

**Ward:** Bury East

Item 01

**Applicant:** Swinnerton Environmental Ltd

**Location:** YORK STREET MILL, YORK STREET, BURY, BL9 7AR

**Proposal:** CHANGE OF USE OF SITE TO WASTE RECYCLING CENTRE WITH ERECTION OF TRANSFER BUILDING

**Application Ref:** 51924/Full

**Target Date:** 14/04/2010

**Recommendation:** Approve with Conditions

### **Description**

The site is open and is located next to a scrap yard, which is operated by the applicant, Swinnerton Environmental. The site is bounded by 3 metre high brick walls and there is an access onto York Street. There are residential dwellings to the south west of the site and industrial uses to all other boundaries.

The proposal involves the change of use of the site for a recycling centre, including the erection of a building for the transfer of waste. The proposed building would be an open fronted steel portal building and would be constructed from cladding. The proposed building would measure 10 metres by 20 metres long with a maximum height of 8.73 metres. The proposed recycling centre would be open on Monday to Friday from 07.00 - 17.00; Saturdays from 07.00 - 12.00 and would be closed on Sundays and Bank Holidays.

The material would be delivered in skips and fixed tipper body vehicles and would be deposited into the building. The waste would be sorted in the building and would be stored in the designated area in the building while awaiting transport to other sites for further treatment. Inert waste would be stored in the area shown on the site plan.

### **Relevant Planning History**

None relevant.

### **Publicity**

23 neighbouring properties (Fletcher Street; York Street; Britannia Foundry; Queen Street; Fountain Street North; Manor Street & Bus Depot) were notified by means of a letter on 18 January and a press notice was posted in the Bury Times on 28 January. Site notices were posted on 28 January 2010. There has been no response.

### **Consultations**

**Traffic Section** - No objections, subject to the inclusion of a condition relating to the provision of turning facilities.

**Drainage Section** - No objections.

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

**Environmental Health - Pollution Control** - No objections, subject to the inclusion of an informative relating to waste management.

**Waste Management** - No objections

**Environment Agency** - No objections, subject to the inclusion of informative's relating to contamination.

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

**GM Geological Unit** - No objections.

**Baddac** - No comment.

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

EC2/2 Employment Land and Premises

EC6/1 New Business, Industrial and Commercial

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN7	Pollution Control
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT2/7	Lorry Parking
HT4	New Development
MW3/2	Waste Recycling and Bulk Reduction
MW4/1	Assessing Waste Disposal Proposals
MW4/2	Development Control Conditions (Waste)
Area	Rochdale Road/Lord Street/York Street
BY10	
PPS23	PPS23 Planning and Pollution Control

### **Issues and Analysis**

**Principle** - Policy MW3/2 states that the Council will give favourable consideration to proposals which facilitate the economic recycling and reclamation of waste materials and the bulk reduction in waste.

Policy EC6/1 states that all new business, industrial and commercial development will be expected to be of a high standard of design and appearance and will be assessed on the following factors:

- scale, size, density, layout and height
- access and parking provision
- landscaping and boundary treatment
- the effect on neighbouring properties
- the safety of employees, visitors and adjacent occupiers.

The proposed development would enable the recycling and reclamation of waste materials and the overall reduction in waste. The proposed development would be of a scale, which would be appropriate to the site and would be acceptable in principle. Therefore, the proposed development would be in accordance with Policies MW3/2 and EC6/1 of the adopted Unitary Development Plan.

**Impact upon surrounding area/residential amenity** - The proposed building would measure 8.73 metres to the ridge and 5.75 metres to the eaves and the proposed building is the smallest building required for this purpose. The proposed building would have a monopitch roof, with the lowest point being nearest to the dwellings. The proposed building would be 15.7 metres away from the residential dwellings and as such, would not have a significant adverse impact upon the amenity of the nearby occupiers.

The rear elevation of the proposed building would face the gable elevation of the dwellings and the open area would face the existing industrial buildings. The proposed building has been sited so as to minimise the impact upon the residential dwellings by reducing the potential for noise and dust pollution.

The site is bounded by 3 metre high brick walls, which would be retained. The boundary walls would also screen the proposed development from view. Therefore, the proposed development would be in accordance with Policies EC6/1, EN1/2 and MW4/1 of the adopted Unitary Development Plan.

**Noise/Pollution** - The site to the north is currently used as a scrapyards and would not generate the same noise levels as the adjacent scrapyards. There would be no significant increase in noise levels and no complaints have been received in connection with the existing scrapyards. The Pollution Control Section has no objections, subject to the inclusion of an informative relating to waste management.

The proposed development would be open between 07.00 and 17.00 on Mondays to Fridays and 07.00 to 12.00 on Saturdays. The site would be closed on Sundays and Bank

Holidays. There would be no significant adverse impact upon the amenity of the occupiers of the neighbouring properties in terms of noise. Therefore, the proposed development would be in accordance with Policies EN7/2 and MW4/1 of the adopted Unitary Development Plan.

The proposed building would have a sealed drainage system with a fall to a holding tank, which would be emptied by a drainage contractor. As such, the proposed development would not have a detrimental impact upon land drainage and would be in accordance with Policy MW4/1 of the adopted Unitary Development Plan.

**Highways Issues** - The proposed development would utilise the existing access onto York Street. Visibility splays and the turning area have been provided and are acceptable. The Traffic Section has no objections, subject to the inclusion of conditions relating to the provision of the turning area. The proposed development would not be detrimental to highway safety and would be in accordance with Policies MW4/1 and EC6/1 of the adopted Unitary Development Plan.

With regard to parking provision, there is no equivalent use in SPD11. However, SPD11 states that the maximum parking standards for a B2 use would be required to provide 1 space per 60 square metres. This would equate to 3 parking spaces. The proposed development would provide 4 parking spaces and 1 disabled bay along the eastern boundary. As such, there would be sufficient parking available on site and the proposed development would be in accordance with Policies HT2/4 and EC6/1 of the adopted Unitary Development Plan and SPD11.

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

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

The proposed development is acceptable in principle and would not have a significant adverse impact upon the amenity of the neighbouring properties. The proposed development would not be unduly prominent within the locality and would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered SEL/01, SEL/02 A, SEL/03 C, SEL/04, SEL/05 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 and colour of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used.  
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. 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.

7. Following the provisions of Condition 4 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

8. The operation hereby permitted shall not be open to customers outside the following times:

07.00 to 17.00 on Mondays to Fridays

07.00 to 12.00 on Saturdays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and MW4/1 - Assessing Waste Disposal Proposals

of the Bury Unitary Development Plan.

9. The turning facilities indicated on the approved plans 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 pursuant to Policy EC6/1 - Assessing New Business, Industrial and Commercial Development and Policy MW4/1 -Assessing Waste Disposal Proposals of the Bury Unitary Development Plan.
  
10. The height of the waste in the external storage areas shall not exceed the height of the boundary wall.  
Reason. To protect the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and MW4/1 - Assessing Waste Disposal Proposals of the Bury Unitary Development Plan.
  
11. The access onto Croft Street shall be blocked up prior to the commencement of the use hereby permitted. The materials to be used shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.  
Reason. To protect the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and MW4/1 - Assessing Waste Disposal Proposals of the Bury Unitary Development Plan.

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

**Ward:** Ramsbottom + Tottington - Tottington

Item 02

**Applicant:** Mr Richard Hindle

**Location:** LAND AT WHITTLES, TURTON ROAD, TOTTINGTON, BL8 3QQ

**Proposal:** ERECTION OF AGRICULTURAL BUILDING (RETROSPECTIVE)

**Application Ref:** 52082/Full

**Target Date:** 23/02/2010

**Recommendation:** Approve with Conditions

**The application was deferred from the February Planning Control Committee for a site visit.**

### **Description**

The site is an existing agricultural small holding occupying an area of land accessed via Turton Road (B6213). The land is designated as Green Belt and is a Special Landscape Area. Access to the site is shared by occupiers of Whittles Cottages, approximately 40m to the south, and Whittles Farm and Higher Barn Farm further along the track to the east.

The land contains various agricultural buildings comprising a tin clad and concrete sheeted buildings to the west of the site and various smaller out buildings and sheds within the farmyard area.

There is an extant planning permission (ref 48619) granted in 2007 for the erection of a general purpose agricultural building which would replace 2 other agricultural buildings to the north of the site and reduce the other large building (25m x 9.75m) by 3m in area. This has not yet been implemented but the applicant intends to start building work in the summer of 2010 before permission expires in September.

The building applied for under this permission is currently utilised for the housing of livestock and storage of straw and machinery until the applicant implements the consent granted under 48619. Until the approved development is complete, the applicant states their farming business would be too constrained without this additional accommodation.

The proposed development is on the footprint of an existing building, which was 4m in height to the eaves and had a mono-pitched roof. The applicant has since increased the height of this building to an eaves height of 5.8m, changed the ridge to a central apex at a height of 6.4m and installed an internal 3.5m hay loft. This application seeks to regularise this height increase, complete the development by fully enclosing the side walls and installing rainwater disposal pipes.

### **Relevant Planning History**

40885/03 - Raising eaves height by 1.5m to existing barn - Approved 22/7/2003.

48619 - Erection of general purpose agricultural building - Approved 21/11/2007.

09/0122 - Enforcement Case against unauthorised structure - 19/3/2009.

### **Publicity**

Neighbours notified at Fletcher's Farm, Nos 1, 2, 3 Whittles, Whittles Farm, Higher Barn Farm, Whittles Cottage Farm, all on Turton Road.

Objection received from No 3 Whittles, which raises the following issues:

- Did not object to the previous application (reference 48619) as one building to replace the other eyesores was preferable.
- No new building work has started on application reference 48619.

- The proposed building is much higher than the original and is in direct line of sight of their home, and overshadows their stable yard and garage.
- There are no gutters on the roof and their stable yard suffers the extra rainwater run off from the roof of the building.
- Their field is badly affected by rainwater from the roof.
- The whole construction looks unstable.
- That the building would be removed once the new build is completed seems far fetched.
- Is there any guarantee this would happen and be controlled via a condition?
- The applicant's pig rearing business has resulted in unbreathable smells and rats.
- Dilute pig manure drains into their garden.
- Photographs have been received in relation to the construction of the agricultural building. These are available for the Planning Committee to view.

The objector has been informed of The Planning Control Committee Meeting.

