.
4. A detailed scheme for the planting of the proposed trees and climbing plants indicated on the approved plan KB/WES/PLANNING CONT REV shall be submitted to and implemented to the written satisfaction of the Local Planning Authority within three months of the date of this decision. Any trees removed, dying or becoming severely damaged or becoming seriously diseased within 2 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 Townscapem and Built Design and 8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..

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



**Ward:** Bury West - Church

**Item** 10

**Applicant:** ALPHA HOSPITALS LTD

**Location:** ALPHA HOSPITAL, BULLER STREET, BURY BL8 2BS

**Proposal:** PROPOSED DEMOLITION OF EXISTING 10 BED LOW SECURE UNIT, GATE LODGE SECURITY ACCESS CONTROL UNIT, TEMPORARY OFFICES, AND THE ERECTION OF NEW LOW SECURE PSYCHIATRIC HOSPITAL UNIT; MEDIUM SECURE PSYCHIATRIC HOSPITAL UNIT; SECURITY ACCESS CONTROL BUILDING, WITH UNDERGROUND AND SURFACE CAR AND CYCLE PARKING AND ASSOCIATED LANDSCAPING.

**Application Ref:** 51946/Full

**Target Date:** 04/02/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site is currently occupied by a hospital providing mental health services and comprises a number of buildings, which are two and three storeys in height. The gate lodge security control is located at the entrance to the site. To the east of the gate house is a low secure unit containing 10 beds. To the north of the gate house is a 32 bed unit and there is a modern medium secure unit containing 78 beds to the south of the site. The perimeter of the site is bounded by 5 metre high paladin fencing. There are trees located along the western boundary of the site and two areas of trees in the southern half of the site. These trees are protected by a Tree Preservation Order (No. 125).

The site is accessed from Bolton Road through a residential estate and passes over a bridge. The road splits into two with an access continuing to Elton Vale Sailing Club and the access to the hospital. The access road runs along the west of the site to the main car parks, which are located in the south and east of the application site.

The application site is surrounded by banks of mature trees, some of which are included within the Tree Preservation Order (No. 125). There are residential properties located to the west of the application site and Elton Reservoir and Elton Sailing Club are located to the south of the site.

The proposal has four main elements:

- The demolition of the existing three storey low secure unit to the east of the gate house security building and the demolition of the temporary offices.
- The erection of a medium secure unit to the east of the gatehouse. The medium secure unit would be three storeys in height and would incorporate a basement parking level to provide 129 parking spaces.
- The erection of a low secure unit at the southern end of the site. The low secure unit would be three storeys in height and would be constructed from brick, block work and concrete roof tile. A large number of trees would need to be removed to facilitate the development of this unit.
- 5.2 metre high security fencing (paladin) would be erected around the perimeter of the proposed medium secure building and along the rear boundary of the proposed low secure unit. 3 metre high security fencing would be located along the remainder of the perimeter of the proposed low secure unit.

### **Relevant Planning History**

39676 - Demolition of hospital building and erection of extension to nursing home for Class C2 use and erection of fencing at Florence Nightingale Hospital, Bolton Road, Bury.  
Approved with conditions - 22 November 2002

40333 - Erection of 2 No.3 storey secure nursing home/hospital blocks (Class C2); erection of related sports hall block; attendant car parking, servicing, games pitch & fencing at Florence Nightingale Hospital, Bolton Road, Bury. Approved with conditions - 28 May 2003

41536 - Single storey extension to ward 3 at Florence Nightingale Hospital, Bolton Road, Bury. Approved with conditions - 2 March 2004

44446 - Proposed medium secure residential care unit and change of use of 10 bed unit to administration block and change of use of gate lodge offices to security control building and fencing at Mayflower Hospital, off Buller Street, Bury. Approved with conditions - 24 May 2005

46225 - Temporary office accommodation at Mayflower Hospital, Bolton Road, Bury. Approved with conditions - 13 June 2006

