

**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

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

**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; an overage in relation to affordable housing in accordance with Policy H4/1 of the Unitary Development Plan and SPD5 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 (Parkers Lodge) 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.

14 letters have been received from the occupiers of 222, 229, 255, 259 Ainsworth Road; 6, Elton Cottage; Apartment 1, 2, 6, Elton House, Elton Grange, Elton Vale Road; 11 Mizpah Grove, Chantlers Primary School, Foulds Avenue; 13 Greenhill 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 the surrounding 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
- Proposed dwellings would not be affordable
- Very few properties were notified.
- Construction traffic should not be delivering between hours of 07.45 and 09.30 and between 15:00 and 17:00

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 the site is 0.8 ha. Therefore, the scheme does not require affordable housing provision
- PPS3 has 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 has been independently assessed. The standard and abnormal costs are reasonable and would produce a gross profit margin of 10.5%. A 10.5% return is marginal and it is considered to be a fair assumption that any allocation of affordable housing would render the site undeliverable given the constraints of this site. A clause relating to overage has been included within the Section 106 agreement, which has been agreed with the applicant. The applicant has demonstrated that the provision of affordable units would be unviable in this case and the proposed development would not conflict with Policy H4/1 of the adopted Unitary Development Plan and SPD5.

**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 (16,500 cubic metres) would allow for a gradual slope of 2 metres across the developable area, which would allow for more inclusive access.

The time required to complete the infilling operation would vary. The quickest time period would be 55 days and this would involve 40 vehicular movements per day whereas the slowest period would be 110 days and would involve 20 movements per day. The Method Statement states that the number of vehicular movements and the timing of these movements will be agreed with the local planning authority and this will be secured via a condition.

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** - The current application relates solely to the redevelopment of the former Elton Vale Works site. This site has no ecological value and therefore no ecological assessment is required.

Essential repairs to the reservoir dam and spillway form part of the proposed development. The works to the spillway would not have an adverse impact upon the ecology of the locality. 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 site lies within the Elton Brook Wildlife Corridor and this has been reflected in the landscaping plan. The landscaping plan indicates that a significant number of native trees would be planted along the access road and within gardens as well as underplanting within the existing tree covered areas. 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 to the site 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.

Parkers Lodge 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 has been assessed and was found to be acceptable at today's values, although 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. This has been agreed with the applicant.

### **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.
21. No development shall commence unless and until full details of the number of vehicular movements and the timing of those movements in relation to the infilling operation has been submitted to and approved in writing with the Local Planning Authority. Only the approved movements and timing of movements shall be carried out for the duration of the infilling operation.  
Reason. In order to protect residential amenity and to ensure the safety of pedestrians in the interests of highway safety pursuant to Policies HT6/2 - Pedestrian/Vehicular Conflict and EN7/2 - Noise Pollution of the Bury Unitary Development Plan.

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, MANCHESTER M26 2XS

**Proposal:** REFURBISHMENT AND ALTERATIONS TO EXTERNAL ELEVATIONS OF EXISTING BUILDING INCLUDING RE CLADDING FACADES, THE INSTALLATION OF ROLLER SHUTTER DOORS AND WINDOW OPENINGS FOLLOWING SUBDIVISION OF BUILDING TO INDUSTRIAL UNITS FOR USE CLASSES B1(BUSINESS), B2 (GENERAL INDUSTRY) AND B8 (STORAGE AND DISTRIBUTION); PARTIAL DEMOLITION OF EXISTING BUILDING;

**Application Ref:** 51914/Full

**Target Date:** 16/02/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site comprises a substantial part of a large employment premises that is currently vacant on the junction of Bury Road with Eton Hill Road. The site forms part of the Eton Hill Road Employment Generating Area. The building is single storey and constructed in a clad material with profiled roof sheeting. There is concrete hard standing around the building and the site is bounded by 2.4m high weld mesh fencing. To the south of the site is Castlecroft Camping; to the west residential properties across Bury Road and open grazing land to the north and east.

The application is seeking planning permission for the alteration to the existing building by the demolition of a central section of the mill to create two clear runs of units separated by a service road, service areas and parking.

33 separate units in total would be created within B1, B2 and B8 classes. The scheme also includes additional and replacement cladding to the elevations, insertion of roller shutters and window openings. The units would vary in floor space size. The smallest unit would be 39sqm; most units would be circa 76sqm and there would be 4 larger units of circa 322sqm in floor area.

There would be 98 car parking spaces located around the periphery of the site with a limited number of these spaces located immediately next to each the units. Out of the 98 spaces, 12 spaces would be specifically for disabled purposes.

### **Relevant Planning History**

51808 - Change of use of industrial unit from electrical and electronic equipment recycling (Sui Generis) to vehicle repair and MOT testing (Class B2) - Approved 16/12/09

### **Publicity**

34 properties were notified of the application including; 2 Warth Fold Road, 205 to 293 Bury Road; J Rosenthal & Sons and Castlecroft Camping. As a result of this publicity, one letter has been received from J Rosenthal. They have no objections to the usage but considered that there were too few parking spaces outside each of the units. This may lead to car parking on Eton Hill Road, opposite their site entrance, and would be a potential traffic hazard to the area.

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

### **Consultations**

**Traffic Section** - No objections subject to standard conditions concerning the formalisation of the car parking provision.

**Drainage Section** - No objections.

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

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

**Baddac** - No objections.

**Greater Manchester Police - designforsecurity** - No objections to the scheme. Detailed security design issues provided by the police have been passed on to the application/agent.

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

EC2/1	Employment Generating Areas
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
EN7/2	Noise Pollution
EN7	Pollution Control
HT2/4	Car Parking and New Development
EN8/2	Woodland and Tree Planting
EN6/3	Features of Ecological Value
PPS7	PPS 7 Sustainable Development in Rural Areas
PPS23	PPS23 Planning and Pollution Control

### **Issues and Analysis**

**Principle** - The site is located within an Employment Generating Area (EGA) 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 EGA. The nature of the use classes sought for the site is within those classes identified as being appropriate within EGAs. The site has been in industrial use in the past and has also been subdivided in the past. The need for planning permission has arisen through the elevational changes to the building, the regularisation of mixed uses within Classes B1, B2 and B8 and the amount of floor area involved in the uses.

As the proposal would consolidate employment uses within the EGA, the principle of the use is acceptable. The proposals would comply with UDP Policy EC2/1.

**Design and Appearance** - 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 part of the elevations. A number of new openings would be created facing the parking/servicing areas. A planning condition should be imposed to require the approval of the cladding details particularly the cladding type and colour. The scheme would result in the, improvement the existing tired appearance of the building and comply with UDP Policies EN1/2 and EN1/7.

The external areas are shown to use the existing hard surfacing around the periphery of the site and supplemented with landscaping. This would improve the overall appearance of the site, screen the car parking and working areas. 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.

**Access, Parking and Servicing** - The access to the site would be from Eton Hill Road using the existing access to the site.

The scheme proposes that 98 car parking spaces and motorcycle provision would be provided together with spaces car parking spaces for disabled use. Some limited parking would be located directly in front of each unit, but the bulk of the car parking is around the periphery of the site to the east and westerly boundaries.

The Council's maximum parking standards contained within SPD 11 varies in its maximum provisions dependant upon which class is considered within the B Class uses. On the basis of the greatest demand ie 1 space per 40sqm, the scheme would be providing the maximum provision under the SPD. Motorcycle parking would be provided in front of the units across the site and as such the development would comply with SPD11 and HT2/4.

A turning circle would be located to the north of the site and the internal layout is designed to allow larger HGV vehicles to enter, move through and leave the site in a forward gear. 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. The proposals would comply with EC3/1.

**BADDAC** - Disabled car parking provision has been improved since originally submitted to relocate the disabled spaces nearer to the buildings. Originally they were scattered around the site but the revision would mean that the travel distance is significantly reduced. Disabled car parking provision has been provided on a 12% basis. The minimum provision is 5%. As such the scheme is well above the minimum required. Level access would be provided into the units and as such the proposals would comply with HT5/1.

**Demolition** - A central section of the mill is proposed to be demolished (circa 1400sqm) to provide two clear runs of buildings. The building have been assessed for their potential to be occupied by bats. No evidence bat habitation has been found. As such the proposals would comply with PPS9 - Biodiversity and Geological Conservation.

**Response to Objection** - The objector has been provided with a copy of the revised proposals indicating an increase in parking provision from 81 to 98 spaces. The provision within the site would meet the Council's considered maximum standards. Should parking on Eton Hill Road occur, the Traffic Team could consider the use of Traffic Regulation Orders to prevent this from occurring.