### **Consultations**

**Traffic Section** - No objections.

**Drainage Section** - No objections.

**Environmental Health Contaminated Land** - No comments to make.

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

OL1/2 New Buildings in the Green Belt

OL7/2 West Pennine Moors

EN9/1 Special Landscape Areas

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

OL4/5 Agricultural Development

EN7 Pollution Control

### **Issues and Analysis**

**Policies** - Unitary Development Plan Policy OL1/2 - Development in the Green Belt states that new buildings in the Green Belt are inappropriate unless it is related, amongst other things to agriculture.

OL4/5 - Agricultural Development - Development which requires permission will be permitted provided they are sited and designed to minimise visual impact on the landscape, relate well to existing farm buildings and not have an unacceptable impact on the amenity of neighbouring dwellings.

EN9/1 - Special Landscape Areas states that development will be strictly controlled and is required to be sympathetic to its surroundings in terms of visual impact.

Development Control Policy Guidance Note 8 - New buildings and Associated Development in the Green Belt offers supplementary guidance on siting and visual design, scale and form, materials and colour and surroundings.

The development has enabled the applicant to utilise the building as an additional storage area for the housing of livestock and straw to serve his farming business, until the building granted consent under reference 48619 has been realised. The building is already existing and used for agricultural purposes. It is positioned adjacent to other agricultural buildings and does not compromise the openness of the Green Belt in terms of its position or height.

As such, the proposal relates to development within an agricultural setting and complies with Green Belt Policy in principle, subject to details of siting and appearance, and impact on residential amenity.

**Siting and Appearance** - The building to which the proposal relates is located within an existing farm complex, close to other existing agricultural buildings. It adjoins the existing livestock building and does not exceed the height of the surrounding buildings. It is of a typical design for a livestock house, with concrete block wall at the base and profiled

sheeted tin walls to the eaves, and would not appear incongruous or out of place within the landscape given its relationship to the other farm buildings in the site. However, its appearance would be improved if the building was timber clad on the external elevations, particularly when viewed from the residential properties opposite. The applicant is in agreement with this and has made elevational changes on a revised plan to reflect this. The applicant intends to fit guttering to the eaves of the building, which has been shown on the revised elevation plan and roof plan.

In terms of long range views, the site is not particularly prominent and public views of the building are restricted from Turton Road by existing buildings and boundary hedging along Turton Road. As such there are no concerns in this regard.

The proposal represents only limited extension within the existing yard area. It is within an existing group of farm buildings and is used exclusively for the purposes of agriculture. The visual impact on the landscape is minimal and the design and materials are compatible with those of the surrounding structures. As such, the proposal complies with the criteria set out in UDP Policies OL1/2, OL4/5, EN9/1 and DCPG Note 8.

**Residential amenity** - The nearest residential properties are Whittles Cottages, 40m away to the south of the building, and are separated from the site by the access road. The building is visible from these cottages. However, it is considered that the additional height of 1.8m would not adversely impact the outlook of these houses, particularly as it would not be any higher than the adjoining building and clustered within a compact complex.

The building is already used to house livestock and the increase in height of it facilitates the storage of feed and hay for the animals. As such, the development has not intensified farming activity on the site to a degree which would be problematic to nearby residences, given the distances between the building and these houses.

As such, the proposal complies with OL4/5 - Agricultural Development and is acceptable.

**Drainage** - The applicant intends to fit guttering to the eaves of the building, which has been requested to be shown on the elevation and roof plan. This would transport the rainwater to a storage tank at the south west corner of the building. The storage tank will feed into the livestock drinking system and will have an overflow outlet into the down spout which discharges into an existing grate cover on the applicant's property. The Drainage team have raised no objection to the application. As such, the proposal complies with EN7 - Pollution Control.

**Objection** - The objections which relate to smells, manure drainage and rats are bi-products associated with a farm business. There are existing controls that deal with such matters within the Environmental Pollution Acts and are not strictly within the controls of planning to regulate. The increase in the height of the building has been dealt with within the report and it is concluded that there would be no additional harm as a result of the development. The other objections raised are covered in the report above.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-  
The increase in height to the existing agricultural building does not detrimentally impact on the openness of the Green Belt or the character of the surrounding area. It does not affect the amenities of surrounding residents nor adversely impact on highway safety issues. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**



1. This decision relates to the revised roof plan dated 27/01/2010, received on 28/01/2010, and revised proposed elevations dated 4/2/2010 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.
2. The eaves guttering and rainwater pipes shown on revised drawings dated 27/1/2010 (received 28/1/2010) shall be fixed to the building within 28 days of the date of this permission hereby approved. The guttering and rainwater pipes shall then be maintained in a good state of repair until use of the building ceases. Reason. To ensure adequate drainage from the building within the site pursuant to Unitary Development Plan Policies OL4/5 - Agricultural Development and EN7 - Pollution Control.
3. The metal cladding to the east, west and north elevations shall be removed and the external elevations of the building shall then be clad in timber boarding in accordance with elevation plan dated 4/2/2010. The finish shall be agreed in writing with the Local Planning Authority within 28 days of the date of this approval. The approved scheme only shall be implemented within 56 days. Reason. - In the interests of visual amenity and to ensure a satisfactory development pursuant to Unitary Development Plan Policies OL1/2 - New Buildings in the Green Belt, OL4/5 - Agricultural Development and Development Control Policy Guidance Note 8 - New development and Associated Development in the Green Belt.

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

**Ward:** Whitefield + Unsworth - Unsworth

Item 03

**Applicant:** United Utilities

**Location:** Unsworth Hall, Manchester Road, Bury, BL9 9TJ

**Proposal:** Amendment to route of 54km of buried pipeline connecting Prescott Reservoir, Knowsley to Woodgate Hill Reservoir in Bury (Re-route section 1.142km in Bury), from Barlow Recreation ground to Bury Golf Club

**Application Ref:** 52093/Full

**Target Date:** 21/04/2010

**Recommendation:** Approve with Conditions

### **Description**

The application comprises an amendment to the routing of an already approved East/West water main pipeline for United Utilities in the vicinity of Bury Golf Course and Blackford Bridge.

In November 2008, planning permission was granted (under reference 50274) for the installation of a main East/West water main pipeline from within the Borough commencing at Woodgate Hill Reservoir in Fairfield, through Heap Bridge, Pilsworth, Hollins, Sunny Bank, Lily Hill, Stand and Outwood. The water main is part of a new dedicated regional large diameter trunk main to transfer bulk supplies of water bi-directionally between Woodgate Hill and Prescott, east of Liverpool.

The original line was chosen by selecting the optimum location for crossing of linear amenity lines following consultation with owners and operators, with the methodology of avoidance and minimal effects upon environmental considerations.

United Utilities have now proposed to extend the tunnelling for part of the route affecting 1.142km of the pipeline from Barlow Recreation Ground proceeding in an easterly direction crossing the River Roch, the former Eagle Bleach works site, Manchester Road and part of Bury Golf Course. The supporting information states that the re-route would:

- Improve hydraulical efficiency through fewer pipe fittings required,
- Reduce the impact upon the general working of the Golf course and its users,
- Significantly reduce the need for construction traffic to/from Manchester Road,
- Remove the need for working with an open cutting, within in Lamb Lodge an area subject to a Tree Preservation Order and wet woodland.

### **Relevant Planning History**

03398/76 - 144 Flats and Garages Approved 15/09/76

05899/78 - Renewal of Approval Reserved Matters Approved 06/03/1978

11961/81 - 144 Bedroom Flats and Garages (Revised Layout & Elevations) Approved - 23/06/83

### **Publicity**

72 neighbours notified by letter on 29 January 2010 and included properties on Manchester Road, River Rise, Hollins Brow, Brook Lane, Hathaway Road, Ajax Drive, Sandy Close, Roach Street, and Britannia Hotels. A site notice was erected on 11 February 2010 and a press notice was published within the Bury Times on 21 January 2010.

As a result of this publicity, one letter of objection has been received from Britannia Hotels, who are owners of the land used formerly as Eagle Bleach Works, Blackford Bridge. They raise the following issues:

- The development would impact upon their extant planning permission and would restrict the future development of the site;
- The location of the pipeline and its easement would impede the implementation of that permission and is therefore a material consideration, which should be afforded significant weight.
- They do not accept the easement as shown on the revised route plan and intend to develop over the whole of their site on the basis of the planning permission they consider to be extant.
- They do not wish to enter into a limiting build-over agreement that would restrict the permission they considered to be lawful.
- They consider that the development and easement extends unnecessarily on their land and does not take adequate consideration of their rights as landowner to the site.
- The proposals would prejudice the continued allocation of the site under the Local Development Framework and therefore would severely affect its future development value.
- They do not object in principle to the pipeline but suggest that the pipeline under their land should allow development without hindrance, loss of value or increased development costs.

### **Consultations**

**Traffic Section** - No objections.

**Drainage Section** - No objections.

**Environmental Health Contaminated Land/ Air Quality** - No objections. Attach standard conditions concerning contaminated land.

**Environment Agency** - No comments received.

**National Grid Transco** - No comments received.

**Greater Manchester Ecology Unit** - No objections subject to a condition relating to controlling of timing of any tree removal if required and impact upon breeding/nesting birds.

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

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

EN1/1	Visual Amenity
EN1/11	Public Utility Infrastructure
EN3	Archaeology
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/3	Water Pollution
EN8	Woodland and Trees
EN8/1	Tree Preservation Orders
EN9	Landscape
OL1/5	Mineral Extraction and Other Dev in the Green Belt
OL5/2	Development in River Valleys
PPS25	PPS25 Development and Flood Risk

### **Issues and Analysis**

**Principle** - The installation of the pipeline, which is considered to be infrastructure of regional significance, has been granted planning permission under reference 50274. This scheme represents an amendment to the route along part of the pipeline. The proposals would affect the same land as previously although now there would be a different alignment and differing means of implementation. As such the principle of the development has clearly been established.

**Details** - The pipeline would deviate from the original alignment within Barlow Recreation ground by crossing the River Roch approximately 40m to the south west of the original crossing point; a different alignment across the former Eagle Bleach Works site and a more direct route across Bury Golf Club.

The pipeline would be within an engineered tunnel and would vary to be between 10m and 14m deep underground ie below ground/river surface within bedrock and as such, it would not be a feature within the landscape in this area. However, as the works would be cutting through previously contaminated land, working methodologies still need to be in place as described within accompanying site investigation reports to ensure that there would be no undue impacts resulting from the works. This would be subject to conditional controls

**Ecology - Trees** - The development as proposed is to be carried out through tunnelling. There would be no need for any designated working areas above ground and as such there would be no impact upon the protected trees covered by Tree Preservation Orders on the former Eagle Bleach Works (TPO186) and Bury Golf Course (TPO63).