46411 - Retrospective application for the amended design of a new hospital wing and relocation of security fencing and a proposed gate house extension at Mayflower Hospital, Bolton Road, Bury. Approved with conditions - 22 August 2006

48832 - Renewal of consent for temporary office accommodation at Mayflower Hospital, Bolton Road, Bury. Approved with conditions - 10 December 2007

51629 - Renewal of consent (48832) for temporary office accommodation at Alpha Hospital, Bolton Road, Bury. Approved with conditions - 24 September 2009

51670 - Demolition of existing 10 bed low secure unit, gate lodge security access control unit and temporary offices; erection of new low secure psychiatric hospital unit; medium secure psychiatric unit; security access control building with underground and surface car and cycle parking and associated landscaping at Alpha Hospital, Buller Street, Bury. Withdrawn - 5 November 2009.

The application was withdrawn as there were concerns relating to the position of a building, the proposed landscaping and the phasing of the works. Also, the applicant wished to revise the proposals.

### **Publicity**

288 neighbouring properties (Deardens Street, Buller Street, Buller Mews, Kingston Close, Powell Street, High Bank, Wellington Street, Haig Road, Connaught Street, Bolton Road, Kitchener Street, Dearden Fold, White Street) were notified by means of a letter on 9 November and a full list of addresses can be found in the file. A large number of properties were consulted as traffic calming measures are proposed in the nearby residential estate. A press notice was posted in the Bury Times on 12 November and site notices were posted on 10 November.

Three letters of objection from the occupiers of 35 Connaught Street, 50 Haig Road & 28 Buller Street, and a petition containing 119 signatures have been received and have raised the following issues:

- Impact of construction traffic.
- Impact on parking.
- Impact upon highway safety.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objections, subject to the inclusion of conditions relating to traffic calming measures on the nearby residential estate and car parking.

**Drainage Section** - No objections.

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

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

**Waste Management** - No objections.

**Baddac** - No response.

**Bury Primary Care Trust** - No response.

**Environment Agency** - No objections, subject to the inclusion of conditions relating to the provision of a surface water regulation system and a landscape management plan.

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

**National Grid Transco** - No response.

**United Utilities** - No response.

**GM Ecology Unit** - No objections, subject to the inclusion of conditions relating to timing of clearance work, further surveys of trees in relation to bats and landscaping.

**Natural England** - There is a need to survey for the presence of bats.

**British Waterways** - No objections, subject to the inclusion of a condition preventing of pollution of the waterway.

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

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN6/2	Sites of Nature Conservation Interest LNR's
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/3	Water Pollution
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
OL1	Green Belt
OL5/2	Development in River Valleys
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
CF1/1	Location of New Community Facilities
CF4	Healthcare Facilities
PPS9	PPS9 Biodiversity and Geological Conservation
PPG13	PPG13 - Transport
PPS23	PPS23 Planning and Pollution Control
PPS25	PPS25 Development and Flood Risk

### **Issues and Analysis**

**Principle** - Policy CF1/1 states that the proposals for new and improved community facilities will be considered with regard to:

- Impact upon residential amenity and the local environment
- Traffic generation and car parking
- The scale and size of the development
- Accessibility by public and private transport
- The needs and requirements of the disabled

Policy CF4 states that improvements to existing and proposals for new health care facilities will generally be looked on favourably by the Council.

A detailed assessment of the services for people with serious psychological problems within the Borough has been undertaken by the applicant. This assessment indicates that there is a need for additional facilities for the care and treatment of psychological disorders. The proposed development would provide improved facilities in terms of a medium and low secure units. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies CF1/1 and CF4 of the adopted Unitary Development Plan.

Policy OL1 states that the Council will maintain the Green Belt, ensuring that it:

- Checks the unrestricted sprawl of large built up areas
- To assist in safeguarding the countryside from further encroachment

The Green Belt is located to the south and west of the site boundary, but does not cover any of the site itself. Development would extend up to the Green Belt boundary, but would not encroach into it.