### **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 07 rev C, 3097 13 rev L, 3097 20 rev B, 3097 28, 3097 29, 3097 30, 3097:31 rev B, 3097 35 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. No development shall commence unless and until details relating to the lighting of the site including fixtures, fittings, timings and luminance levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details only and the lighting shall be made available for use prior to the site hereby approved first occupied.  
Reason - To ensure that appropriate and adequate lighting measures are use to minimise the risk and fear of crime pursuant to UDP Policy EN1/5 and SPD3 - Planning Out Crime.
5. 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.
6. In the event of demolition not having taking place before May 2010, an updated survey shall be undertaken for the site, and the result and findings shall be submitted to the Local planning Authority prior to any demolition taking place. The development shall be carried out in accordance with the recommendations provided within section 10 of the submitted bat report by A Graham dated 19/10/09 unless otherwise approved in writing with 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 and PPS7 – Nature Conservation.
7. 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.
8. The refuse storage facilities indicated on the approved plans reference 3097 13L shall be implemented and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved becoming first occupied and shall thereafter remain available at all times.  
Reason - In order to ensue that the development would maintain adequate facilities for the storage of domestic waste, including recycling containers, in the

interests of amenity pursuant to Unitary Development Plan Policy EC3/1 - Measures to Improve Industrial Areas and HT2/4 - Car Parking and New Development.

9. 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.
10. Following the provisions of Condition 9 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.
11. 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.
12. 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.



13. Detailed design features shall be incorporated into the proposed building, as shown necessary by the site investigation, to alleviate risks to the written satisfaction of the Local Planning Authority. A comprehensive construction design shall be incorporated to prevent the ingress of landfill gas, to be agreed in writing with the Local Planning Authority before work commences.  
Reason To alleviate any possible risk associated with the production of landfill gas in accordance with the recommendations of the Environment Agency pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan.
14. The development hereby approved shall not be brought into use unless and until the one way traffic arrangements, including all associated signing and carriageway markings, indicated on the approved plans have been implemented to an agreed specification and to the written satisfaction of the Local Planning Authority.  
Reason - To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety pursuant to Unitary Development Plan Policy EC3/1 - Measures to Improve Industrial Areas and HT2/4 - Car Parking and New Development.
15. The turning and servicing facilities indicated on the approved plans shall be provided before the development is brought into use. The service yard areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.  
Reason - To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety pursuant to Unitary Development Plan Policy EC3/1 - Measures to Improve Industrial Areas and HT2/4 - Car Parking and New Development.

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

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 03

**Applicant:** Mr L Entwistle

**Location:** PROSPECT HOUSE, 229 WHALLEY ROAD, SHUTTLEWORTH, RAMSBOTTOM,  
BL0 0ED

**Proposal:** RENEWAL OF PLANNING PERMISSION REF. 45116 FOR CONVERSION TO 12  
NO. TWO BEDROOM FLATS AND 2 NO. 3 BEDROOM FLATS

**Application Ref:** 51919/Full

**Target Date:** 28/01/2010

**Recommendation:** Minded to Approve

**It is recommended that this application is Minded to Approve subject to the signing and completion of a deed of variation to ensure the proposed development is carried out in accordance with the original Section 106 agreement. Should the deed of variation 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 site contains a modern building of two storeys with additional living space in the roof. The building is L shaped and is constructed from stone and slate. The building is currently used as a garage. There are residential properties to the north and northeast of the site and open fields to the remaining boundaries.

Planning permission was granted in November 2006 for the conversion of the building to 14 flats. The planning permission was accompanied by a Section 106 agreement for a contribution towards recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan.

The proposed development involves the extension of time to the above proposal. The justification for extending the time period is that the current economic climate has restricted the viability of the development.

The Council is able to extend time limits to enable developers to extend extant planning permissions so there is a greater chance of implementing that permission. If a large number of permissions are not implemented and subsequently lapse, the consequences could have the effect of delaying an economic recovery. As such, the application is to be assessed in respect of any new material planning considerations since the original grant of planning permission.

### **Relevant Planning History**

45116 - Conversion of building to 12 No. two bedroom flats & 2 No, three bedroom flats at Prospect House, 229 Whalley Road, Shuttleworth. Approved with conditions - 28 November 2006.

### **Publicity**

11 neighbouring properties (1 - 9 (odds) Edith Street; 5 Lower Road; 42, 193, 195, 196, 233, 233A, 235, 236 Whalley Road) were notified by means of a letter on 30 October. A press notice was published in the Bury Times on 5 November. Site notices were posted on 6 November. One letter of objection has been received from the occupiers of 1 Edith Street, which has raised the following issues:

- Car parking is already an issue in the village & proposed development would make the situation worse
- Numerous problems for local residents when the site was operating by Garage

- Estimate that 50 parking spaces would be required

The objector has been notified of the Planning Control Committee.

### Consultations

**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 a condition requiring the soffit boxes to be dismantled by hand.

**Baddac** - No comments.

### Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN8/2	Woodland and Tree Planting
OL1/4	Conversion and Re-use of Buildings in the Green Belt
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1:Recreation Provision
SPD11	Parking Standards in Bury
PPS7	PPS 7 Sustainable Development in Rural Areas
PPS23	PPS23 Planning and Pollution Control

### Issues and Analysis

**Principle** - The proposed development was granted planning permission in November 2006 and the applicant has not been able to commence the proposal due to the economic downturn. The only change in circumstances since the original consent was granted in 2006 has been the introduction of SPD11 (Parking Standards), which is analysed in the section on Highways Issues below and more onerous control of works in relation to protected species, which is analysed in the Bats section below. The site is suitable in principle for residential development and would be in accordance with Policy H1/2 of the adopted Unitary Development Plan.

**Bats** - A bat survey was requested and has been submitted during the processing of the application. The bat survey found that:

- No signs indicative of roosting bats were found during the internal or external inspections.
- The building is considered to be of low bat roosting potential
- The only identified potential roosting locations are external, where gaps are present between the large gable end soffit boxes and the outer walls.

The building would offer little roosting potential to bats and as such it is unlikely that the development of the site would have an adverse impact upon bats. The Wildlife Officer has no objections to the proposed development, subject to a condition securing the removal of the soffit boxes by hand. Therefore, the proposed development would not have an adverse impact upon a protected species, subject to appropriate conditions and would be in accordance with Policy EN6/4 of the adopted Unitary Development Plan.

**Highways issues** - The previous scheme (45116) provided 22 parking spaces for 14 apartments (12 no. two bed and 2 no. three bed). SPD11, which was introduced since the application was granted, states that the maximum parking standards are 1.5 spaces per two bed units and 2 spaces per 3 bed units. Therefore, the proposed development should be providing a maximum of 22 spaces. The proposed development would comply with the

maximum parking standards and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

**Planning Obligations** - The original planning permission was accompanied by a Section 106 agreement for a contribution towards recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan. A deed of variation has been drafted to ensure that the proposed development is carried out in accordance with the original Section 106 agreement.

**Response to objectors** - The issues raised have been addressed in the section on Highways issues above above.

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

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

The proposed development would be acceptable in principle and would not have an adverse impact upon residential amenity. 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:** 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 4269/Pr/01, 02, 02A, 03 and 04 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. 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 based on an accurate site survey with existing and proposed levels and details of both hard and soft landscaping. 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.
5. The development hereby approved shall not be first occupied unless and until the highway improvements, including reinstatement of the redundant vehicular access onto Whalley Road to adjacent footway levels and indicated on the approved plans, have been implemented to the written satisfaction of the Local Planning Authority.

Reason To ensure good highway design in the interests of road safety.

6. The turning facilities indicated on approved plan ref. 4269/Pr/04 shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.

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

7. The car parking indicated on approved plan ref. 4269/Pr/04 shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

8. Following the provisions of Condition 8 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 conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

9. Prior to the development hereby approved commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground 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 risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
- Where remediation is 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 and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

10. 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 works commencing on site, and;

The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.

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.

11. 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 and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

12. Prior to the commencement of the development, a scheme for the lighting of car parks and communal areas shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any of the flats.

Reason To protect the amenities of residents pursuant to Policy EN1/5 - Crime Prevention of the Bury Unitary Development Plan.

13. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;

A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

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

14. No works shall commence unless or until a scheme detailing works to be undertaken to the soffit boxes on the two gable ends has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and all works to the soffit boxes shall be carried out by hand.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.