*Wetland/Woodland* - Given the change of alignment and means of implementation, the woodland/wetland would not be significantly affected. The resultant effects of the change to the scheme, its re-alignment and choice of implementation now mean that ecology impacts would be significantly reduced compared the originally consented scheme, which was proposed to cut through Lamb Lodge. Now the scheme skirts only the north westerly edge.

In the event of large vehicles having to enter the Bury Golf course site to utilise or gain access to the exit shaft on Bury Golf Course (at its northerly end), there would be a potential need to either prune or remove trees along the side of the access road. However, indications are that this would not be necessary and alternative access can be gained from Hollins Lane. In a worse case scenario, trees along the access route have been surveyed and those that may be threatened have been identified. It is considered that no trees should be removed without the prior consent of the Local Planning Authority and conditions should restrict this situation.

*Amphibians* - Surveys carried out in 2007 and 2008 did not find any amphibians, notably Great Crested Newts, in ponds within 300m of the proposed re-route. The development would have no impact upon this species or pond waters.

*Breeding Birds* - Controls through planning conditions need to restrict the timing of any tree removal so as not to affect nesting or breeding birds. This control was imposed on the original planning permission.

*Bats* - There is risk of impact upon bats through tree removal if required and 4 trees have been surveyed in detail, which may be affected. However, given the need for the development, lack of alternatives for the development, the derogation upon protected species would be significantly less than already consented, mitigation is considered not to be necessary. The land areas subject to the survey have identified that they are areas of low activity compared to other bat habitats in the Borough despite their location and nature.

*Amenity Grassland* - These areas include the intensively managed areas of golf course. The ecological value of these areas is low and it is intended to re-instate the grassland for continued after use by the golf club.

Both Greater Manchester Ecology Unit and the Council's ecologist have no objections to the findings and recommend ecology conditions, which are described above.

**Objections** - In response to the issues from Britannia Hotels:

- The site of the former Eagle Bleach Works was granted planning permission for residential development in 1976, 1978 and 1981. It is agreed that works had commenced on the site to form a car park. However, there is no record on file of pre-commencement conditions having been complied with.
- The layout of the development as shown on the historic plans would be unaffected. Currently one corner of one block touches the pipeline route on plan. United Utilities have confirmed that they will allow a building over agreement provided that the foundations of any built form are not within 5m radius of the centre of the pipeline located in the bedrock. Given that the pipeline would be some significant distance below

the site within bedrock, it is unlikely to have any impact upon the layouts indicated on the old planning permissions.

- The site is allocated within the Council's Unitary Development Plan for housing and this allocation is reflected within the Council's Strategic Housing Land Availability Assessment. As such there is no contention over the possibilities of the land being brought forward for housing in the near future and the Local Development Framework assessment for housing provision has not yet been carried out. Even with a pipeline running through the site, this proposal would not prevent a scheme coming forward to develop the site either now or in the near future.
- Any housing layouts and design would need to reflect the gained experience and understanding of today's demands for development such as flood risk, ecology, archaeology, trees and contamination. The historic layouts do not consider any of these concerns because they 'are of their time'. As such the site would more than likely need to be subject to a fresh proposal to attempt to address these concerns to make the site habitable for today's standards. However, notwithstanding this, the current pipeline alignment has taken on board previously approved layouts for the site.
- The confirmation by the applicant that they would be prepared to enter into a building over agreement means that the ability to develop the land would not be significantly diminished. Such an agreement would permit development over the pipeline. This has not been the case elsewhere where the pipeline was not tunnelled in the Borough and this appears to demonstrate that the applicant has properly considered how best to recognise the land owners interests and accommodate legitimate concerns in formulating these development proposals.
- The offer by the applicant to enter into a building over agreement is a matter for United Utilities (as applicant) and Britannia Hotels (as landowner) to resolve between themselves, as is the issue of granting easements and making compensation payments under the Water Resources Act.

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

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

The scheme and method of implementation would result in a more favourable development in terms of ecology. The scheme appears to have taken on board concerns of affected land owners and on plan form would not diminish the ability to develop land in the future. The proposals would comply with national, regional and local planning policy and there are no other material considerations to 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 110476/DWG/WW028 AB, 110476/DWG/WW022 AB, 110476/DWG/WW024 AB, 110476/DWG/WW025 AB, 110476/DWG/WW026 AB, 110476/DWG/WW023 AB, 80011507/01/34/55039 AB, B0353400/JES/GEN/PLN/F1/453 O, 110476/DWG/A3-50K1 02, 110476/DWG/A3-50K02, 110476/DWG/A3-50K03, 110476/DWG/RH02AC (1 of 2), 110476/DWG/SK206 AA, B0353400/JES/GEN/PLN/452 A, 110476/DWG/RH028 AC (2 of 2), B0353400/JES/GEN/PLN/F1/445 C, B0353400/JES/GEN/PLN/F1/475 O, B0353400/JES/GEN/PLN/F1/454 A, B0353400/JES/GEN/PLN/F1/453 A and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

3. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year unless otherwise agreed 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.
4. No trees subject to a Tree Preservation Order, shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.  
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
5. 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.
6. Following the provisions of Condition 5 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.
7. 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.
8. 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.

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

**Ward:** Prestwich - Sedgley

Item 04

**Applicant:** Bury Youth Service

**Location:** St Marys Park, St Marys Road, Prestwich, Manchester, M25 1GG

**Proposal:** Installation of outdoor skate park (Resubmission of 51619)

**Application Ref:** 52147/Full

**Target Date:** 18/03/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site comprises an area of land in St Mary's Park, Prestwich, which is located in the south west corner of the park, 15m from the boundary with Bury New Road and 20m from the boundary to the south.

The surrounding area is generally residential in character, and there is an extant planning permission on the adjacent land to the south (former Claremont Nursing Home) for residential development.

The site is accessed via two pedestrian gated entrances off Bury New Road, and there is vehicular access off St Mary's Road which leads directly into a car park.

St Mary's is an urban park with existing outdoor recreational facilities including formalised children's play area, tennis courts, bowling greens and football pitches. This application seeks to construct an additional facility in the form of a skate park. The structure itself would cover an area of 39.1m x 27.4m and would be 1.6m above ground level at its highest point, with parts of it sunk below ground level by 600mm. It would be made wholly from concrete.

There would be a new pathway to the facility, which would link to the existing path from Bury New Road. There is no lighting or fencing proposed and the facility would be part of the public park accessible 24 hours a day 7 days a week.

Background - The proposal to have a skate park built within St Mary's Park has been developing over a number of years. A Committee was formed to research and campaign for such a sports facility in this area which included meetings with youth workers, local Police Officers, Councillors and construction companies, and has involved wide community consultation. A group of young people have also been involved in the evolution of the proposed scheme. The project was also identified as a key project in the "Love Prestwich Village: town centre development strategy.

### **Relevant Planning History**

51619 - Installation of concrete skate park - Withdrawn by Applicant due to lack of information - 09/09/2009.

43846 - Residential development of the former Claremont Nursing Home - 36 apartments, 14 duplex apartments, 2 roof mounted penthouses - Approved 12/5/2005

### **Publicity**

138 neighbour letters were sent to properties on St Mary's Road, Rectory Avenue, Rectory Grove, Hornby Lodge, Carrigart, Park View Court, Belroy Court, Bury New Road, St Anns road, St Mary's Road, Park View Primary School, Sedgley Park Synagogue, The Mews Park View Road, Park View Road, Rectory Lane, Rectory Gardens.

A full list of addresses can be found in the working file.



Five letters of objection have been received from Nos 24, 26 St Mary's Road, 23 Carrigart, 18 St Mary's Road, 91 Rectory Lane with the following comments:

- Appearance of a large concrete block will spoil the aspect of the park and be an eyesore;
- It would not be in an enclosed area and will cause late night noise as with the football/basketball area;
- More anti-social behaviour in the park and bring more people in from outside the Bury area;
- The character of the area has been destroyed over the last 10 years with numerous developments in the park (car park, Phoenix centre, football/basketball area, car boot sales, football matches at weekends);
- Road congestion will increase and parking is restricted in the area;
- The local bus stop is vandalised from people coming into the area;
- Should not be sited in a residential area;
- Sound reducing surface material should be used rather than concrete;
- What plans are there to police the use after hours?;
- What if it attracts graffiti;
- There must be no lights;
- Trees should not be affected;
- Development of the adjacent site would be hindered;
- Money would be better spent on improving the drainage in the park;
- Money would be wasted on a small minority and better spent on funding youth centres.

Two letters of support received from No 45 Rectory Close and e-mail (no address supplied) with the following comments:

- Provided there are no access issues or anti social behaviour, this would be a good outlet for young people to enjoy, as there is always a need for some kind of facility so the younger generation can keep healthy and active;
- It is about time younger people had something to occupy them and hope this will happen sooner rather than later.

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

### **Consultations**

**Traffic Section** - No objection

**Drainage Section** - No objection.

**Environmental Health Contaminated Land** - No objection subject to condition.

**Environmental Health Pollution Control** - No objection in principle. Regard should be had to residential amenity issues.

**Sport England** - No response received to date and will be reported to Committee in the Supplementary Agenda.

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

**Baddac Access Officer** - Access Group generally welcome the application, but from an integration perspective the group would like to see a wheelchair accessible viewing area created as part of the skate park.

**Environment Agency** - No objection subject to condition to submission of a drainage scheme.

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

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

RT1/1 Protection of Recreation Provision in the Urban Area

EN8 Woodland and Trees

PPS23 PPS23 Planning and Pollution Control

RT1/2 Improvement of Recreation Facilities

RT3/5 Noisy Sport

PPG17 PPG17 - Planning for Open Space, Sport and Recreation

### **Issues and Analysis**

**Policies** - Unitary Development Plan Policy RT1/2 - Improvement of Recreation Facilities seeks to give favourable consideration to proposals for the appropriate improvement of existing recreational land and facilities in the Borough.

UDP Policy RT3/5 - Noisy Sports seeks to ensure that proposals for noisy sports activities cause minimum conflict with other existing land uses and should demonstrate the following criteria are satisfied:

- The use would not have an unacceptable detrimental effect on the environment and the surrounding area or endanger people or property;
- Would not have a detrimental effect on the amenity of surrounding areas, particularly residential areas;
- Not detrimentally effect users of adjacent sites;
- Increased traffic flows generated would not have a significant impact on the surrounding area;
- Where appropriate, adequate car parking can be provided.

The Council's 'Love Prestwich Village: town centre development strategy' - This was approved as a Material Consideration by the Council's Executive in July 2009. It's purpose is to guide development in order to regenerate Prestwich as a thriving urban village and also for part of the evidence base of the Local Development Framework.