Due to concerns over the siting of buildings to the south of the development site appearing conspicuous on the edge of the Green Belt boundary, the applicant has redesigned the layout. The proposed low security unit has been transposed and moved back from the southerly Green Belt boundary, with the main entrance facing south. In doing this, the secure outdoor areas would face the centre of the site and this revision has allowed for the security fencing along the southern boundary to reduce in height from 5.2 metres to 3 metres. The transposition of the buildings has also allows the low secure unit building to be 'cut' into the ground, which reduces the height of the building by 2.0m. The final issues is that the nearest building to the Green Belt boundary would be 10.56m with other elements of this building providing 13.4m and 25.7m from the southerly Green Belt boundary as opposed to previously where the distances were 7.7m, 11.7m and 8.56m respectively.

It is acknowledged that the road and car parking would be close up to the Green Belt boundary. However, given the screening to be retained and supplemented, these elements would not be readily visible from outside the site or appear conspicuous in the Green Belt.

The proposed building would be screened by the existing and additional planting along the southern boundary. A large number of trees would be removed in this southerly area but the proposals seek to retain planting to the southerly boundary. It is also proposed to supplement the tree provision to compensate for tree loss and to infill gaps along this boundary. Whilst it is acknowledged that tree removal would be significant, the retention of trees would maintain a good boundary feature. On this basis and given the amendments described above it is considered that and the proposed development would not have a significant adverse impact upon the openness of the Green Belt. Therefore, the proposed development would be in accordance with Policies OL1, CF1/1 and EN1/1 of the adopted Unitary Development Plan.

**Design and impact upon the surrounding area** - There is a mixture of traditional and modern buildings on the site and the design of the proposed medium secure unit has been influenced by the design of the existing low secure unit. The proposed openings would be evenly spaced and give a vertical emphasis to the building. The proposed development would incorporate a variety of materials, including block work and brick to add interest to the proposed building.

The proposed medium secure building is essentially three buildings, which are connected by corridors at all floors. Two elements of the proposed building would be three storeys in height and the third element would be two storeys. The existing building, which is to be demolished, is three storeys in height and the proposed building would be no worse than existing. Therefore, the proposed building would be acceptable in terms of height.

The proposed low secure building would be three storeys in height. The site slopes upwards towards the existing buildings to the north and the proposed building would cut into the slope. This would reduce the overall height of the building by 2 metres. The proposed low secure building would also be screened by the existing trees along the southern boundary. Peripheral trees are to be retained and improved by way of planting in the gaps and the movement of the building away from the southerly boundary would ensure that the building would be acceptable in terms of height.

The proposed low secure building would be traditional in its design with evenly spaced windows with a vertical feel. The use of a variety of materials, including brick, block work and red clay brick bands add interest to the proposed building and would be similar to the

existing buildings.

There would be some 75 metres between the existing and proposed hospital buildings and the nearest residential properties. Therefore, there would not be an adverse impact upon the amenity of the potential occupiers of the proposed buildings or the occupiers of neighbouring properties.

The medium secure unit would be sited to the east of the site. This land appears elevated when seen from the east. There is a buffer area, a strip of land, which would be retained between two secure fencing areas. This buffer strip is to be planted with trees. Revised plans are expected to demonstrate this. An update shall be provided within the supplementary agenda.

With these additional considerations, it is considered that the proposed development would be in accordance with Policies EN1/1, EN1/2 and CF1/1 of the adopted Unitary Development Plan.

**Ecology & Trees** - An ecological assessment has been submitted as part of the application and the report states that no great crested newts were recorded on the site. The report states that the gate lodge security control has a moderate potential to support roosting bats and further surveys are required during mid-May to late August. The applicant has amended the scheme and the gate lodge security building will be retained to consider how to deal with this building at another time.

The report identified two groups of trees, which may act as supporting features that could be used by bats. These trees are located to the north of the entrance to the site and to the south of the site and are to be removed as part of the proposed development. GM Ecology Unit is satisfied that the trees have been adequately assessed and recommends a condition requiring dawn swarming surveys to be undertaken during the active season to determine the usage by bats and any appropriate mitigation measures.