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

**Ward:** Bury West - Church

Item 04

**Applicant:** Mr A Haris

**Location:** DIL SE RESTAURANT, 207 BURY AND BOLTON ROAD, RADCLIFFE, M26 4JY

**Proposal:** DEMOLITION OF RESTAURANT AND ERECTION OF 15 DWELLINGS  
(RESUBMISSION)

**Application Ref:** 51934/Full

**Target Date:** 16/02/2010

**Recommendation:** Minded to Approve

**It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and DCPGN1 and to secure the provision of affordable housing in accordance with Policy H4/1 of the Unitary Development Plan and SPD5. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Chief Planning Officer under delegated powers.**

### **Description**

The site consists of a detached building, which was a public house and is now in use as an Indian restaurant. The building is located in the south west corner of the site with a car park to the north and east. There are two accesses to the car park and both are from Watling Street. There is a row of very high trees (4 - 5 metres) along the northern boundary of the site.

There are residential dwellings to the north, east and west of the site. Bury & Bolton Road forms the boundary to the south of the site, with open fields beyond.

The proposed development involves the erection of 15 dwellings. 14 dwellings would be semi-detached with 3 bedrooms and 1 detached dwelling with 4 bedrooms. Plots 8 - 15 would front onto Bury & Bolton Road and plots 1 - 7 would front onto the central car park. The car park would be accessed from Watling Street from a single centrally located access.

### **Relevant Planning History**

44825 - Telecommunications installation comprising of 11.7m high slimline monopole and 2 no. equipment cabinets at land at junction of Bolton Road & Watling Street, Bury. Prior approval granted - 26 July 2005

51422 - Demolition of restaurant and erection of 16 semi-detached dwellings at Dil Se Restaurant, Bury & Bolton Road, Radcliffe. Withdrawn by Applicant - 12 August 2009

### **Publicity**

18 neighbouring properties (604, 606 Bolton Road; 42, 149 Bury & Bolton Road; 2 - 12 (evens) Hurst Green Close; 1, 2, 7 Seddons Avenue; 10 Watling Street; 22 Freckleton Drive) were notified by means of a letter on 20 November and a press notice was posted in the Bury Times on 26 November. Site notices were posted on 24 November. A petition containing 38 signatures objecting to the scheme and 13 letters have been received from the occupiers of 1 Seddons Avenue; 11 Longridge Drive; 2, 4, 8, 10, 12 Hurst Green Close; 606 Bolton Road; 42, 149 Bury & Bolton Road and 10 Watling Street, which have raised the following issues:

- Proposed dwellings are not in keeping with the locality
- Impact of noise and disruption during construction
- Over development of the site
- Inadequate space for children to play

- Inadequate visibility splays up Watling Street, due to position of hedge
- Lack of parking provision
- Object to bedrooms in loft space - lack of privacy
- Impact of noise from traffic
- No objections in principle to residential development
- Query owners of site
- Impact of the proposal on highway safety
- Impact upon wildlife
- Seek to retain access to land and brick wall for maintenance
- No trees to be located within 20 metres of wall
- What will happen to retaining wall along boundary with 149 Bolton Road
- Roman foundations within the cellars of the existing restaurant
- Impact of noise upon the occupiers of the proposed dwellings
- Impact upon bats
- Impact of existing telecommunications mast upon health of potential occupiers
- Existing hedge should be reduced in height
- Covenant states that only 8 properties could be built on the site
- Traffic lights should be installed at the junction of Watling Street & Bolton Road

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objections in principle and any comments will be included in the supplementary report.

**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.

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

**Landscape Practice** - No response.

**Waste Management** - No response.

**Wildlife Officer** - The bat survey was undertaken, which recommended further surveys. Details of an emergence survey are required.

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

**United Utilities** - No response.

**Baddac** - No objections

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

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

PPG24	PPG24 - Planning and Noise
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
EN1/4	Street Furniture
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN8	Woodland and Trees
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1:Recreation Provision



SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
SPD11	Parking Standards in Bury

### **Issues and Analysis**

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

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 a residential area and there would be adequate infrastructure available. As such, the proposed development would be appropriate in land use terms and would not conflict with the surrounding land uses. The site is occupied by a restaurant and associated car park and is previously developed land. The site would contribute to the provision of 500 dwellings per year. 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.

**Affordable Housing** - Policy H4/1 states that the Council will encourage the provision of affordable housing, with a particular emphasis given towards the development of affordable housing as an integral part of large housing developments. SPD 5 states that affordable housing will be required on developments above 15 units and 25% of the total units of the site should be affordable.

The applicant has agreed to provide 3 units on site, with a 25% discount and has submitted details of the exact plots. The proposed affordable units would be secured through the Section 106 agreement. Therefore, the proposed development would be in accordance with Policy H4/1 of the adopted Unitary Development Plan and SPD 5.

**Design and impact upon the surrounding area** - The proposed dwellings would be arranged in two rows. One row would front onto Bury & Bolton Road and the other row would front onto the central car park. The proposed development would maintain an active frontage onto Bury & Bolton Road, which is welcomed.

The proposed dwellings would be two storeys in height with a bedroom in the loft space, using rooflights. The proposed dwellings would be of a traditional design and would be constructed from brick and tiles, which would match the existing dwellings in the area. The proposed development would not be unduly prominent in the street scene.

All of the proposed dwellings would have a rear garden, with the exception of plot 1, which would have a side and rear garden. Plots 8 to 15 would have gardens of 8 metres in length with parking spaces beyond. Plots 2 - 7 would have gardens varying in length from 9 metres to 11 metres. The proposed gardens would be acceptable in terms of size. Bin storage would be provided within the rear gardens of the dwellings, which would be acceptable. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the adopted Unitary Development Plan.

**Impact on residential amenity** - The aspect standards in SPD6 considers that there should be a minimum of 20 metres between directly facing habitable room windows in a two storey dwelling. For each additional storey in height, 3 metres should be added to the separation distance, i.e. 23 metres.

There would be over 27 metres between the front elevation of plots 1 - 7 and the rear elevation of plots 8 - 15. There would be 25 metres between the rear elevation of the proposed dwellings and the front elevation of the dwellings on Hurst Green Close. There

would be 23 metres between plot 1 and the dwelling on Hurst Green Close. The proposed development would comply with the aspect standards in SPD6 and would not have such an adverse impact upon residential amenity as to warrant refusal. Therefore, the proposed development would be in accordance with Policies H2/1 and H2/2 of the adopted Unitary Development Plan.

**Protected species** - A bat survey was conducted in April 2009 in preparation for the original application (51422). This report states that there are no bats present, but recommends that a second survey is carried out prior to the demolition of the building. On the previous application, the Wildlife Officer had no objections, subject to the inclusion of a condition relating to the second survey. The agent has undertaken an assessment of the building internally and externally and has confirmed that the condition of the building has not changed since the original bat survey and there was no sign of any bats. On this basis, a condition requiring a second survey of the building prior to demolition would be added to any grant of planning consent. 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.

**Noise pollution** - A noise survey has been submitted as part of the application. The dominant source of noise is road traffic along Bury & Bolton Road. The noise report concludes:

- Noise levels fall into noise exposure category C for the plots along the frontage with Bury & Bolton Road and noise exposure category B for the remaining plots.
- Outdoor noise levels for the rear of plots 9 - 15 and the front and rear of plots 1 - 8 meet the British Standard 8233. However, the front gardens would exceed this criteria.
- A wall along the boundary would provide attenuation, which would increase with the barrier height.

PPG24 states that noise should be taken into account when determining planning applications and where appropriate conditions imposed to ensure an adequate level of protection against noise in category B. Planning permission should not normally be granted in category C. Where permission is to be granted, conditions should be imposed to ensure a commensurate level of protection against noise.

The noise report identifies measures which would reduce the noise levels within the dwellings to an acceptable level. The main source of noise would be road traffic along Bury & Bolton Road and there are existing dwellings to the east and west of the application site. The Pollution Control Section has no objections to the proposal, as the area is predominantly residential with few complaints. The proposed measures in the noise report would be secured via a condition. Therefore, the proposed development would not have an adverse impact upon the amenity of the occupiers of the proposed dwellings and would be in accordance with Policy EN7/2 of the adopted Unitary Development Plan and PPG24.

**Highways issues** - The Traffic Section has no objections in principle to the proposal. Further detailed plans have been provided and are currently being assessed.

SPD11 states that there should be a maximum of 2 spaces per 3 bedroom dwellings and 3 spaces per 4 bedroom dwellings. Therefore, the proposed development should be providing a maximum of 31 parking spaces. The proposed development would provide a maximum of 30 parking spaces. The site is located on a main throughroute into Bury and has good access to public transport. Therefore, the proposed development would have an acceptable level of parking provision and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

**Access Issues** - The proposed development would provide level access to all the dwellings and the parking has been designed so that the spaces could be used as disabled bays. Following the previous application, footpaths have been located so as to provide direct access to the front doors of plots 2 to 7. The ground floor of the proposed dwellings would comply with Lifetime Homes requirements and the stairs would be suitable for use by the

ambulant disabled. As such, the proposed development would be accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

**Planning Obligations** - A contribution of £14,766.43 is required for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1. In accordance with Policy H4/1 of the adopted Unitary Development Plan and SPD5, 3 affordable dwellings would be provided on site. The commuted sum and the provision of 3 affordable units would be secured through a Section 106 agreement.