**Principle** - The 'Love Prestwich Village' strategy sets out a masterplan that includes a series of projects that the authority should either implement or support under a number of regeneration themes. One key project under the Community Infrastructure theme is project 25 'Youth Facilities', which states that:

"The options for creating a skateboard and cycle park should be fully explored. The preferred location would be St Mary's Park if a suitable site could be made available".

In addition the strategy was subject to an extensive process of consultation and community engagement. An issue to emerge from this consultation was a concern about an under provision of youth facilities in Prestwich and a consequent problem of youths congregating in the Village Square at the Longfield Centre (often centred around skateboarders) with perceptions of anti-social behaviour reflecting a lack of appropriate facilities. Clearly the proposed skate park will help to address this issue and is the main reason for its inclusion in the strategy.

The 'Love Prestwich Village: town centre development strategy' is therefore a material consideration that should be taken into account.

The proposed skate park would be located within an existing urban park and would be an additional recreational facility in accordance with UDP Policy RT1/2. It would support the approach of the "Love Prestwich" Strategy and be of particular benefit to the young people in the local area. As such, the proposal would be acceptable in principle.

**Residential amenity** - Sport England have issued guidelines on what is considered to be an accepted distance between what they term as "Multi Use Games Areas" (MUGA) and residential accommodation. Whilst a skate park does not strictly fall within the scope of an MUGA, it is a useful yardstick to use in this situation.

It is normally advisable to locate a MUGA (especially floodlit ones) at least 12m, and ideally at least 30m from residences. On flat terrain sites, landscaping and mounding can be used to obviate noise breakout and floodlight spillage.

In this case, the skate park would be located 20m from the boundary with the adjacent site (former Claremont residential home) which has an extant permission for a residential

development of apartment which have not yet been built. There is raised banking to this part of the park which is also screened by trees along this boundary. The distance to the residential accommodation opposite (Park View Court and Belroy Court) would be 40m. There is a busy main road in between, and the park is partly screened along this frontage by trees. There is no proposed lighting floodlit or otherwise. As such, given the extant features, it is considered there is adequate distance and intervening features between the skate park and the nearest residential accommodation to satisfy the recommended guidance.

The skate park is likely to attract more people to the park, and as such there would be additional activity to the area. The objectors are concerned about the noise and disturbance which would be associated with the use of the skate park, and anti-social behaviour and vandalism as a consequence. These are issues which are more often than not raised when a development of this type is being considered. However, skate parks are by and large located within urban parks as they are easily accessible and have sufficient areas of land to accommodate the facility far enough away from residential properties not to cause a nuisance. Whilst there are no controls as to the time the facility is open, the use would be dictated by natural light as is the case with the other facilities in the public park or public open space.

Given the location of the skate park and its setting, the boundary treatments to the south and west and its distance away from the existing and potential nearby residential properties, the scheme is considered to be acceptable and would comply with the criteria of UDP Policy RT3/5 - Noisy Sports.

**Siting and Appearance** - A sequential approach was taken to investigate the most appropriate and suitable siting of the skate park within the park. The proposed location was chosen as there would be the least impact on existing facilities, it would not interfere with surrounding structures (fences, landscaping), would be adequate distance from residential properties and would be easily accessible from Bury New Road and public transport infrastructure.

The skate park will be located on an area of grassland which is occasionally used as a football pitch. It is not formally marked out on a permanent basis and is used as and when required. The park has the capacity to accommodate both the skate park and the football pitches and the same provision will be maintained. A revised plan is to be submitted by the applicant to demonstrate this layout and will be reported in the Supplementary Agenda. To ensure this is the case, a planning condition can be imposed to ensure that no development shall take place unless and until the playing pitch to be affected by the development has been re-located and made available for use.

The Skate Board Committee explored various material options for the structure and dismissed metal and wooden ramps on the grounds they retained too much heat and are easily weathered or damaged. Constructing the facility entirely of concrete ramps was considered the most favourable due to it being durable, low maintenance and cost effective. Whilst it would be seen from within and outside the site, it is accepted that a skate park is in essence a visible structure and the applicant has provided reasonable evidence that concrete would be the most suitable material.

There is a known drainage issue in the park. A drainage scheme has been submitted with the application and the drainage section have raised no objection to the proposal.

As such, the proposal would be acceptable in terms of its siting and appearance and would comply with RT3/5 - Noisy Sports and EN1/2 - Townscape and Built Design.

**Security** - There are three entrances into St Mary's Park; two pedestrian gated entrances off Bury New Road which are locked at night, and a main entrance off St Mary's Road which is open at all times. The skate park would be accessible at all times, as are all the facilities within this park and many others in the borough. There is no proposed fencing around the

skate park as it is considered a large open space with good site lines of the site and surrounding area would pose less of a security risk to users of the facility than being trapped or threatened by others within an enclosed area. The police have raised no objection to the scheme and as such the proposal is acceptable and would comply with UDP Policy EN1/5 - Crime Prevention.

**Parking** - There is an existing car park for 45 cars which is located to the north of the park directly of St Mary's Road. Whilst there would be no further parking provided as a result of the development, none would be lost either and it is anticipated that most of the users would be young people who would live locally and walk or use public transport. There may be occasions when parents drop their children off at the park, which would create more traffic to the area. However, these would be for short periods at sporadic times of the day. The Highways Section have not raised any objection to the proposal. As such, the development is considered not to require additional parking and would be acceptable.

**Disability access issues** - In response to BADDAC's comments, consideration was given to an area around the skate park which could accommodate a disability viewing point. Given the potential safety issues which are associated with this type of use the agent is reluctant to provide a viewing platform in such close proximity to the facility. However, there are other areas within the park from which the skate park could be viewed.

**Response to objections** - The objections raised have been covered in the above report.

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

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

The proposed skate park would be an additional recreational facility which would not have a detrimental effect on the environment and the surrounding area or on the amenity of nearby residents or adjacent sites. The scheme will not adversely impact on highway safety issues. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings - Site location plan 1:2500; 42-P2-Drainage; 42-P2-Overview; 42-P2-Iso1; 42-P2-Iso2 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning

Policy Statement 23 - Planning and Pollution Control.

4. The development hereby approved shall not commence unless and until a scheme of protection for the trees along the Bury New Road frontage to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.  
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
5. No development shall take place unless and until alternative football pitch provision has been made available for use to the written satisfaction of the Local Planning Authority.  
Reason – To ensure that there would be a continual supply of playing field provision pursuant to the provisions of PPG17 – Planning for Open Space, Sport and recreation and UDP Policy RT1/2 – Improvement of Recreational Facilities.
6. Prior to the commencement of development, details of the colour of the skate park shall be submitted to and approved by the Local Planning Authority. Only the approved scheme shall be implemented and thereafter maintained.  
Reason. In the interests of visual amenity pursuant to Unitary Development Plan Policy EN1/2 - Townscape and Built Design.
7. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall be implemented as approved. Reason. To prevent any construction works waste or run off entering Prestwich Cough Brook, pursuant to Unitary Development Plan Policy EN7/3 - Water Pollution.

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

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

Item 05

**Applicant:** Mr Maloney

**Location:** 4 Wentworth Avenue, Whitefield, Manchester, M45 7GQ

**Proposal:** Demolition of existing bungalow and erection of two storey dwelling

**Application Ref:** 52154/Full

**Target Date:** 19/03/2010

**Recommendation:** Approve with Conditions

### **Description**

The proposed site is currently occupied by a large detached bungalow on a rectangular plot (0.091ha) on Wentworth Avenue, a residential road characterised by detached bungalows and two storey houses. There is an existing access from Wentworth Avenue and a driveway leading to an integral garage. The rear garden is bounded by a fence and trees and shrub planting. Nos.2 and 4 on either side are bungalows while No.1 opposite and properties further down the road are two storey. There is a public footpath between the site and No.2 Wentworth Avenue. To the rear, on lower ground are two storey houses fronting Hawkstone Avenue.

It is proposed to demolish the existing bungalow and replace it with a two storey house, centrally positioned within the plot. The existing access would be closed off and a new vehicular access formed closer to the boundary with No.6. The new house would have four bedrooms and a ground floor footprint of 135sqm. It would have a conventional design with the main elevations in red brick and render and a tiled hipped roof. There would be a pike gable with full height glazing on the front elevation. There would be a single storey garage at the side adjacent to No.6. A new front garden wall would be built in brick and a new timber fence would be constructed around the rear garden which would remain unaltered.

### **Relevant Planning History**

00327/E - Pre-application advice sought - 25/01/2008.

### **Publicity**

The following neighbours were notified by letter dated 26/01/2010: 1, 2, 3 and 8 Wentworth Avenue, 31-33 Hillingdon Road, 11 - 21 (odds) Hawkstone Avenue and 1 Fairhaven Avenue.

One letter of objection has been received from the occupiers of No.6 Wentworth Avenue and concerns are summarised below:

- The proposal would look completely out of place on the street.
- The proposal would reduce sunlight and privacy.
- Demolition and rebuilding would cause long term disruption on the road particularly as the site is opposite the Fairhaven Avenue junction.
- The demolition would increase dust and dirt.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health - No objection.

Baddac - No objection.

Greater Manchester Police - No objection.

## **Unitary Development Plan and Policies**

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
HT2/4	Car Parking and New Development
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD16	Design and Layout of New Development in Bury
PPS3	PPS3 - Housing
PPS23	PPS23 Planning and Pollution Control

## **Issues and Analysis**

**Principle** - Policy H1/2 (Further Housing Development) states that the Council will have regard to various factors when determining a proposal for residential development including the availability of infrastructure, the suitability of the site, the nature of the local environment and the surrounding land uses. The principle of housing on the site established by the current property and as such, subject to compliance with other policy considerations, the proposed development would be in accordance with Policy H1/2.

**Visual Amenity** - UDP Policy EN1/2 - Townscape and Built Design states that favourable consideration will be given to proposals which do not have a unacceptable adverse impact on the character and townscape and particular regard will be given to external appearance, the relationship with the surrounding area, materials, access and parking and landscaping. This policy supports other specific housing policies H2/1 - Form of New Residential Development and H2/2 - Layout of New Residential Development as well as guidance provided in SPD16 - Design and Layout of New Development.

Although there are bungalows on either side, there are two storey properties opposite and further along Wentworth Avenue and as such a house would not necessarily be incongruous within the locality. However to mitigate the impact of the two storey building, it would be set down 600mm lower than the existing bungalow and the new roof would be hipped to reduce the massing. The location of the public footpath between the site and No.2 Wentworth Avenue on one side and the position of the single storey garage on the other side further, adjacent to No.6, would reduce the visual impact of the building further.