The ecological impact of the loss of the trees would be mitigated by the provision of 120 metres of hedgerow and trees along the access road to Elton Sailing Club. The proposed hedgerow would be 2 metres wide and the existing trees along the southern boundary would be strengthened with additional planting. The exact location and size of the additional planting will be secured via a condition. The provision of the proposed hedgerow and trees would strengthen the wildlife corridor.

Therefore, the proposed development would not harm the adjacent SBIs or any protected species and are in accordance with Policies EN6/1, EN6/2, EN6/3 and EN6/4 of the adopted Unitary Development Plan.

The majority of the site is covered by Tree Preservation Order (TPO) No. 125. The proposed development would extend partly into the belt of trees to the south of the access road. The majority of these trees are self seeded and are mixed with scrub vegetation. The Environment Agency has no objections, subject to the inclusion of a condition relating to the provision of a landscape management plan, which would include mitigation for the loss of the scrub land.

The belt of trees, which are to be retained to the south of the application site, are all in excess of 5 metres in height with some being as high as 9.5 metres. The proposed low secure unit would be between 13 metres and 26 metres from the tree belt. The landscaping plan indicates that this line of planting would be maintained and additional planting has been secured in the gaps of the existing belt of trees. Additionally, as the land slopes down to Elton Reservoir, the impact of the structure would be further ameliorated by existing and retained trees when viewed from the reservoir side of the site. Further planting would be located along the eastern boundary of the site, which would screen the proposed medium and low secure units. Therefore, the proposed development would not impact upon the visual amenity of the area and would be in accordance with Policies EN8/1 and EN8/2 of the

adopted Unitary Development Plan.

**Flood risk** - A hydrological assessment was submitted as part of the application. The report states that surface water run off would increase marginally and there would be no change to the direction of surface water flow to Elton Reservoir and the Daisyfield Site of Biological Importance (SBI) as a result of the excavation of the basement. The report goes on to recommend:

- Maintenance of the existing surface water discharge rate from the site; and
- Incorporation of SUDS techniques to further reduce run off

The Environment Agency has no objections, subject to the inclusion of a conditions relating to the provision of a surface water regulation system and a landscape management plan, including the provision of SUDs. The Drainage Section has no objections to the scheme. Therefore, the proposed development would be in accordance with Policy EN5/1 of the adopted Unitary Development Plan and PPS25.

**Highways issues** - The main access to the application site is taken from Bolton Road via a number of residential streets (Kitchener Street & Buller Street) and no changes are proposed to these areas. The Transport Assessment proposes a local safety scheme, including 20mph zone within the residential areas (Connaught Street, Powell Street, Kitchener Street, White Street & Buller Street). The local safety scheme is the result of discussions between the applicant and the local residents. The Traffic Section has no objections to this, subject to the inclusion of a condition relating to traffic calming measures, which would be implemented by the applicant.

A travel plan has been submitted as part of the application and would include the following measures:

- Implementation of a car share scheme
- Provision of travel information
- Provision of 'Bus to work' scheme
- Group taxi bookings
- Provision of 'Cycle to work' scheme

The implementation of the above measures are reasonable and would reduce the number of vehicles visiting the site. This would be secured via a condition.

**Parking** - SPD11 does not specify a specific parking requirement for hospitals, but states that the parking requirement will be 'determined through a Transport Assessment'.

There are currently 96 spaces at the site for a hospital with 120 beds and 397 staff. The proposed development would increase the number of beds by 84, the number of staff by 225 and would provide an additional 110 parking spaces. Therefore, there would be a total of 206 parking spaces and 30 cycle spaces provided on site. This would be provided in part by some surface parking with the substantial parking provision within a basement underneath the medium secure building.

The additional parking spaces are required to ensure that all additional traffic is contained on site as an under provision of parking would result in parking on the nearby residential streets. Residents have highlighted an existing problem with parking on the surrounding streets. The proposed development would include the implementation of a travel plan, which would reduce the number of vehicles accessing the site. Therefore, the proposed parking provision would be acceptable.