### **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 in 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 the drawings received on 20 November 2009 and the site & section plans received on 4 January 2010 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and

suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;

The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

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

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

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

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

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

8. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

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

9. The development hereby approved shall not commence unless and until details of foul & surface water drainage aspects have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of the dwellings.

Reason. To ensure the satisfactory disposal of foul and surface water from the proposed development pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.

10. No development shall commence unless and until a survey to establish whether the building is utilised by bats and a programme of mitigation has been submitted to and approved in writing by the Local Planning Authority. All mitigation measures

shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.

11. No development shall commence unless and until a acoustic attenuation scheme including full details of acoustic glazing and acoustically treated ventilation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwellings hereby approved.

Reason. To protect the amenity of the occupants of the dwellings once the development hereby approved is occupied pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.

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

**Ward:** Radcliffe - West

Item 05

**Applicant:** Shootbox

**Location:** WINDLEY WORKS, WOLSEY STREET, RADCLIFFE, MANCHESTER M26 3BB

**Proposal:** CHANGE OF USE FROM INDUSTRIAL (B1, B2 & B8) TO MARTIAL ARTS ACADEMY (D2)

**Application Ref:** 51964/Full

**Target Date:** 19/01/2010

**Recommendation:** Approve with Conditions

### **Description**

The site comprises a part single/ part three storey red brick industrial works building at the corner of Wolsey Street and School Street to the east of Radcliffe town centre. The area is residential in character with housing on all sides, terraced properties to the north, south and west and flats with courtyard parking to the east across Wolsey Street. The ground and first floors of the mill are occupied by two commercial businesses with the second floor currently vacant for the last 18 months. It is the second floor that this proposal relates.

It is proposed to establish a martial arts academy on the second floor which has a floor area of 540sqm. The main entrance and secondary fire exit would be onto Wolsey Street . Proposed opening hours would be Monday to Friday 11am – 9pm and Saturdays 9am to 3.30pm. It is proposed that there would be 2 full time employees/instructors. It is understood that the majority of users of the centre would be local children and youths.

As the applicant is unable to provide parking facilities on-site, parking and any drop-off/ pick-up would be on-street. There are no restrictions regarding parking on roads surrounding the site.

### **Relevant Planning History**

46697 - Residential Development of 35 Apartments- Approved 16 /10/2006

### **Publicity**

A site notice was posted and the following local residents and businesses were notified by letter dated 25/11/2009:

Flats 1-19 Wolsey Street, 2-8(evens) and 9-19(odds) Wolsey Street  
4-14 (evens), 1-31 (odds) Coomassie Street ,  
Hillbar Plastics and Cordcourt Ltd (notified 17/12), Windley Works,  
1-45(odds) School Street  
4-30(evens) St Thomas Street.

One letter of concern has been received from the occupier of the business on the first floor of Windley works. The issues raised are:

- Security of the building - without adequate security measures, the other businesses within the building could be vulnerable to break-ins and vandalism.
- Parking - increase in traffic may exacerbate problems.
- Noise - measures should be imposed to reduce noise levels from the activity above.

One comment was received by a local resident seeking information on parking provision.

All correspondents have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objection.

**Greater Manchester Police** - All external fittings should be designed to 'Secure by Design' standards.

**Environmental Health** - No objection.

**Baddac** - No objection.

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

EC2/2	Employment Land and Premises
EN7/2	Noise Pollution
H3/1	Assessing Non-Conforming Uses
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
EC4/1	Small Businesses
CF1/1	Location of New Community Facilities
EN1/5	Crime Prevention
SPD3	DC Policy Guidance Note 3: Planning Out Crime

### **Issues and Analysis**

**Employment Policy** – As Windley Works is not within an Employment Generating Area UDP Policy EC2/2 - Employment Land and Premises Outside Employment Generating Areas is relevant. Under Policy EC2/2, the Council will seek the retention of existing employment uses unless it is recognised that the site is no longer suited in land use terms to continued employment use. In such circumstances consideration will be given to alternative uses provided there is no conflict with the character of the area and other UDP policies.

Given the poor condition of the building, its limitations with regard to parking and servicing, its position at second floor level and its close proximity to surrounding houses, it is accepted that the premises are not particularly suitable for continued long term industrial use. As such, the principle of an alternative non-employment use would be acceptable as it would not detract from the area's wider employment opportunities. As such it can be considered to comply with Policy EC2/2.

Policy EC4/1 relates to small businesses and states that proposals for small businesses will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area.

Policy CF1/1 relates to the provision new community facilities and indicates that any proposal will be assessed on its impact on residential amenity, traffic and parking, accessibility and the scale of development.

**Residential Amenity** - The main areas of concern in respect to residential amenity is noise from activity within the gym and noise and disturbance from the general comings and going of users of the facility who are entering and exiting the building, parking, dropping off and picking up from surrounding streets, in particular Wolsey Street.

In respect to noise from the gym itself, the applicant has stated that there would be no amplified music and that any noise will be reduced by keeping windows closed and that the essential specialised floor boards and matting would act to stifle noise further. It is also stated that the nature of the facility would require noise/music to be kept to a level that would allow students to hear the instructors.

Given the above comments and the fact that the facility is on the second floor, above the general level of surrounding houses, it is considered that there would be no serious detrimental impact on the amenity of surrounding residents or businesses. In the unlikely event that there is excessive noise from the facility, there is legislation under the Environmental protection Acts that could control this.

There is some potential for noise and disturbance from the general comings and goings of

students outside the premises. Given the limited opening times – to 9pm weekdays and 3.30pm Saturdays, this is not considered to be a major concern. It is pointed out in the application that the applicant is a police officer and as such would be aware of any potential problems and be in a position to control them to a greater extent than would normally be the case.

The scheme is considered to be acceptable in terms of its impact on residential amenity and would not be contrary to UDP policies EC4/1 Small Businesses, EN7/2 Noise Pollution and H3/1 Assessing Non-conforming uses.

**Parking** – Windley Works is an industrial building which historically has had no off-street parking or servicing provision. Currently, the two existing businesses established within the building utilise on-street parking on Wolsey Street. No parking is proposed.

In terms of assessing the parking, the main issue would be the potential traffic generated by the new use set against the traffic, including heavy goods vehicles, that could be generated by any commercial tenants that could occupy the site without needing planning permission. Consideration would also involve a recognition of the benefits that would accrue to the local community in bringing that part of the building back into productive use.

In terms of parking provision for the new use, the adopted Development Control Guidance Note 11 on Parking indicates that the difference in the maximum parking provision suggested for the existing industrial use (20 spaces) and the proposed use (15spaces) is not significantly different that it would cause serious concern. Further to this, it is considered that any additional heavy goods traffic generated by any future industrial uses within the building would not be particularly favourable to local residents and existing businesses.

There are a number of factors that should also be considered within the assessment of the proposal. The applicants indicate that the majority of students attending the centre would be local youths and as such would not necessarily be using cars but either walking or using public transport. It is noted that the site is only just outside Radcliffe town centre and as such is easily accessible by way of public transport. Children coming by car would for the most part be picked up and dropped off, negating the need for many permanent parking spaces. Notwithstanding this it is considered appropriate to attach a condition requiring the submission of a travel plan, highlighting ways to reduce traffic levels, prior to commencement of the proposed use.

Given the existing use and the nature of the site and proposal, there is no objection from the Traffic Section as it is considered that the scheme, despite the lack of on-site parking provision, would not raise serious parking or highway safety concerns and as such complies with UDP policy HT2/4 Car Parking and New Development and adopted guidance on parking.

**Disabled Access** - Given the age and nature of the building, major alterations are not particularly practical. However sufficient allowance would be made for disabled students with an internal lift to the upper floor. Baddac has no objection to the proposal which complies with UDP Policy HT5/1 relating to disabled access.

**Concerns from Neighbouring Business** - With regard to security, the applicants have addressed the concerns of businesses within the building by proposing a number of security measures - a two way intercom system with camera at the main entrance, 24hr surveillance inside the building and new security locks on doors to the proposed facility and the entrance doors of other tenants within the building. These measures, which would be required by a condition of any approval, are considered appropriate and would ameliorate existing concerns significantly. Issues with regard to noise and parking have been addressed in the above report.