Given its conventional design, the mix of properties within the vicinity and the mitigation factors referred to above, the proposed house would not appear to be overdominant within the plot or out of keeping with the existing street scene. The proposal is therefore considered acceptable when assessed against UDP Policies H2/1, H2/2 and EN1/2 as well as guidance provided in SPD16.

**Residential Amenity** - The position of the house and configuration of the windows takes account of the neighbours on either side. The side windows on the properties at No.2 and No.6 facing the site are either secondary or non-habitable room windows. The two storey houses across the rear boundary, which is planted up with trees and shrubs, are a sufficient distance away (21m) so as not to cause overlooking/privacy issues.

With the new house having a greater mass and ridge height there will be some loss of sunlight into the garden of No.6 in the late afternoon however this is not considered to be significant enough to warrant refusing the proposal as for the most part the levels of light into the garden would not be affected. To illustrate this the proposed site plan 1360/102, attached to this report, includes of diagram of daylight tracking.

The proposed development complies with the Council's various aspect standards with regard to residential amenity and the proposal therefore satisfies UDP Policies H2/1, H2/3 and guidance within SPD Note 6 that sets out various aspect standards.

**Access and Parking** - The proposed new access and parking for two cars would be acceptable in terms of the Council's current standards for residential development. All areas of hardsurfacing would be permeable. The proposal complies with UDP Policy HT2/4 Car Parking and New Development.

**Objections** - The objections with regard to visual and residential amenity raised by the occupiers of No.6 Wentworth Avenue have been addressed in the above report. The issues raised with regard to demolition are not planning considerations but can be regulated by Environmental Health legislation.

The proposal is considered to be acceptable in terms of general UDP policies and specific housing policies listed and does not detrimentally affect visual or residential amenity.

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

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

The proposed house would be in keeping with the character of the locality and would not have a serious impact on the amenity of neighbours. No highway concerns. There are no other material considerations that outweigh this finding. Complies with UDP policies and guidance listed.

**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 11360/100, 101, 101A, 102, 102A, 103 and 4 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.



5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
  - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
  - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. The development hereby approved shall not be first occupied unless and until the redundant footway crossing onto Wentworth Avenue has been reinstated as indicated on the approved plans to an agreed specification and to the written satisfaction of the Local Planning Authority.  
Reason - In the interests of highway safety and pursuant to UDP Policy H2/2 Layout of New Residential Development

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

**Ward:** Bury West - Church

Item 06

**Applicant:** Blackstone Training

**Location:** 27 Bolton Road, Bury, BL8 2AB

**Proposal:** Change of use of ground floor from retail (Class A1) to hot food takeaway (Class A5);  
Installation of external flue at side and alterations to shop front

**Application Ref:** 52160/Full

**Target Date:** 22/03/2010

**Recommendation:** Approve with Conditions

### **Description**

The site is a vacant ground floor retail shop within a Local Shopping Centre . Directly above the site is a health club although there are residential flats above 25 Bolton Road, across Albion Court and 29 Bolton Road, the adjacent shop. On the opposite side of Bolton Road is the site is a National Tyres Depot and on the opposite side of the street at the side, Albion Court are shops with flats above fronting Bolton Road. There are industrial premises fronting Albion Street that have rear elevations fronting Albion Court.

The proposal is to change the use of the ground floor from retail (Class A1) to hot food take away (Class A5) with an external flue halfway down the side elevation facing Albion Court and alterations to shop front to lower the height of the window sills to ground level. The requested opening hours are 12.00 to 23.00 Monday to Saturday and 12.00 to 22.00 Sundays and Bank Holidays.

### **Relevant Planning History**

None

### **Publicity**

14 neighbouring properties were notified by letter dated 27/01/2010 at 21-25, 29-35, 24-30, 21a & 25a-27a Bolton Road and Units 2-12 Albion Street – Two letters of objection from the occupiers of 21a and 35 Bolton Road have been received. The concerns are summarised below:

- Noise and parking issues a take away would create as Albion Court already has too much vehicular traffic through it.
- There are already four take aways in the area.
- I have a tenant next door to the proposed extractor fan, other issues include hygiene and noise pollution.

A further letter has been received from 31 Bolton Road which states he would like the opening hours to be conditioned.

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

### **Consultations**

**Traffic Section** – No objection.

**Drainage Section** – No objection.

**Environmental Health** – No comments received.

**BADDAC** – No objection.

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

SPD11 Parking Standards in Bury

EC2/1 Employment Generating Areas

S1/4 Local Shopping Centres

S2/6	Food and Drink
EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
HT5/1	Access For Those with Special Needs

### **Issues and Analysis**

**Policy** – The site is a vacant ground floor retail unit within Local Shopping Centre 05 – Bolton Road/Bury Bridge. The proposal needs to be assessed against the following Bury UDP Policies:

Bury UDP Policy S1/5 - Neighbourhood Centres and Local Shops seeks to retain retailing (Class A1) as the predominant use to cater for the day to day needs of residents and businesses.

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

**Character and Viability of the Shopping Centre** - The property is within a local shopping centre fronting Bolton Road. UDP Policy S1/4 - Local Shopping Centres seeks to maintain and enhance local centres to encourage provisions of shopping facilities for local needs. Policy S1/5 seeks to maintain retailing (Class A1) as the predominant use in small neighbourhood centres. Policy S2/6 - Food and Drink provides a means of assessing the impact of hot food uses upon amenity and the proliferation of such uses.

There are 10 units in this centre, of which 8 are in Class A1 - Shops use. There is one Class B1 office use and one other Class A5 hot food use. Given that the frontage would remain predominantly retail in character (70%) it is considered that the change of use to a hot food use would be acceptable, would not affect the character of the centre and the remaining units would still provide for the day to day needs of the area.

As such the development would comply with UDP Policies S1/5 - Neighbourhood Centres and Local Shops, S1/4 - Local Shopping Centres and S2/6 - Food and Drink.

**Parking** - There is no off-street parking available the site or indeed this particular centre and is recognised within the UDP as being under provided for in terms of parking. Whilst there are parking restrictions on Bolton Road, there is limited on-street parking available the side streets on Albion Street, Albion Court and Broom Street. This centre has successfully developed over time, remained generally well occupied and has done so without the need for off street parking. As such, parking provision is not considered to be a significant concern in this instance. It is considered that the proposals would not be in conflict with UDP Policies S1/5 - Neighbourhood Centres and Local Shops and S2/6-Food and Drink and SPD11 - Parking Standards in Bury.

**Noise and Hours of Opening** - The application has requested the opening hours of 12.00 to 23.00 Monday to Saturday and 12.00 to 22.00 Sundays and Bank Holidays. There are residential flats above 25 Bolton Road, across Albion Court and 29 Bolton Road, the adjacent shop. However the site is located in a commercial context on a busy, well trafficked main road.

Noise levels are higher than would otherwise be found within a residential area and in this context, it is considered that the proposal would not result in any significant additional noise or disturbance to the occupants of nearby first floor residential flats subject to conditioning the hours of opening to those requested. Given the above the proposal is considered acceptable and would comply with Policies S1/5 - Neighbourhood Centres and Local Shops and S2/6-Food and Drink.

**Flue** – The proposed flue would be located in the side gable fronting Albion Court. It would emerge at first floor level and would project above the eaves by 0.5m. A residential

property above 25 Bolton Road, to the east of the site, would have an oblique view of the flue. However the flue would be situated across the street from this property and would be some distance away.

The siting of the flue would be such that it would not be visible to any windows belonging to the health club, which is located above the proposed site.

Therefore in this instance given the modest size of the flue and its position it is considered not to adversely affect the residential and visual amenity of the area. A planning condition is required to show the technical details of the extraction system to minimise the impact on the area from any cooking smells. Given the above the proposal is considered acceptable in terms of the extraction flue pursuant to Bury UDP Policy S2/6 - Food and Drink.

**Visual Amenity/Access for Mobility Impaired** – The proposal includes minor alterations to the shop front for the sills to the shop windows to be lowered from 0.6m high to ground level and the threshold to the door is also altered to give level access.

**BADDAC** have no objection to the scheme. Therefore the proposal is considered acceptable in terms of access for the mobility impaired pursuant to UDP Policies EN1/8 - Shop Fronts and HT5/1 - Access For Those with Special Needs.

**Servicing** – The site has a garage at the rear which is being altered internally to provide for waste bin storage, which would be accessed via the existing garage door from Albion Court. The existing shop uses this access point for servicing and as such the proposal is considered acceptable in terms of servicing pursuant to UDP Policies S1/5 - Neighbourhood Centres and Local Shops and S2/6-Food and Drink.

**Comments on Representations** – The subjects of noise, parking, flue and hours of opening have been discussed in Issues and Analysis above.

In terms of the objection about the number of take aways, the centre extends from Bury Bridge along Bolton Road to the south west as far as Fountain Street. This is a considerable distance and incorporates circa 45 separate business properties. There is no disagreement that there are more take aways in the centre as a whole. However the centre is considered in a series of frontages and therefore is fully considered in the report above.

### **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:-

Having studied the submitted documents, assessed the proposed development on site and taken into account any representations and consultation responses, in particular Bury Unitary Development Plan Policies S1/5 - Neighbourhood Centres and Local Shops, S2/6 - Food and Drink, EN1/8 - Shop Fronts and HT5/1 - Access For Those with Special Needs, it is considered that the proposed development would not effect the character of the area, cause harm to the occupiers of the adjacent properties, nor adversely impact on highway safety issues. It would not cause demonstrable harm to other interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act

1990.

2. This decision relates to drawings numbered 775/12/09 Sht. 1 A and 775/12/09 Sht. 2 A received on 25/01/2010 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 Bury UDP Policy EN1/2 - Townscape and Built Design.
3. The use hereby permitted shall not be open to customers outside the following times: 12.00 to 23.00 Monday to Saturday and 12.00 to 22.00 Sundays and Bank Holidays.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Bury UDP Policies S1/5 - Neighbourhood Centres and Local Shops and S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating/dispersing fumes and odours so as to render them inoffensive to local residents has been submitted to and approved by the Local Planning Authority. A written statement from a competent person shall be included with the submitted scheme, that the proposed scheme will achieve the requirements of adequate treatment/dispersion under all normal operating circumstances. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.  
Reason. To safeguard the amenities of the occupiers of nearby residential and office accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

**Ward:** Bury West - Church

Item 07

**Applicant:** Premier Homes

**Location:** Land adjacent to 11 Bowland Close, Bury, BL8 3DJ

**Proposal:** Detached dwelling; Detached garage to no. 11 Bowland Close

**Application Ref:** 52182/Full

**Target Date:** 30/03/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site is part of the garden and site of the detached garage of 11 Bowland Close, a detached house at the end of a short access road that serves 14 detached houses.