Therefore, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

**Access issues** - Level access would be provided to both the proposed buildings and a disabled toilet would be provided on each floor. The proposed buildings incorporate a lift and at least 1 disabled bedroom would be provided on each floor of the proposed buildings. Three disabled parking bays would be provided in the basement car park and would access

the main building by the lift. Two disabled parking bays would be located in close proximity to the entrance to the proposed low secure unit. The proposed development would be accessible for all and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

**Response to objectors** - The issues relating to highway safety and parking have been addressed in the report above. The impact of construction traffic is not a material planning consideration and would be controlled under the Environment Protection Act.

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

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

The proposed development would be acceptable in principle and would not have an adverse impact upon the ecology of the surrounding area. The proposed development would not be unduly prominent in the locality nor would it 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 ALPHA/08/01/00, ALPHA/08/01/01, ALPHA/08/01/02 B, ALPHA/08/01/03 B, ALPHA/08/01/04, ALPHA/08/01/05, ALPHA/08/01/06 A, ALPHA/08/01/07 A, ALPHA/08/01/08 A, ALPHA/08/01/09 A and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

5. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
  - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.
- Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. Following the provisions of Condition 3 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and  
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved details shall be implemented as part of the development.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
9. Prior to the removal of the trees permitted by this approval, a survey shall be conducted, and the survey results established as to whether the affected trees are utilised by bats or owls. The survey results and a programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority and all mitigation measures shall be fully implemented prior to the commencement of the works and to remain in situ on the site for an agreed period of time.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 –



## Features of Ecological Value of the Bury Unitary Development Plan.

10. No development shall commence unless and until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also be supported by detailed calculations and include a maintenance programme. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangement embodied within the approved scheme, or within any other period as agreed in writing with the Local Planning Authority.  
Reason. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and PPS25.
11. Prior to the commencement of development, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas within and adjoining the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following elements:
  - The extent and type of new planting that integrates and enhances the overall ecological value of the adjoining Sites of Biological Interest
  - Details of maintenance regimes
  - Detailed assessment of the possibility of incorporating sustainable urban drainage in the form of ponds or swales within or on the periphery of the development site
  - Details of surface water strategy and any proposed new discharge points from the site to the neighbouring River Irwell tributaries.The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing with the Local Planning Authority.  
Reason. To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site pursuant to PPS9 - Biodiversity & Geological Conservation ) and the following Policies of the Bury Unitary Development Plan:  
Policy EN6/2 - Sites of Nature Conservation Interest LNR's  
Policy EN6/3 - Features of Ecological Value  
Policy EN6/4 - Wildlife Links and Corridors
12. The development shall not commence unless or until a scheme of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.  
Reason. To ensure a safe form of development that poses no unacceptable risk of pollution pursuant to Policy EN7 - Pollution of the Bury Unitary Development Plan.
13. The development hereby approved shall be carried out in accordance with the measures identified within the Travel Plan, unless otherwise agreed in writing with the Local Planning Authority.  
Reason. In order to deliver sustainable transport objectives in accordance with PPG13 - Transport and Department for Transport's 'Guidance on Transport Assessment'.
14. Notwithstanding the details indicated on JMP plan reference NW90074-001, the development hereby approved shall not be commenced unless and until an agreed scheme of traffic calming measures and a programme for their implementation, including the necessary public consultation to be carried out by the Council at the expense of the applicant, have been submitted to and agreed in writing with the Local Planning Authority. The scheme subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority before the development is brought into use, unless otherwise agreed in writing with the Local Planning Authority.  
Reason. To ensure good highway design in the interests of road safety.

15. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.  
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.
16. No vegetation clearance shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to Policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan.
17. Prior to the commencement of the development hereby approved, details of appropriate mitigation measures to prevent pollution of the waterway during and after construction of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.  
Reason. To avoid contamination of the waterway and ground water pursuant to Policy EN7/3 - Water Pollution of the Bury Unitary Development Plan.