The proposal would represent a valuable local community facility without having a detrimental impact on the economic opportunities of the area, residential amenity or



highway safety. Proposed improvements to the building would improve security at the premises and help regenerate what is a run down building within Radcliffe. It is considered to comply with UDP policy and guidance listed.

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

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

The change of use from industrial premises to martial arts academy should not have a seriously detrimental impact on highway safety, the amenity of local residents or local businesses sharing the premises. The proposal complies with the UDP policies and guidance listed. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 17/11/2009 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the use hereby approved commencing, details of the site security measures proposed within the application shall be submitted to and approved in writing by the Local Planning Authority. All the security measures shall be subsequently fully installed according to the approved details prior to the proposed use commencing.  
Reason: In the interest of security and crime prevention pursuant to UDP Policy EN1/5 Crime Prevention and Development Control Policy Guidance Note 3 - Planning Out Crime in New Development.
4. The use hereby permitted shall not be open to customers outside the following times: 1100hrs - 2100hrs Monday to Friday and 0900hrs to 1530hrs on Sundays .  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to the following Unitary Development Plan Policies:  
EN7/2 - Noise pollution,  
H3 - Non-Conforming Uses,  
EC4/1- Small Businesses.
5. Prior to the use hereby approved commencing, a Travel Plan, setting out initiatives reduce traffic generation and encourage use of sustainable transport amongst customers and staff, shall be submitted to and approved in writing by the Local Planning Authority. All the proposed initiatives, shall as far as practicable, shall be implemented within three months of the proposed use commencing. Advice with regard to the travel plan is contained within the Council's Development Control Guidance Note 12 - Travel Plans in Bury.  
Reason: In the interests of sustainable travel pursuant to UDP Policy HT1 A Balanced Transportation Strategy and Development Control Guidance Note 12 - Travel Plans in Bury.

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

**Ward:** Whitefield + Unsworth - Unsworth

Item 06

**Applicant:** Mr A Mannan

**Location:** 131 RANDALE DRIVE, UNSWORTH, BURY, BL9 8NE

**Proposal:** CHANGE OF USE FROM ESTATE AGENTS OFFICE (CLASS A2) TO HOT FOOD TAKEAWAY (CLASS A5); INSTALLATION OF EXTERNAL FLUE AT SIDE

**Application Ref:** 51973/Full

**Target Date:** 29/01/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site is the ground floor premises on the end of a row of a parade of shops in Unsworth allocated as Neighbourhood Centre in the Bury Unitary Development Plan. The row comprises of a mix of shops in A1 and A2 use at ground floor with residential flats at 1st and 2nd floor above. To the rear of the site is a yard and service delivery area. There are also parking and garages for the shop owners and flats in this area beyond, are the houses on Thurston Close. To the north is the vacant Dragon Public House and to the south is a commercial garage, with residential houses in the nearby vicinity.

The premises are currently vacant with an existing A2 office use. The application seeks a change of use to a hot food takeaway (Class A5) and the installation of an external flue on the north west corner of the building towards the rear of the building. The proposed hours are 2pm to midnight Monday to Friday, and 4pm to midnight Saturday and Sunday. There is bin storage provision to the rear in the yard area. There are no proposed changes to the front elevation.

### **Relevant Planning History**

24058/90 - Change of use from shop (Class A1) to financial and professional services (Class A2) - Approved 5/4/1990.

38233/01 - Installation of ATM - Approved 15/10/01.

38234/01 - Internally illuminated ATM surround sign - Approved 15/10/01.

### **Publicity**

26 letters were sent out to properties at Nos 323-349 Parr lane (odds), 378-388 Parr Lane (evens), Parr Lane Service Station, 127, 129, 133-145 Randale Drive (odds), 16, 18 Thurston Close.

Eleven letters of objection have been received from Nos 14, 16, 18 Thurston Drive, 261, 323, 347, 362 Parr Lane, 133, 135, 141 Randale Drive, Forts Express, 5 Radcliffe New Road and the following issues have been raised:

- There would be an increase in anti social behaviour.
- There are sufficient takeaways in the area.
- The flue would cause food smells to permeate into their garden and house.
- Increase in litter.
- Increase in parking problems to the area.
- Additional traffic would constitute a noise problem.
- Private parking next to the shop may be blocked.
- Late night opening hours would result in noise at unsociable hours.
- Problems with vermin.
- Another takeaway encourages obesity.
- It will not benefit the community in any way.
- Another takeaway would hinder similar businesses in the near vicinity.

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

### **Consultations**

**Traffic Section** - No objection.

**Environmental Health Pollution Control** - No objection subject to condition of treatment of fumes.

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

S1/5	Neighbourhood Centres and Local Shops
EN1/2	Townscape and Built Design
EN7/1	Atmospheric Pollution
HT2/4	Car Parking and New Development
S2/6	Food and Drink
HT5/1	Access For Those with Special Needs

### **Issues and Analysis**

**Principle** - The application should be assessed against Unitary Development Plan Policies S1/5 - Neighbourhood Centres and Local Shops and S2/6 - Food and Drink.

S1/5 seeks to retain retail (Class A1) as the predominant use in these centres to cater primarily for the day to day needs of residents and businesses. However, it is recognised that it may not always be possible to safeguard existing facilities or retain shops in this shopping hierarchy.

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 premises is one of 6 shops on this parade, which consists of a newsagent's, hair and beauty, bookmakers, tanning solarium and estate agents. The proposal would bring into use a vacant unit which would cater for the local community and passers by and thereby contribute to the vitality of the centre. There is no other A5 use within this parade of shops and as such the proposal is acceptable in principle, subject to the considerations below.

**Residential amenity** - There are residential flats at 1st and 2nd floor above the premises and houses nearby on Randle Drive and Parr Lane which would be close to the proposal. The premises are located within a Neighbourhood Centre and prior to the existing office use, the unit was in use as a Building Society with a 24 hour cash machine. As such, there was a certain amount of noise and disturbance associated with this premises and area late at night. The majority of the other shops are open during the daytime only, and closed in the evening which reduces the amount of activity to this area when people are likely to be at home.

Although the takeaway would be open until midnight, and would be the only unit open for business at this time, there are sufficient controls in terms of the hours of operation, treatment of fumes and sound insulation conditions, to keep noise and disturbance associated with the business to an acceptable standard.

The addition of the flue on the rear elevation would be the only external change to the building. The proposed flue would be located on the north west corner of the building towards the rear yard/service area. It would be positioned 1.5m away from the windows to the flats above, with the cowl fixed higher than the flat roof of the building to disperse the fumes. The visual impact of the position of the flue on the amenity of the flats above and adjacent to the site away from the windows on the main rear elevation of the building is acceptable. As such, the siting of the flue is such that it would not impact adversely upon

residential amenity. The Pollution Control Section has no objections to the proposal, subject to the inclusion of a condition relating to the treatment of fumes and odours. As such, the proposed change of use is considered to be acceptable subject to conditions and would comply with UDP Policy S2/6 - Food and Drink.

**Visual amenity** - Whilst the flue would be visible from the approach from Randale Drive, the shops are set back from the road and the flue would be located towards the rear of the premises and therefore not highly visible from the street scene.

There are no proposed changes to the shop front which has an entrance door and existing roller shutters. As such, there would be no conflict with UDP Policy EN1/2 - Townscape and Built Design regarding visual amenity.

**Highways issues** - Supplementary Planning Guidance Note 11 - Parking Standards in Bury states that the maximum parking standards for a hot food takeaway would be 1 space per 8.5 square metres which equates to 6.5 spaces. There is existing parking provision of 6 spaces directly in front of this parade of shops for customers. It is anticipated trade would be from local residents who would walk to the shop and passers by who would park outside the shop for a limited period of time. There is ample parking provision given that the other businesses on this row would have closed for the evening. As such, there is considered to be adequate parking and the proposal complies with DCPG Note 11.

**Bin storage and servicing** - There is bin storage provision to the rear of the premises within the servicing and parking area, with the same arrangements as present for the existing use. The proposal complies with UDP Policy S2/6 - Food and Drink.

**Access** - There are no proposed changes to the shop frontage and access arrangements would be as existing, and therefore no conflict with UDP Policy HT5/1.

**Hours of operation** - The applicant has applied for opening hours from 2pm to midnight weekdays and from 4pm to midnight at weekends. Given the other shops are open during the day, it would be acceptable for these premises to also be open during daytime trading hours and as such a condition restricting the opening times from 11am to midnight daily is considered appropriate.

**Objections** - The objections regarding the use, noise, smells and opening hours have been covered in the report above. Provision of a litter bin can be required under licensing. 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 change of use would be an acceptable use which would not adversely affect the vitality or viability of the neighbourhood centre nor affect the character of the area. The scheme would not be detrimental to the amenities of neighbouring residents nor impact on highway safety issues.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawing - elevations and floor plan dated 4/12/2009 and the development shall not be carried out except in accordance with the drawings

hereby approved.