The properties on the Close are a mix of detached houses of different design and appearance, principally of brick construction with concrete tile roofs.

The application has two elements. The first is for the demolition of the existing garage and the building of a new garage attached to 11 Bowland Close. The second is for a detached 4 bed roomed, two storey property of brick construction with a tile roof on the site of the existing garage and side garden to No. 11.

New access will be formed off Bowland Close for the new garage and the new property and the existing access for the detached garage will be closed. The new property will be located at an angle to Bowland Close, similar in layout to the rest of the properties on this side of the road.

### **Relevant Planning History**

Since the bungalow at 11 Bowland Close was constructed in the 1980's there have been no applications on the site.

However, the owner of the property has made enquires with the Planning Department and a formal pre-application enquiry has been considered by the department and this application is as a result of that enquiry.

### **Publicity**

6 immediate neighbours at 8 to 16 Bowland Close have been consulted by letter on the 3rd February and two objections have been received from 10 and 12 Bowland Close and the objections can be summarised as follows:

- The proposed property will obstruct the view from a newly constructed extension and balcony;
- The site plan is inaccurate;
- The increase in traffic will affect road safety on a street with small children
- Open space will be reduced;
- Materials proposed are out of keeping with the rest of the properties in the Close.

The objectors have been informed of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objections

**Drainage Section** - No objections

**Environmental Health Contaminated Land** - No objections subject to standard conditions

**GMP - designforsecurity** - No objections

**United Utilities** - No objections

## **Unitary Development Plan and Policies**

EN1/2	Townscape and Built Design
EN6/4	Wildlife Links and Corridors
EN8/1	Tree Preservation Orders
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
HT2/4	Car Parking and New Development
OL5/2	Development in River Valleys
PPS3	PPS3 - Housing
PPS23	PPS23 Planning and Pollution Control

## **Issues and Analysis**

**Principle** – The site comprises part of the garden of 11 Bowland Close which is a detached bungalow. Given that the site is within an established residential area and will have a road frontage it would comply with UDP Policy H1/2 and PPS 3 Housing in terms of land use for residential purposes in a residential area. As such it then needs to be assessed against UDP Policy H2/6 - Garden and Backland Development.

**Land Use** - Part of the site to be used as the garden area was not included in the land area of the original consent for residential use on the site. However, this land was sold to the owner of the site when the property was built as was the land at the rear of all of the properties on the southern side of Bowland Close.

As this land has been used for garden for over 10 years (the properties were built in the 1980's) it has effectively become garden area as lawful established use by the passage of time. Given that it is in use as a garden for this length of time, it is acceptable for the new property to also use this land for garden. However, given that the proposed house takes up most of the land that was granted permission for residential use it has been accepted by the applicant that a restriction can be placed on any consent that may be granted removing permitted development rights for both extensions to the house and garden buildings. As such it is recommended that a condition be imposed in this regard.

**Garden and Backland Development** - Policy H2/6 sets out 4 criteria against which proposals should be assessed, namely:

a. The concentration of such development in the surrounding area

There are no other garden/backland developments in the immediate area, the proposed property would continue the row of housing along Bowland Close and it fits appropriately within the context of the development in the area and as such the proposal accords with this criteria.

b. The relative density of the proposal to the surrounding area

The plot itself is some 370 sq m, has an average depth of 20m and a road frontage of 17m which is considered to be large enough to accommodate a property. This compares with the adjacent property at 9 Bowland Close that has a plot size of 480 sq m and opposite at 8, 300 sq m. Other sites in the area have plot sizes in the order of 600 sq m. Given the fact that the adjacent property and those opposite are of a similar plot size it is not considered that this scheme would be contrary to this criteria, even though there are larger plots sizes in the area.

c. The impact on neighbouring properties and the local environment and

Impact on neighbouring properties - The layout of the proposed property means that a minimum of 20m is maintained between the habitable room windows of the properties opposite and the main habitable room windows of the proposed dwelling.

Impact on local environment - Bowland Close is characterised by a mix of detached bungalows and houses, mostly of the 1980 area. Many of these properties have brick and render finishes with tile roofs. The new house would be set on the building line established

by the properties on the southern side of Bowland Close and at a similar angle the road as the neighbouring property. As such it is considered that the property would not be contrary to this criteria.

d. Access arrangements.

A double width drive is to be provided with two parking spaces and a visibility splay of 2.4m by 25 can be accommodated on the site. There are no objections to the access arrangements from the Traffic Section.

Having carefully assessed the 4 criteria set out in UDP Policy S2/6 it is considered that the development is in accordance with that Policy and is acceptable.

**Tree Preservation Order** - The land to the south of the site and part of the garden area is covered by a group Tree Preservation Order. The house is set so that it will not impact on this Order and it is proposed that Permitted Development rights are removed for garden buildings so as to ensure that any development close to the TPO can be fully assessed. As such the application accords with UDP Policy EN8/1 - Tree Preservation Orders.

**Ecology** - The site is adjacent to, but not in a 'wildlife corridor where protected species are known to inhabit. Whilst there is no evidence of any ecology issues over the development of the site it is recommended that an informative be added to any consent that may be granted advising the applicant of their obligations under the Wild Life and Countryside Act. With this advisory the application is in accordance with UDP Policy EN6/4 - Wildlife Links and Corridors.

**Response to objectors** - The property is a single house with up to 4 parking spaces (2 in the garage and 2 on drive) and as such it is not considered that it will increase traffic to an extent that would create a hazard to highway safety. The house conforms with the aspect standards required by the Council and whilst the houses opposite will lose a view over the current garden and detached garage of No. 11, they have no right to that view and as such this is not a planning issue. The choice of materials with brick walls, tile roof and stone cills and headers to the windows are considered to be appropriate and not out of keeping with the character of this 1980's estate development. The comment about the inaccuracy of the plans has been noted but the plans submitted do accord with those of the Council and as such this is not a material consideration.

### **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 application has been assessed against the appropriate policies of Government PPS 3 - Housing and of the Council, H1/2 Further Housing Development as well as Policy H2/6 Garden and Backland Development contained within the Unitary Development Plan and it has been found to be in accordance with those policies and as such is acceptable. 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 09/201/1 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.



3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
  - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
  - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and

approved in writing by, the LPA prior to the development being brought into use.

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

8. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.

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

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

**Ward:** Whitefield + Unsworth - Unsworth

Item 08

**Applicant:** Mr Chips

**Location:** 6 Rufford Parade, Rufford Drive, Whitefield, Manchester, M45 8PL

**Proposal:** Variation of condition 2 of 50231 to change the opening hours from 0800 to 2030 Monday to Saturday and 0800 to 1800 on Sundays and Bank Holidays to 0800 to 2200 daily

**Application Ref:** 52197/Full

**Target Date:** 26/03/2010

**Recommendation:** Approve with Conditions

### **Description**

The site is an end unit in a parade of 6 shops that makes up Neighbourhood Shopping Centre No 43 – Rufford Drive, Whitefield. There is another hot food takeaway and off-licence in the parade that open until 2200 daily. Directly in front of the parade is a loop access road off Rufford Drive to provide access and parking for the shops. The shops have maisonettes above and there are residential properties on both sides of and facing the parade. The nearest house to the site is 34 Rufford Drive at the side that is 15m away across the loop access road.

The site gained hot food takeaway use on appeal under planning application 50231 with the hours conditioned by the Planning Inspector as 0800 to 2030 Monday to Saturday and 0800 to 1800 on Sundays and Bank Holidays. This application is to alter the hours of opening to 0800 to 2200 daily.

### **Relevant Planning History**

50231 Change of use from Class A1 (Retail) to Class A5 (Hot food takeaway) Refused 13/10/2008. Appeal Allowed 11/02/2009.

31508 Change of Use of No. 5 to hot food takeaway. Approved on Appeal with opening to 22.00 each day.

### **Publicity**

25 neighbouring properties were notified by letter dated 01/02/2010 at 50-54 Welbeck Close; 32-36 & 33-47 Rufford Drive; 1-5 inc & 1a-6a inc Rufford Parade – a letter of objection from Mellor & Jackson Solicitors sent on behalf of a client who wishes to remain unidentified. The concerns are summarised below:

- The proposed opening hours would cause unacceptable harm to the living condition of the occupants of the surrounding properties including the residents above the application site.
- Additional litter and general environmental damage.
- The area already sufficiently served by similar takeaway businesses.

The firm of solicitors have been informed of the Planning Control Committee Meeting.

### **Consultations**

**Drainage Section** – No objection

**Environmental Health** – No comments received

**BADDAC** – No objection

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

S1/5 Neighbourhood Centres and Local Shops

S2/6 Food and Drink

### **Issues and Analysis**

Rufford Drive, in front of the parade of shops, is the main artery road for the surrounding housing estate and as such is well trafficked until late evening. The other hot food takeaway at No. 5 and off-licence shop in the parade are both open until 2200 daily. Therefore there is already an existing level of noise and disturbance associated with these uses and the noise from the passing vehicles.

In this context it is considered that the additional hours of opening of the hot food takeaway that is the subject of this application from 2030 until 2200 would not result in any significant additional noise and disturbance to the occupants of the nearby residential properties pursuant to Bury UDP Policy S2/6 - Food and Drink.

**Comments on Representations** – The issues of litter, environmental damage and number of hot food takeaway in the area were issues dealt with in the Appeal Decision for planning application 50231. The issues of noise and disturbance have been discussed in Issues and Analysis 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;-

Having studied the submitted documents, assessed the proposed development on site and taken into account any representations and consultation responses, in particular Bury Unitary Development Plan Policy S2/6 - Food and Drink, it is considered that the proposed additional opening hours would not effect the character of the area, cause significant harm to the occupiers of the adjacent shops and residential properties, nor adversely impact on highway safety issues. It would not cause demonstrable harm to other interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. The premises shall not be open for customers outside the following times:  
08.00 to 22.00 daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Bury UDP Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

**Ward:** Bury West - Elton

Item 09

**Applicant:** Mr Ahmed

**Location:** 152 Tottington Road, Bury, BL8 1RU

**Proposal:** A: 1 no. internally illuminated fascia sign; B: 1 no. internally illuminated projecting sign (Retrospective Application)

**Application Ref:** 52209/Advertisement

**Target Date:** 30/03/2010

**Recommendation:** Split Decision

### **Description**

The site is a hot food takeaway and the end unit in a row of 5 shops with residential properties opposite and to one side.