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

**Ward:** North Manor

Item 11

**Applicant:** Mr B Alom

**Location:** SUMMERSEAT LIBERAL CLUB, 2 ROBIN ROAD, SUMMERSEAT, BURY, BL9 5QP

**Proposal:** EXTERNAL ALTERATIONS - ERECTION OF EXTERNAL FLUE, AIR CONDITIONING UNITS AND REPLACEMENT WINDOWS

**Application Ref:** 51948/Full

**Target Date:** 01/01/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site is the former Summerseat Liberal Club located on the junction of Robin Road and Waterside Road and within the Summerseat Conservation Area. To the north and east are residential properties and to the south is the access into the site. The building is set back from and elevated above the main road with a car park to the front.

The property is a 2 storey stone building and further additions in the past have included a single storey and 2 storey outrigger to the rear elevation within the existing yard area.

The application is for external alterations to the building, and would involve the erection of external flue, 2 No. air conditioning units and replacement windows.

- The flue would be positioned on the roof of the single storey outrigger to the rear of the building and adjacent to the principle rear elevation. It would be encased by a fixed steel framework and marine ply sheeted with expanded mesh and cement rendering to the match the existing lean-to structure.
- The air conditioning units would be positioned at the lower end of the rear external staircase.
- The existing Upvc windows are temporarily fixed. They would be repositioned into the existing window opening to provide for a 75-100mm reveal in the existing stonework. The external window fitting would have a specialist paint treatment in matt grey finish.

The intention is to open the premises as a restaurant. For clarification, the application is not seeking a change of use of the building to a restaurant. The change of use of this building to a restaurant would be Permitted Development as defined in the Use Class Order (as amended 2006).

### **Relevant Planning History**

51951 - 1 No. internally illuminated fascia sign; 1 No. 3.4m non illuminated free standing sign - Pending.

51493 - Installation of replacement Upvc windows and external flue at rear - withdrawn due to lack of information.

### **Publicity**

7 notification letters were sent to addresses at 6, 44 & 46 Robin Road, 17 & 19 Waterside Road and New Summerseat House, Summerseat Lane. A site notice was posted on 13/11/09 and a press notice placed in the Bury Times on 19/11/09.

2 letters of objection have been received. Issues raised include:

#### **No 46 Robin Road**

- The change of use of use to a restaurant and proposed external elevations are out of character with the building and location in a quiet Conservation Area.
- Affect on the amenities of local residents by reason of noise, smell and general disturbance by late night customers and additional traffic from customers, staff and

delivery vehicles.

- The car park is not of sufficient size to cater for likely number of customers and staff, parking on Robin Road would affect access for existing residents, parking would block the bus stop and affect amenities of local residents.
- The trees should be retained on the Waterside Road boundary.

17 Waterside Road

- The location of the flue in relation to their property ( No 17) would be unacceptable in terms of smells
- The presence of a restaurant adjacent to a residential property would affect house values

The Objectors have been notified of The Planning Control Committee.

### **Consultations**

**Traffic Section** - no objections.

**Environmental Health Pollution Control** - no objections subject to submission of a scheme detailing treatment of fumes and odours from the flue.

**Conservation Officer** - no objections subject to conditions relating to colour, filler and fixings of the windows and front door entrance.

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

EN2/2	Conservation Area Control
EN2/1	Character of Conservation Areas
EN1/2	Townscape and Built Design
EN7	Pollution Control
S2/6	Food and Drink

### **Issues and Analysis**

The application is for external alterations. No change of use is required as a change from drinking establishment to restaurant is permitted. As such only policies relating to the external alterations are relevant.

**Policies** - Unitary Development Plan Policy EN2/1 - Character of Conservation Areas seeks to preserve or enhance the character of the Borough's Conservation Areas and is concerned with measures to:

- retain, replace and restore features of historical and architectural interest;
- retain and enhance landscape features;
- initiate and promote environmental improvements;
- bring unused buildings into beneficial use;
- promote design guidelines to ensure sympathetic development.