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

3. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating, diluting and dispersing fumes and odours so as to render them inoffensive to local residents has been submitted to and approved by the Local Planning Authority. The development shall be implemented prior to first use of development, in accordance with the approved details unless otherwise agreed in writing with 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. In order to prevent loss of amenity to local residents by virtue of fumes, odour and noise, pursuant to Unitary Development Plan Policy S2/6 - Food and Drink.
4. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flat, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.  
Reason. To protect the residential amenities of occupiers of the 1st floor flats pursuant to Unitary Development Plan Policy S2/6 - Food and Drink.
5. The use hereby permitted shall not be open to customers outside the following times: 11am to midnight daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S1/5 – Neighbourhood Centre and Local Shops and S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

**Ward:** Bury East - Moorside

Item 07

**Applicant:** Mr Hassan Akhtar

**Location:** 55-57 WALMERSLEY ROAD, BURY, BL9 5AE

**Proposal:** CHANGE OF GROUND FLOOR FROM OFFICES (CLASS B1) TO HOT FOOD TAKEAWAY (CLASS A5); INSTALLATION OF EXTRACTION FLUE AT REAR

**Application Ref:** 51990/Full

**Target Date:** 20/01/2010

**Recommendation:** Approve with Conditions

### **Description**

The site is 55-57 Walmersley Road, a currently vacant commercial premises with existing office use at ground floor and two residential flats above. It is located within a row of mixed uses, including shops and commercial properties and as a designated Local Shopping Centre in the Bury Unitary Development Plan. To the north of the site is an ambulance station and to the west are commercial premises enclosed by a high wire mesh fence and gate. The rear of the property is accessed via Buckley Street and Washington Court.

The application is for the change of use of the ground floor from an office to a hot food takeaway and the installation of a flue at the rear. The proposed hours would be 11am to midnight daily. The flue would be positioned on the rear elevation approximately 1m above the eaves of the 1st floor rear outrigger. There would be bin storage provision within the rear yard area within an existing store building and a new opening created in the external wall for access to the bin store. There are no proposals to change the front elevation of the premises.

The application is a resubmission of a scheme previously refused which proposed to change the use of the ground floor to a hot food takeaway (51472). For this current application, additional information has been submitted by the applicant in justification of the proposed development:

- The premises has been vacant for 12 months and despite been actively marketed, it has proved difficult to let, with the only enquires being for takeaway business.
- The adjacent property, No 59 had permission granted for a change of use from A1 to an A5 hot food takeaway at ground floor, but this permission was not implemented and the permission expired in September 2009 and remains vacant.
- It is proposed to restrict the proposed hours of opening to close at midnight.

### **Relevant Planning History**

46457 - Change of use from retail (Class A1) to hot food takeaway (Class A5) at ground floor with residential above.

51379 - Change of use from office to hot food takeaway and installation of flue - Withdrawn 9/7/2009 due to lack of information.

51472 - Change of use from office to hot food takeaway and installation of flue - Refused 7/8/2009 on adverse impact on residential amenity of flats above.

### **Publicity**

48 letters were sent to properties on Walmersley Road, Powell Court, Powell House, Washington Street and Birch Street on 25/11/2009. Two objections have been received: One letter of objection has been received from No 78 Walmersley Road, which raises the following:

- There is no on road parking outside the proposed location which would cause illegal parking by delivery drivers and customers. This is already a problem with the number of takeaways in the area.

- Increase in litter problems in the area to local residents.

The second is an e-mail from Councillor Cassidy who has objected on the basis that there are sufficient businesses of this type in the area, and there are already parking problems on Walmersley Road.

The objector and Councillor Cassidy have been notified of The Planning Control Committee meeting.

### **Consultations**

**Traffic Section** - No comments received to date.

**Drainage Section** - No objections.

**Environmental Health Pollution Control** - No objections subject to condition of treatment of fumes.

**BADDAC** - Improvements to the entrance could be made through a chamfered edge to the threshold and providing leaf & half doors. The internal portable ramp to the disabled toilet is potentially steep and could be a tipping hazard.

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

S1/4	Local Shopping Centres
EN1/2	Townscape and Built Design
EN7/1	Atmospheric Pollution
HT5/1	Access For Those with Special Needs
S2/6	Food and Drink

### **Issues and Analysis**

**Principle** - The application should be assessed against Unitary Development Plan Policies S1/4 - Local Shopping Centres and S2/6 - Food and Drink.

S1/4 - Local Shopping Centres - seeks to maintain and enhance the provision of a range of shopping facilities to suit local needs.

S2/6 - In considering proposals, regard will be given to amenity of nearby residents; intensification of use in the area; parking and servicing provision; bin storage and litter disposal; environmental impact of flues.

The premises is one of 8 shops on this row. There are 4 units currently in A1 use, 1 in A5 use, and a vacant unit at No 59. One shop, No 47 was concealed by roller shutters, although has A1 use according to the 2008 Shopping Centre Survey.

The proposal would bring into use a vacant unit which would be beneficial in terms of having an active shop frontage and regeneration to the area. Although there is already one A5 use on this row, the addition of another is considered not to be excessive. Permission granted for a hot food takeaway to No 59 has not been implemented and permission has now expired.

As such, the principle of the proposed change of use is acceptable subject to the considerations below.

**Potential other uses** - As an additional consideration, planning permission would not usually be required to change the use of a hot food takeaway (Use Class A5) to a cafe/restaurant (Use Class A3). In this instance, the applicant is aware that the Local Planning Authority would restrict any consent to an A5 use only given an A3 use would raise issues such as noise and disturbance from customers to the venue and extended stay parking requirements, which the Council would want to specifically consider given this particular locality.

**Residential amenity** - There are residential flats at 1st floor above, and on either side of the premises which would be affected by the proposal. The premises are located within a local shopping centre on a busy main road, have an existing office use, and are positioned within a row of mixed commercial businesses, and as such it is expected there would be a certain amount of noise and disturbance associated with a business use and in this area generally. A hot food takeaway can be more disruptive to an area in terms of associated

disturbance from the shop, comings and goings of customers, noise and smells.

The previous scheme was refused on amenity issues on occupiers of adjacent residential accommodation. However, on the current scheme, the applicant has demonstrated a willingness to implement any measures which would alleviate concerns or problems for the local residents namely:

- The takeaway would close at midnight instead of the previously proposed early morning hours (2am) which would lessen the amount of noise and disturbance associated with the use of the premises by customers and staff. The potential cumulative effect on the local area of this property being open late at night would be moderated by the earlier closing hours.
- The applicant would be prepared to accept a condition to soundproof the ground and first floor to eliminate noise problems to the residents above.
- The position of the flue remains unchanged, being positioned 1m above the eaves level of the rear of the 1st floor outrigger at the rear of the building. The visual impact of the position of the flue on the amenity of the flats above and adjacent to the site would be reduced by its position away from the windows on the main rear elevation of the building. By means of a condition, the applicant would be required to submit a scheme to demonstrate the flue would adequately treat and disperse fumes so as not to be a nuisance to local residents.
- There have been no objections raised from the residents in the flats above or adjacent to the premises.
- There would not be a cumulative impact of an A5 use with the adjacent premises No 59 (see above), in terms of noise, disturbance and parking, given permission for this property to change to A5 use has expired.

Given these considerations, the proposed change of use is considered to be acceptable subject to conditions and would comply with UDP Policy S2/6 - Food and Drink.

**Visual amenity** - The flue would be positioned on the rear of the property would not be visible from the main road or from other residential properties. There are no proposed changes to the shop front which has a double entrance door and roller shutters. Signage would be applied for under a separate application. The proposal complies with UDP Policy EN1/2 - Townscape and Built Design.

**Bin storage and servicing** - This would be via the rear access road which serves this row of properties on Walmersley Road, with the same arrangements as present for the existing office use. The rear yard area would be opened up to allow more storage provision. The proposal complies with UDP Policy S2/6 - Food and Drink.

**Parking** - Maximum parking standards for an A5 use is 1 per 8.5 sq m which would equate to 5 spaces (calculated on public floor area). As an existing A2 office use, the parking requirements would be 3.5 spaces (calculated on total floor area). There is currently no designated parking for this shop, or for any of the shops on this row, and any change of use would require some parking according to the standards in Development Control Policy Guidance Note 11 - Parking Standards in Bury. The proposed use tends towards short stay parking needs when visiting the shop and there is on street parking opposite on Badger Street and Topping Street and along Buckley Street to the south. There is also the added benefit that regeneration of the premises would bring a new business to the area with an active shop frontage.