The application is retrospective for an internally illuminated fascia and projecting sign. The fascia sign is located above the shop front and 4.2m wide by 1m high. It has a blue background with red, yellow and white lettering and 'cartoon style' logos. The shop name 'Boston Pizza' is in lettering raised from the background.

The projecting sign is located at the corner of the building at first floor level and the same colour scheme as the fascia. It is 1.2m high and projects out 0.85m.

### **Relevant Planning History**

51742 - New shop front including rollers shutters; new entrance door and external staircase at side; installation of extraction flues at side - Approved with Conditions 02/11/2009.

### **Publicity**

26 notification letters were sent to addresses at 2-8 Dale Street, 1 Hall Street, 142, 144A, 144-150, 154 - 164, 185-203 Tottington Road. One letter has been received from 185 Tottington Road who object to any further attraction to the shop on the following grounds:-

- there is disturbance at night from cars pulling up, slamming doors and playing loud music
- the shop attracts congregating youths
- there is noise when the shop is being closed from the shutters
- Customers leave litter in the area
- The shop is lit enough and this is a residential area not Blackpool

The objector has been notified of the Planning Control Committee.

### **Consultations**

Traffic Section - recommend a condition regarding luminance.

Baddac - no objection.

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

EN1/9 Advertisements

### **Issues and Analysis**

Policy EN1/9 relates to advertisements 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.

**Amenity** – the fascia sign is appropriately located in the area above the shop front and below the first floor window. The sign does have a bold colour scheme however it is in

keeping with the overall shop front design. The level of illumination accords with Council standards for this area and this will be limited by condition. In addition because of the houses opposite the hours of illumination will be restricted to 11:00 - 23:00hrs.

The projecting sign at first floor level, on the corner, relates poorly to the building and as such is detrimental to the street scene. In addition the area is principally residential in character and the illumination of the projecting sign and its position, immediately adjacent residential properties, is considered to impact adversely on the amenity of the surrounding area and the residential properties from where it can clearly be seen. As such this sign is unacceptable.

**Safety** – the signs are positioned where they will not cause hazard to pedestrians or motorists and as such are acceptable from this point of view.

**Response to the objection** – This application is for consideration of the signage only and not the use of the premises or hours of opening. Signs are intended to identify a business and its goods or services and as the fascia sign is not considered to have a detrimental impact on the amenity of the area there is no justification for refusal of this particular sign.

As the fascia sign would comply with UDP Policy EN1/9 – Advertisements but the projecting sign would not a split decision is recommend to approve the fascia sign and refuse the projecting one.

**Recommendation:** Split Decision – Refuse - Projecting Sign, Approve Fascia Sign

#### **Refuse Projecting Sign**

1. The projecting sign by reason of its siting on the building is out of character and seriously detrimental to the general visual amenities of the area and the residential amenity of the properties adjacent and opposite and therefore contrary to the following policies of the Bury Unitary Development Plan: EN1/9 - Advertisements.

#### **Grant Express Consent – Fascia Sign**

1. The fascia sign hereby permitted shall not be illuminated outside the hours of 11:00 and 23:00 hrs.  
Reason. To safeguard the amenities of the area and pursuant to Policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
2. The luminance of the fascia sign shall not exceed 800 cd/m2.  
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

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

**Ward:** Radcliffe - West

Item 10

**Applicant:** Mr H Restall

**Location:** Black Moss Farm, Bolton Road, Radcliffe, Manchester, M26 3QG

**Proposal:** Demolition of storage/workshop buildings; Erection of block of 7 terraced houses and associated parking area

**Application Ref:** 52224/Full

**Target Date:** 08/04/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site contains two large barn buildings, which were previously in use as a equestrian centre. There is a large area of hardstanding surrounding these buildings. The site is partially located within the Green Belt, which consists of a small strip of land varying in width from 2.3 metres to 4.3 metres along the western boundary. Access to the site is from a section of unadopted road, which is shared with Black Moss Farm.

There are residential dwellings to the north, which front onto Stopes Road and dwellings to the northeast and east of the site. There are open fields to the south and west of the site.

The proposal involves the erection of a terrace of 7 dwellings. The proposed development would be accessed from Bolton Road via a private driveway with parking at the front of the dwellings. Two bin stores would be located at the north and south of the site.

### **Relevant Planning History**

33449 - Use of land and fields for equestrian services, erection of barn/stables; erection of carriage vehicle store; erection of bungalow; alterations to access; temporary stationing and occupation of residential caravan (12 months) at former Black Moss Farm, Bolton Road, Radcliffe. Approved with conditions - 16 October 1997

35183 - Residential development - 2 dwellings at Black Moss Farm, Bolton Road, Radcliffe. Approved with conditions - 1 June 1999

50715 - Demolition of storage/workshop buildings; erection of block of 8 terraced houses and associated parking area at Black Moss Farm, Bolton Road, Radcliffe. Withdrawn - 23 February 2009.

51815 - Demolition of storage/workshop buildings; Erection of block of 7 terraced houses and associated parking area (resubmission) at Black Moss Farm, Bolton Road, Radcliffe. Withdrawn - 1 December 2010.

### **Publicity**

53 neighbouring properties (Stopes Road; Bolton Road; Black Moss Close; Great Stone Close; Nabbs Lane) were notified by means of a letter on 12 February 2010. A petition containing 56 signatures and 11 letters have been received from the occupiers of 115 Coronation Road; 455, 469 Bolton Road; 1, 5, 7 Stopes Road; 2 Black Moss Court which have raised the following issues:

- Proposed development would encroach into the Green Belt and open fields.
- No need for the proposed housing, which would spoil the views.
- Impact on highway issues and access.
- Where would the bins be collected from?
- Proposed development would block views from nearby houses.
- There are bats present in the locality.

- Impact on residents during construction.
- Proposed development would cause light and noise pollution.
- Scale and height of the proposed development is unacceptable.
- The proposed dwellings will be taller than the existing buildings.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objections, subject to the inclusion of conditions relating to turning facilities, access improvements and car parking.

**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 a note relating to bats.

**Waste Management** - No objections

**GM Police - designforsecurity** - No response.

**United Utilities** - No response.

**Baddac** - The internal layout of the dwellings has the potential to meet lifetime home standards. The ramped access does not comply with Part M.

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN7/2	Noise Pollution
OL1/2	New Buildings in the Green Belt
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
PPG2	PPG2 - Green Belts

### **Issues and Analysis**

**Principle (Green Belt)** - PPG 2 establishes a presumption against inappropriate development, including new buildings, within the Green Belt there are several exemptions, including development required for essential facilities for outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the green belt and do not conflict with the purposes of including land within it.

Policy OL1/2 states that the construction of buildings within the Green Belt is inappropriate development unless it is for agriculture or forestry; essential facilities for outdoor recreation and the limited extension, alteration or replacement of existing dwellings.

The hardstanding is partly located within the Green Belt. There is a anomaly between the Green Belt boundary and the field boundary. Given the layout of this scheme, the hardstanding within the Green Belt would be grassed and the proposed buildings would be located outside the Green Belt. Therefore, the proposed development would not have an adverse impact upon the openness of the Green Belt and would be in accordance with Policy OL1/2 of the adopted Unitary Development Plan and PPG2.

**Principle (Residential development)** - Policy H1/2 states that the Council will have regard to the need to direct development to the urban area; the availability of infrastructure; the suitability of the site in land use terms and the need to avoid the release of peripheral open



land.

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

The proposed development would be located in close proximity to a predominantly residential area and there would be adequate infrastructure. As such, the proposed development would be appropriate in land use terms and would not conflict with the surrounding land uses. The site has been previously used as a farm and equestrian centre 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.

**Design and impact upon the surrounding area** - One of the existing farm buildings is located along the northern boundary of the site and is approximately 6 metres in height. The proposed dwellings would be three storeys in height. The proposed dwellings would represent a reduction in terms of the bulk and massing and would be acceptable in terms of scale. The proposed dwellings would be of a traditional design and the use of canopies and bay windows would help to break up the elevations. The proposed dwellings would be constructed from brick and stone with a tile roof, which would be similar to those in the locality and would be acceptable.

All of the proposed dwellings would have a rear garden and the level of amenity space would be acceptable for the proposed dwellings. Bins would be stored in the two areas to the north and south of the site and would be accessed by paths. Waste Management have no objections to the proposal. Therefore, the proposed development would be in accordance with Policies EN1/2, H1/2 and H2/2 of the adopted Unitary Development Plan.

**Residential amenity** - SPD6 states that there should be 20 metres between directly facing habitable room windows. There should be 13 metres between a habitable room window and a two storey blank wall and 16 metres for a three storey blank wall. There would be 26 metres between the plot 1 and No. 2 Black Moss Court. There would be 18 and 19.5 metres between the rear elevation of No. 453 and 455 Bolton Road and the three storey gable elevation of plot 1. There would be 17 and 13 metres between plot 5 and 6 and the gable elevation of Black Moss Farm. The proposed development would not have an adverse impact upon residential amenity and would be in accordance with Policy H2/2 of the adopted Unitary Development Plan and SPD6.

**Bats** - A bat survey was submitted as part of the application. The bat survey concluded that there was no evidence that bats were roosting or have used the buildings. There was a very low potential for use. The Wildlife Officer has no objections to the proposal, subject to the inclusion of a note relating to bats. Therefore, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policy EN6/4 of the adopted Unitary Development Plan.

**Highways issues** - The site is accessed from Bolton Road and this access road splits. One road serves the back of the residential dwellings fronting onto Bolton Road and the other forms the access to Black Moss Farm.

The proposed development would include a pedestrian access along the existing grass verge to the dwellings and the existing gates would be removed. The proposed access would be shared between the proposed dwellings and Black Moss Farm. The Traffic Section has no objections to the proposal, subject to the receipt of revised plans relating to the parking layout. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy H2/2 of the adopted Unitary Development Plan.

**Parking** - SPD11 states that there should be a maximum of 3 spaces per 4 bedroom dwelling and the proposed development should be providing a maximum of 21 spaces. A

revised plan has been submitted, which indicates that the proposed development would provide 14 spaces. The application site has good links to public transport and the parking provision would be acceptable. Therefore, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

**Access issues** - A separate pedestrian access would be provided along road access. The agent has submitted a revised plan, which indicates a level platform would be provided and the proposed ramped access would comply with Part M of the Building Regulations. Therefore, the proposed development would be accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

**Response to objectors** - The issues of bats, the scale and height of the buildings and of access to and from the site have been addressed in the main report. The issues of noise and disturbance during construction; the loss of views are not material planning considerations and cannot be taken into consideration.