EN2/2 - Conservation Area Control allows development only if it preserves or enhances the special character or appearance of the area and has regards to the nature of development in terms of bulk, height, materials, colour, design and detailing, and the relationship to the surrounding area.

S2/6 - Food and Drink. With regard to this policy, the section on the environmental impact of the flue and ventilation equipment is relevant.

**Visual amenity** - Windows - The windows are to be Upvc, and re fixed so they are set back within the reveals in a traditional way. In addition, they are to receive a grey matt powder coated finish that will remove some of the facets of the Upvc finish, when seen at a glance or distance. Whilst this is not the ideal solution, the frames are simple and the sections are not over large and dominant due to the scale of the openings. The building is not listed or on the draft local list, and is simple and solid in design and appearance not to be adversely affected by this alteration.

Consequently, the main consideration is about its impact on the character of the area overall, particularly from the public vantage points. Revised drawings have been received

which show the addition of sections of Upvc (in the same finish as the frames) around the edge of the windows. This would emphasise the set back of the windows within the reveal to give the impression of a traditional sash casement and would be more akin to what is characteristic of an older building within a Conservation Area. As such, the proposal would not be harmful to the area's character and appearance, subject to a condition to control the finish to the windows. There is a lack of information with regards to the design, material and finish for the entrance door. In this case, a timber door would be appropriate for the building and its setting within the Conservation Area and this would be controlled via a condition.

The proposal would therefore comply with UDP Policy EN2/1- Character of Conservation Areas and EN2/2 - Conservation Area Control.

Flue and air conditioning units - The proposed flue would be encased to give the appearance of a chimney stack and in render materials to match the existing outrigger. It would appear less conspicuous from the approach from the north of Robin Road. The air conditioning units would be installed at a lower level and would not be visible from the street scene. The proposal would comply with EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control.

**Residential amenity** - The flue would be positioned on the rear elevation of the property and screened from No 17 Waterside Road by the 2 storey outrigger. This house is also set lower than the site and at an angle and the flue would not be visible from the rear or side elevation of No 17. The flue would be approximately 10m from the nearest part of this house and given this distance away, the screening inbetween and the difference in levels, smells and noise associated with the flue would not have an adverse impact on the amenity of these residents.

The flue would be visible from the dwelling to the rear of the site, No 6 Robin Road. This property is a bungalow and is elevated above the site and although there are no windows on the side elevation which would overlook the flue, their garden amenity area is to the front of the house and adjacent to the rear yard area of the site. The flue would be approximately 10m from No 6 and encased by a surround which would be rendered to match the existing lean-to structure. As such, it is considered they would not be significantly affected by the fumes or smells from the flue, nor be adversely affected in terms of visual intrusion. Environmental Health Pollution Control have raised no objection to the proposal.

The air conditioning units would be positioned at a lower level to that of No 6 and being enclosed within the yard area of the site would not be significantly harmful to nearby residents as they would not be visible and are sufficient distance away from the residents. However, to safeguard the amenity of local residents, it is recommended that a condition be imposed which would restrict noise emissions from the external equipment.

It is considered that the extent of the proposed development would not significantly harm the residential amenity of occupiers of nearby properties and would comply with UDP Policy S2/6 - Food and Drink.

**Access** - There is no proposed alteration to the method of access to the front of the building which would remain as existing. However, there would be a management plan in place to facilitate disabled access. Internal alterations would include provision of a disabled toilet at ground floor.

**Response to objectors** - The objections which relate to the change of use of the premises are not material planning considerations relevant to this application given it would fall within what is Permitted Development. Problems associated with the discharge of fumes and odours from the flue have been dealt with in the above report.