It is also expected that much of the trade would be from people on foot. This area of Walmersley Road, on the fringe of Bury Town centre is predominantly characterised by shops and commercial businesses becoming more residential in character towards the north and east. It is anticipated that custom would be from local people walking home from the town centre along this route, as well as custom from the nearby businesses and local residents.



As such, it is considered no formal parking provision would be required in this instance.

**Access** - There are no proposed changes to the front elevation or the entrance into the shop and as such the access arrangements remain as existing. There is an existing shallow step into the premises. In the Design and Access Statement, the applicant states assistance will be available for customers to the shop should this be required. In the event of amendments being proposed to the shop front, the issues raised by BADDAC would be sought. However, as the development does not include shop front alterations, these cannot be sought at this time. Any internal alterations to facilitate disabled access would be managed by the applicant and must be compliant with Part M of the Disability Discrimination Act.

**Objection** - The objections with regards to parking have been considered in the report above. Provision of a litter bin can be required under licensing. Although there are a number of take-aways in the locality the proportion of outlets to other retail units is acceptable.

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

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

The proposed change of use is of an acceptable standard which would not adversely affect the character of the area nor the amenities of neighbouring residents. The scheme would not adversely impact on highway safety issues, the proposals 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 NK.125.01; Revised NK.125.02 dated 30/11/09; NK.125.03 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The 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. 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.
4. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flat, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.  
Reason. To protect the residential amenities of occupiers of the 1st floor flats pursuant to Unitary Development Plan Policy S2/6 - Food and Drink.
5. The use hereby permitted shall not be open to customers outside the following

times: 11.00 am to midnight daily.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S1/4 - Local Shopping Centre and S2/6 - Food and Drink of the Bury Unitary Development Plan.

6. The premises to which this approval relates shall be used for A5 Use, and no other Use of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or as subsequently amended without the prior consent of the Local Planning Authority.

Reason. To safeguard the amenities of the occupiers of residential accommodation pursuant to policy S2/6 - Food and Drink of the Unitary Development Plan.

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

**Ward:** Bury East

Item 08

**Applicant:** William Hill Organisation Ltd

**Location:** 1-3 MARKET PLACE, BURY, BL9 0LD

**Proposal:** CHANGE OF USE FROM RETAIL (CLASS A1) TO BOOKMAKERS (CLASS A2 - FINANCIAL AND PROFESSIONAL SERVICES); INSTALLATION OF NEW SHOP FRONT, AIR CONDITIONING UNITS AND SATELLITE DISH TO THE REAR

**Application Ref:** 52013/Full

**Target Date:** 19/01/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site is a ground floor shop unit at Nos 1-3 Market Place which is located within the heart of the Bury Town Centre Conservation Area. The property itself is a 1960's development and forms part of the enclosure to the Market Place. There are also a number of Georgian and Victorian Listed Buildings that complete the Market Place enclosure. It is allocated as a Secondary Shopping Area, S2/3 within the Bury Unitary Development Plan. The premises are set within a retail parade of units and are flanked by a chemist and a bookmakers, with Market Place and the Peel Monument directly opposite and St Mary's Church, a Grade I Listed Building to the north.

The premises are currently vacant, previously operating as a menswear retailer (Class A1), and it is proposed to change the use to a bookmakers (Class A2). The shop front would essentially remain the same, with new blue aluminium frames fitted to windows to the standard corporate colours. There would be level access into the entrance lobby and new 1m wide entrance door with roller shutters fitted internally. Opening hours would be 8am to 10pm.

The application also includes a condenser unit which would be fixed on the southern elevation which facing onto the car park and service yard area of the The Met and a satellite dish and antenna on the flat roof to the rear of the premises.

### **Relevant Planning History**

No relevant history.

### **Publicity**

22 letters were sent out to nearby properties on Market Place, Market Street, Bolton Street, The Rock and St Mary's Church.

Site notice posted 30/11/2009.

Press advert in The Bury Times on 3/12/2009.

One letter of objection has been received from Bury Parish Church, The Rock with the following comments:

- The recent improvements and refurbishments to the church to promote the Church's physical and spiritual presence in the town centre would be jeopardised by the use.
- There is adequate provision of this type of use in one small part of the town centre.

The objector has been informed of The Planning Control Committee.

### **Consultations**

**Conservation Officer** - No objection.

**Traffic Section** - No objection.

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

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

**BADDAC** - The entrance door is adequate width for access and the disabled toilet is welcome. No objection raised.

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

Area	Bolton Street/Market Place
BY3	
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
HT5/1	Access For Those with Special Needs
EN7/2	Noise Pollution

### **Issues and Analysis**

**Policies** - The application site sits within a Secondary Shopping Area of Bury town centre and is therefore subject to Unitary Development Plan Policy S2/3. Under Policy this policy, the Council will seek to maintain retailing (A1) as the predominant land use at the ground floor level. Proposals for a change of use will be assessed on their merits and by taking into account criteria (a) to (d):

- The design and appearance of the proposed frontage;
- Maintenance or provision of a display window;
- Access for the mobility impaired;
- Noise and disturbance.

The site is not recognised as being within an identified primary shopping frontage, and therefore not subject to further scrutiny of criteria e) to g) under this policy.

UDP Policy EN1/2 - Character of Conservation Areas and EN2/2 - Conservation Area Control seek to preserve or enhance the character and appearance of the Conservation Areas and implement measures to retain, replace and restore features of interest and promote good design to ensure sympathetic development.

**Principle** - Policy S2/3 allows for a much more flexible approach in Secondary Frontages to non-A1 uses, compared to Primary Shopping Areas in order to ensure that the area maintains vitality. There would be minor alterations to the shop frontage and the display window would be maintained. There would be level access into the shop and the entrance door would be an acceptable width for disabled users. The proposed use would not significantly add to the noise and disturbance of the area given its town centre location and the lack of any residential properties in the near vicinity. The premises have been vacated and the introduction of a bookmakers will generate some degree of footfall throughout the day.

On these considerations, therefore, the proposal would not conflict with UDP Policy S2/3 - Secondary Shopping Areas.

**Visual amenity** - Shop front - The proposed scale of alteration to the ground floor frontage would not be significant nor out of keeping with the basic character of the building. The alterations to the shop front would be relatively minor, with new aluminium framing around the windows, painted in corporate colours, and would be broadly consistent with the nature of the host building. The pilasters to the sides of the front elevation would also remain as existing and cleaned down.

There is a concern that the shop frontage could be obscured by plastic film applied internally over the windows either in the form of advertising or promotional events, which would result in the loss of an active shop front as well as being detrimental to the character of the Conservation Area. A condition to restrict the windows being concealed by any type of film or screening would form part of this planning approval.

In terms of impact on the character of the Conservation Area, the proposed alterations are

not significant and would be in keeping with the existing building. The proposal is therefore considered acceptable and would comply with UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control.

Air conditioning unit and satellite dish - The additions to the building in the form of receiving equipment and air-conditioning units would be out of view and not readily visible from the public domain. The air conditioning units would be on the southern elevation which faces the rear service yard, and would be set at a low level so as not to impact on the outlook from the surrounding office windows.

The satellite dish would be positioned on the flat roof element of the building to the rear and would be an innocuous feature which would be out of view from the surrounding area.

The proposals comply with UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control.

**Response to objector** - The use of the premises as a bookmakers would satisfy the policy criteria contained in Policy S2/3 - Secondary Shopping Areas and is considered not to have a negative impact on the character of the area. The proposed use of the premises is considered not to have a detrimental impact on the refurbishment of the church given sufficient intervening features and separation distances involved.

### **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 a proposal that will not harm the appearance of the Bury Town Centre Conservation Area nor the character of the surrounding area. It will not affect the amenities of the occupiers of the adjacent shops. 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 FINAL/N/NL/0380/01D 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 shop window shall be retained for display purposes and shall not be painted over or have any type of film, screening or material fixed to the shop window frontage either internally or externally.  
Reason. In order to retain the retail character of the premises and an active shop frontage in the interests of visual amenity pursuant to Unitary Development Plan Policy S2/3 - Secondary Shopping Areas and EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control.

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

**Ward:** Prestwich - Holyrood

Item 09

**Applicant:** Governors of Prestwich Arts College

**Location:** PRESTWICH HIGH SCHOOL, HEYS ROAD, PRESTWICH, M25 1JZ

**Proposal:** INSTALLATION OF MODULAR BUILDING CONTAINING TWO CLASSROOMS

**Application Ref:** 52040/Full

**Target Date:** 28/01/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site is in the northern section of the school grounds, between the existing main building and the grassed embankment sloping up to Glebelands Road. The land is currently vacant although in recent years there was a temporary classroom on the site. There are houses to the west on Sunningdale Drive and to the north, across Glebelands Road. The land immediately to the west is being developed for the new auditorium, approved in June 2009.