The proposed residential dwellings would generate less noise than the previous equestrian centre. As such, the proposed development would represent an improvement in terms of noise and would not have an adverse impact upon the amenity of the neighbouring residents.

The bins would be collected from the bin store and Waste Management section has no objections to the proposal.

#### **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 a significant adverse impact upon the amenity of the neighbouring residents. The proposed development would not be unduly prominent in the locality nor would it be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered DWG/01C, DWG/02C, DWG/03C, DWG/04C, DWG 004, DWG/01C R5 Feb 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. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;

- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

6. Following the provisions of Condition 4 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

7. The development hereby approved shall not be first occupied unless and until the access improvement works, including the removal of the existing entrance gates, indicated on approved plan reference 2008/03/0268 DWG 01C have been implemented to the written satisfaction of the Local Planning Authority.

Reason.

8. The turning facilities indicated on approved plan reference 2008/03/0268 DWG 01C shall be provided before the development is first occupied. The car park 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 road safety pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Development Plan.

9. The car parking indicated on approved plan reference 2008/03/0268 DWG 01C 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 first occupied.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan and SPD11.

10. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the

operations. The approved details shall be implemented and maintained thereafter during the period of construction unless otherwise agreed in writing by the Local Planning Authority.

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.

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

**Ward:** Radcliffe - East

Item 11

**Applicant:** Alba Cars Ltd

**Location:** Unit 1Ac, Bealey Industrial Estate, Dumers Lane, M26 2BD

**Proposal:** Retrospective application for change of use of car park to car sales and display area, Erection of mobile office. Proposed fencing along Dumers Lane frontage.(Re-submission of 52124)

**Application Ref:** 52228/Full

**Target Date:** 05/04/2010

**Recommendation:** Approve with Conditions

### **Description**

The site is a hard standing car park area fronting onto Dumers Lane. Directly adjacent to the site is a hand car wash which was granted consent in 2009, and beyond this to the south are residential properties on Wild Street. To the west is a cafe and industrial units which form part of Bealey Industrial Estate. To the north are OAP residential bungalows which are separated by a wooden slatted fence. A dwarf brick wall and railings edge the site adjacent to the footpath on Dumers Lane and a 2m high palisade fence runs along the western area of the site.

The application is retrospective and seeks to regularise the change of use of the car park to a car sales and display area, including the erection of a mobile office. It is proposed to replace part of the fence along the application site on the Dumers Lane frontage with a 2m high paladin fence.

The proposed hours are 9am to 5.30pm Monday to Friday, 9.30am to 4pm Saturdays and 10am to 4pm on Sundays and Bank Holidays.

Access would be via Wild Street along the service road to the western boundary of the site.

### **Relevant Planning History**

50937 - Change of use of land and building to hand car wash; erection of canopy, boundary fence and installation of metal container (retrospective) - Approved 25/3/2009. Condition 6 required removal of the boundary fence to Dumers Lane. This has not been done.

50727 - Change of use of land and building to hand car wash; retrospective consent for erection of canopy, boundary fence, metal container - refused 09/01/2009

48544 - Change of use of land and building to hand car wash - temporary consent granted for one year until 31/12/2008 approve with conditions 26/10/2007

09/0011 - Enforcement case - Expiration of temporary consent for car wash, erection of canopy & boundary fence & installation of metal container store

08/0111 - Enforcement case following complaint the car wash development was not in accordance with approval of 48544.

### **Publicity**

Neighbours notified at 40, 42, 44, 46, 57, 59, 63, 173, 175, 177, 179 Dumers Lane; Units 1A, 1B, 1C, 4, 6-7, Norbreck International, Apocalypse and Twisted Films, all Bealey Industrial Estate, Dumers Lane; 1,3,5 Wild Street, 9, 9a, 11, 11a, Riverside Road.

One letter received from No 42 Dumers Lane which raises the following concerns

- More traffic on an already busy road;
- Too much traffic associated with the Industrial Estate;
- A car sales will add to more noise and cars and disturbance to the bungalows behind the site;
- The spotlight fitted over the car area is unacceptable, flicks on and off through the night

- and shines into their lounge;
- Noise from the revving of cars and extremely loud music associated with the site is unacceptable.

The objector has been informed of the Planning Control Committee Meeting.

### **Consultations**

**Greater Manchester Police - designforsecurity** - No objection. Would prefer the secured boundary to be 2.4m than the proposed 2m.

**Baddac Access Officer** - No objection.

**Environmental Health Pollution Control** - No objection. Clarified there would not be a tannoy system or generator to the site office. Suggest the security lights be positioned to face inwards.

**Environmental Health Contaminated Land** - No comments received to date.

**Drainage Section** - No objection.

**Traffic Section** - No objection

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

EN1/2	Townscape and Built Design
EC6/1	New Business, Industrial and Commercial
H3/1	Assessing Non-Conforming Uses
EN7/2	Noise Pollution
EN7	Pollution Control
HT2/4	Car Parking and New Development
PPS23	PPS23 Planning and Pollution Control
S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns

### **Issues and Analysis**

**Principle** - The site is located to the east of an industrial estate, adjacent to an Employment Generating Area. Whilst there are residential properties nearby, the immediate area is characterised by industrial units and other business properties. The use of the car park as a commercial venture is considered not to adversely change the character of the area, would be acceptable in principle and comply with Unitary Development Plan Policy EC6/1 - Assessing New Business, Industrial and Commercial Development.

The suitability of this type of development in this location would be subject to the considerations below.

**Scale, Layout and Access** - The site would be accessed via Wild Street and the existing service road which runs alongside the western boundary of the site. The entrance to the car sales area is through a 4.1m wide opening which is secured by a pair of lockable steel gates.

The layout plan shows there would be scope for a total of 20 sales vehicles to be displayed in the site area: 9 along the northern boundary and 11 towards the middle of the site and along the boundary with Dumers Lane. There would be adequate room to manoeuvre the vehicles within the site, and access in or out when being delivered or picked up by customers.

The sales office is located in the south west corner of the site on a footprint of 7.35m and 2.45m high and would not impact on the layout of the sales vehicles nor be significantly visible when viewed from Dumers Lane or the industrial estate.

As such, the layout would not be detrimental to access to the site, and the scale and layout of the development is considered not to significantly impact on the character of the area. As such, it would comply with EN6/1 - Assessing New Business, Industrial and Commercial Development.

**Residential Amenity** - UDP Policy H3/1 - Assessing Non Conforming Uses seeks to assess proposals for uses within residential areas and takes into account factors such as noise, vibration, visual intrusion, traffic generation, parking arrangements and hours of operation. As the site is adjacent to an industrial estate and a busy main road, there is already an expected amount of noise and disturbance and vehicular movement in the area. A car sales area by its nature requires a certain amount of movement of vehicles on and off the site, and customers visiting the business are also likely to arrive by car. However, the site can only accommodate approximately 20 sales vehicles at one time which is a relatively small enterprise for this type of business. Although there are residential properties to the rear of the site, these are 10m away. There is an existing 1.75m high timber fence along this boundary and it is proposed to erect an additional 1.8m high close boarded timber fence along this boundary, which would provide more privacy and acoustic improvement to the benefit of the occupiers of the bungalows to the rear.

The hours of operation are daytime only and would not encroach into the evening when residents would expect less activity in the area.

The car dealership is located on an industrial site and any noise and disturbance to neighbouring residents would be insignificant compared to that generated by the other existing neighbouring industrial uses. Given the car sales is already in operation, and that there have been no complaints received in terms of noise and disturbance of the business, it is considered the use does not detrimentally impact on the residential amenity of the local residents. It would comply with UDP Policy H3/1 - Assessing Non Conforming Uses.

**Deliveries** - The business trades in second hand cars and the applicant states that the cars which are bought to sell on the site are driven singly to the site and there is no requirement for a large vehicle to delivery a number of cars at one time. The scale of the existing business and any other future car sales business are dictated by the size of this site, which is not significant for this particular use. As such, it would not be practical or cost effective to use a transporter to deliver vehicles to the site.

There have been no reports that transported vehicles have ever been used for this purpose in association with the business.

**Parking** - There are 2 proposed customer parking spaces and 1 staff space within the car sales area, and 5 potential spaces directly outside the site adjacent to the service strip, which the applicant states is also within their ownership. Given the business is already in operation, and there have been no complaints received in terms of parking in this area, it is considered there is sufficient parking provision for the use and it complies with HT2/4 - Car Parking and New Development. A condition would require the car park to be marked out as shown on the approved plan.

**Boundary Treatment** - There are 2 fences proposed as part of the application. The first is a 2m high mesh fence which would be positioned adjacent to the existing low brick wall fronting Dumers Lane. The fence would stop short at the point where the application site meets the adjacent car wash. It would provide the necessary security to the site and partially screen the site from the public domain without being visually intrusive.

The second fence would be a 1.8m high timber boarded fence erected along the northern boundary which would provide additional screening of the site from the bungalows at the rear. The fence would not harm the outlook or have a detrimental visual impact on the occupiers of these properties.

As such, the boundary treatments would comply with the provisions of UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development and H3/1 - Assessing Non Conforming Uses.

**Objections** - The size of the site restricts the amount of traffic which would be generated by the car sales business in terms of deliveries to the site or customers. Additional

boundary treatment to the rear of the site would reduce noise impact on the houses behind. A revised plan shows there are 3 security lights which are directed into the site so as not to create a nuisance to the objector.

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

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

The proposed development will not harm the character of the area nor the amenities of neighbouring residents. The scheme includes adequate parking provision and will not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. This decision relates to drawings - Site plan 825/1B, 852/2; Proposed fencing details received 25/2/2010, 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.
2. The close boarded fence to the northern boundary of the site hereby approved shall be erected within 56 days from the date of this permission and hereafter maintained in its approved position for the duration of the use approved.  
Reason. In the interests of residential amenity pursuant to Unitary Development Plan Policy H3/1 - Assessing Non-Conforming Uses.
3. The use hereby permitted shall not be open to customers nor shall there be any illumination outside the following times: 9am to 6pm Monday to Friday, 9.30am to 5pm Saturday and 10am to 4pm Sundays and Bank Holidays.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy H3/1 - Assessing Non-Conforming Uses of the Bury Unitary Development Plan.
4. The staff and customer car parking indicated on approved reference 825/1 Revision B shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing.  
Reason. - To ensure adequate off street car parking provision in the interests of road safety pursuant to Unitary Development Plan Policy HT2/4 - Car parking and New Development.

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