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

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

The proposed development will not harm the appearance of the Summerseat Conservation

Area nor the character of the surrounding area. It will not affect the amenities of the surrounding residents.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 6/11/2009, numbered 3,4,5,6,7,8 and plan dated 1/12/2009 numbered 12 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 window frames shall be repositioned into the existing window frames as detailed in drawing Number 12 and Number 6, Note 1 and finished in specialist paint treatment to RAL No 7038 matt grey, by the 15th March 2010.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Areas Control and EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.
4. Details of the design, material and finish of the front door shall be submitted to and approved by the Local Planning Authority and the approved details only shall be implemented prior to the premises opening for business.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Areas Control and EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.
5. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating/dispersing fumes and odours so as to render them inoffensive to local residents has been submitted to and approved by the Local Planning Authority. A written statement from a competent person shall be included with the submitted scheme, that the proposed scheme will achieve the requirements of adequate treatment/dispersion under all normal operating circumstances. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
6. Noise from or associated with the proposed activity/development hereby permitted shall not increase the prevailing ambient noise levels as measured at the boundary of the site. The ambient noise levels shall be determined by survey, by the applicant, to the satisfaction of the local Planning Authority and a copy of the survey report shall be provided to the Local Planning Authority before development takes place.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to the Bury Unitary Development Plan Policy S2/6 - Food and Drink.

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

**Ward:** North Manor

Item 12

**Applicant:** Mr B Alom

**Location:** FORMER LIBERAL CLUB, 2 ROBIN ROAD, SUMMERSEAT, BURY BL9 5QP

**Proposal:** 1 NO. INTERNALLY ILLUMINATED FASCIA SIGN; 1 NO. 3.4M  
NON-ILLUMINATED FREE STANDING SIGN

**Application Ref:** 51951/Advertisement

**Target Date:** 01/01/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site is the former Summerseat Liberal Club located on the junction of Robin Road and Waterside Road and within the Summerseat Conservation Area. It is a stone building set well back and raised from the main road with a car park to the front. The front elevation faces Waterside Road where there is a stone retaining wall and several trees.

The application is for an illuminated fascia sign on the single storey part of the front elevation that is adjacent Robin Road. It would consist of individual stainless steel letters 2m in total length and 0.75m high with each letter halo illuminated.

The post and panel sign would be located in the grounds at the point of the junction between Robin Road and Waterside Road. This sign would be a 2.4m high post with a panel sign 0.95m high and 0.8m across and non illuminated. The materials would be black powder coated steel column with black aluminium panel sign and silver lettering.

### **Relevant Planning History**

51948 - External alterations - erection of external flue, air conditioning units and replacement windows - Also an Item on this Planning Control Committee.

### **Publicity**

7 notification letters were sent to addresses at 6, 44 & 46 Robin Road, 17 & 19 Waterside Road and New Summerseat House, Summerseat Lane. A site notice was posted on 13/11/09 and a press notice placed in the Bury Times on 19/11/09. Two objections have been received from residents at 46 Robin Road and 17 Waterside Road concerned that

- The sign on the building is out of character with the building and the area
- The free standing sign is too tall and prominent on this elevated site
- It will make the immediate area an eyesore and gaudy and it is a conservation area
- The previous occupants managed with a sign a quarter of the size

The objectors have been notified of the Planning Control Committee.

### **Consultations**

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

**Conservation Officer** - no objection.

**Baddac** - no comments.

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

EN1/9 Advertisements

EN2/2 Conservation Area Control

### **Issues and Analysis**

UDP 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 and be considered on their impact on amenity and safety.

**Amenity** – the illuminated fascia sign is of an appropriate size that sits well on the building. The building itself is set back enough for it not to be an intrusive feature and will not adversely impact on any residential properties. The free standing sign is non illuminated and is seen in conjunction with the surrounding buildings and is of a reasonable height, dimensions and design. As such both signs would not appear out of place or keeping with the commercial premises to which they relate and are of a type that will not harm the visual amenity of the Conservation Area.

**Safety** - the signs are located in a position where they will not cause hazard to pedestrians or motorists and the illumination will not hazard motorists.

**Response to the objection** - the issues raised in the objections have been dealt with above and the signs are considered to be generally subtle in design and of an appropriate size and will not be challenging to the areas character.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The luminance of the fascia sign shall not exceed 600 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 and the Conservation Area pursuant to policies EN1/9 - Advertisements and EN2/2 - Conservation Area Control of the Bury Unitary Development Plan.

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