The new modular building would have a rectangular footprint measuring 21m by 8.8m. It would have a flat roof to a maximum height of 3.2m. The building would have a light grey powder coated cladding and fascia with windows on its north and south elevations. The side elevations would be blank apart from fire doors. The building would accommodate two classrooms (690sqm each) with ancillary storage and a small lobby area. The ramped entrance would be on the southern elevation, facing the main school building.

The two classrooms are required as a result of the decision not to implement a previously approved scheme to build an extension to one of the school buildings on the Heys Road side of the site. This would have accommodated a new dining area and a number of new classrooms.

### **Relevant Planning History**

44988 - Demolition of Existing Modular Classroom Block; Replacement Classrooms with Associated Site works - Approved with Conditions 12/09/2005

51208 - Dining Hall and Teaching Base Extension - Approve with Conditions 17/06/2009

51209 - Auditorium Extension - Approve with Conditions 17/06/2009

### **Publicity**

The following properties were notified by letter dated 7/12/2009.

58 -76 (evens) Heys Road, 51 Heys Road, 43 - 47 (odds) and 30-34 (evens) Sunningdale Drive, 181 - 197 Heywood Road (odds), 33 and 43 - 69 Glebelands Road (odds), 68 Glebelands Road and 8 Gilmore Drive. The occupier of No.51 Glebelands Road has objected on the following grounds:

- The new building would be located in what was previously a landscaped garden area adjacent to the recently approved auditorium (Ref:51209).
- Lack of detail on the submitted plans, namely not showing surrounding properties.

The occupier of No.45 Glebelands Road has written in support of the proposal.

Both correspondents have been notified of the Planning Control Committee.

### **Consultations**

**Greater Manchester Police** - No objection subject to certain security measures.

**Environmental Health** - No objection.

**Baddac Access Officer** - No comment.

## **Unitary Development Plan and Policies**

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
CF2	Education Land and Buildings
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
PPS23	PPS23 Planning and Pollution Control

## **Issues and Analysis**

**Need** - In addition to the new auditorium, the college had intended to build an extension to form a new dining area and teaching base, including a number of new classrooms. It has now decided not to build the extension due to lack of funds and therefore there is a shortfall in the number of classrooms due to the demolition of two classrooms as a result of the new auditorium.

UDP Policy CF2 relating to education land and buildings states that proposals for the provision, improvement and dual use of facilities will be looked on favourably. The school, which is designated as a specialist arts centre, would benefit from the new classrooms which would replace those previously demolished to make way for the new auditorium, now being constructed. There would be no increase the numbers of pupils on the school role. Given the apparent need, it is considered that the proposal complies with UDP Policy CF2.

**Visual Amenity** - The new modular building would be approximately 35m from the front elevation of houses along Glebelands Road. It would be modest in scale when viewed against the backdrop of the main school buildings and set down the existing grassed embankment from Glebelands Road by approximately 2m. It would be finished in a neutral grey cladding and therefore would not appear as particularly incongruous from Glebelands Road and properties to the west on Sunningdale Drive. As such the proposal complies with UDP Policy EH1/2 relating to design and townscape.

**Residential Amenity** - Given the modest scale of the building and its relatively low lying position in relation to residential properties on Glebelands Road and Sunningdale Drive, it is not considered that there would be any serious harm to the amenities of surrounding residents. In terms of residential amenity the proposal complies with UDP policies.

**Disabled Access** - There is an appropriate 1:15 access ramp up to the entrance which would need to comply with building regulations. Baddac have no objection to the proposal which complies with UDP Policy HT5/1 relating to disabled access.

**Traffic** - There would be no increase in student/staff numbers and therefore there would no implications with regard to additional parking and increased traffic to and from the site. The proposal therefore complies with UDP Policy HT2/4 relating to parking and servicing.

**Objection** - The loss of what would have been a landscaped area adjacent to the auditorium would not be a particularly valid reason to refuse the proposal given that there was a classroom in a similar position up until last year.

The proposal complies with UDP policies listed above.

## **Summary of reasons for Recommendation**

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

The new building would improve the facilities at the school without appearing incongruous within the site or on the street scene. The proposal complies with UDP policies listed. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

## Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to revised drawings numbered 1131-02-P-01/B and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Details of the external materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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



**Ward:** Bury East

Item 10

**Applicant:** Hooley Bridge Service Station

**Location:** HOOLEY BRIDGE SERVICE STATION, 609-621 ROCHDALE OLD ROAD, BURY, BL9 7TL

**Proposal:** 2 X INTERNALLY ILLUMINATED FASCIA SIGNS; 1 X EXTERNALLY ILLUMINATED WALL SIGN; 1 X INTERNALLY ILLUMINATED PROJECTING SIGN; 1 X NON-ILLUMINATED PROJECTING SIGN (ALL RETROSPECTIVE)

**Application Ref:** 52063/Advertisement

**Target Date:** 01/02/2010

**Recommendation:** Approve with Conditions

### **Description**

The site is a Total Petrol Station with a 'Nearbuy' shop building and car wash facilities. There are residential properties adjacent, opposite and to the rear. The petrol filling station and shop are separately run businesses from the car wash.

The application is for 5 various signs to the shop building and is retrospective having been submitted following a complaint to the Enforcement Section. There is also a current complaint being dealt with relating to the car wash signage.

This application comprises of two internally illuminated fascia signs along the top of the front and side of the shop building. They are a blue colour with white lettering and three roundal logos.

The side elevation of the shop that faces Rochdale Old Road has a wall mounted sign 2m wide by 1.4m high also in a blue colour with white lettering. It is externally illuminated and positioned in the centre of the wall. Also to this elevation are two projecting signs. One is a projecting internally illuminated 'Nearbuy' logo positioned within the fascia sign area and the other a non illuminated panel sign positioned below.

### **Relevant Planning History**

51974 - 1 no. externally illuminated fascia sign; 2 non-illuminates projecting signs (retrospective) - this application was withdrawn on 07/12/09 by the applicant as they had not completed the application form correctly for the number of signs being applied for.

### **Publicity**

12 notification letters were sent to addresses at 454,456,462,605,607, 623 & 625 Rochdale Old Road, 4-10 Winifred Avenue and 1 Smethurst Hall Road.

Responses have been received from 456 and 462 Rochdale Old Road.

The comments from 456 Rochdale Old Road in summary are :-

- They have been objecting to the signs since 2007, including the ones to the car wash and A boards
- The lack of investigation in 2007 has led to there now being 20 signs
- The signs are a blot on the village of Jericho

The letter also refers to past complaints to the Enforcement Section.

No. 462 Rochdale Old Road comment that:-

- They would object to more external illumination
- Illuminated signs are not required as the premises is already well represented and easy to identify.

The objectors have been notified of the Planning Control Committee.

## **Consultations**

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

## **Unitary Development Plan and Policies**

EN1/9 Advertisements

## **Issues and Analysis**

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

**Visual and residential amenity** - the signs are in keeping with the building and appropriately located above the shop front and along the top of the side elevation. The illuminated projecting sign is also within this area and with the small non illuminated one below. The wall mounted sign is of an acceptable size to the side elevation which faces the road and provides customer information of goods and services available within the shop. There are residential properties opposite and adjacent however the site is an existing commercial premises where illuminated signage of this type would be expected and it is not considered that there is any serious impact on their visual amenity.

**Highway Safety** - the signs are positioned where they will not cause hazard to pedestrians or motorists. There are no objections from the Traffic Section to the signs on highway safety grounds.

**Response to objections** - The application is for existing signage and not for any additional ones.

As a result of a complaint an enforcement case was opened in 2007 which resulted in applications for signage being submitted in July and October 2007 and May and June 2008 by the previous owner of the premises. In each instance, there was insufficient information provided with each for them to become a valid application and the owner was advised of this. The Enforcement Team have pursued the complaint with the new owner who has submitted this current application for the shop signage. The owner has also been notified of the unauthorised signs to the car wash, which are now subject to further enforcement action.

A copy of the letter from 456 Rochdale Old Road dated 6 December 2009 was passed to the Enforcement Team who have replied directly.

The placing of A boards on the pavement is a matter for the Highways Section to pursue under the Highways Acts.

The signs would comply with UDP Policy EN1/9 - Advertisements.

**Recommendation:** Approve with Conditions

## **Conditions/ Reasons**

1. The direction, fixing and colour of the external lighting shall be to the satisfaction of the Local Planning Authority.  
Reason. To avoid undue distraction to traffic in the interests of road safety and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

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

