

**Applicant:** Sean Fletcher/Del Greco Homes Ltd

**Location:** JLT House, Brook Street, Radcliffe M26 2PQ

**Proposal:** Outline planning application for the erection of 20 no. two/three-storey houses in four blocks and a four-storey block of 10 no. apartments

**Application Ref:** 52136/Outline Planning  
Permission

**Target Date:** 10/05/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site is an existing Class B2 general industrial site located to the north of the River Irwell and bounded to the west by the Metrolink line (situated in an elevated position in relation to the site). To the north of the site is a row of terraced properties fronting onto Brook Street and to the east is a cleared and vacant site.

The overall area of the site is approximately 0.67ha and is seeking outline planning permission for the erection of 20 dwellings between 2 and three storeys in height and also a block of 10 apartments within a three to four storey building. The application details under consideration include the scale, access and layout only. External appearance and the landscaping of the site are matters to be reserved for a future application.

The proposed access to the site would be from Brook Street with dwellings arranged in a linear form on either side of the access road. The proposals provide indicative areas for the riverside corridor and indications that the road would be able to continue at its southerly point into other development to the east as part of the Radcliffe master planning proposals for the former East Lancashire Paper Mill site.

### **Relevant Planning History**

50949 - Outline residential development including details of access, layout and scale for 20 2 and 3-storey dwellings and 10 apartments in 3-storey building - Refused 14/5/2009 - due to the need to demonstrate proper marketing of the site for continued employment purposes.

47737 - Outline residential development - 40 apartments, 8 town houses - withdrawn -01/06/07 due to the need to demonstrate proper marketing of the site for continued employment purposes and concerns over the layout.

49511 - Outline residential development - 40 apartments, 6 town houses - withdrawn -01/06/07 due to the need to demonstrate proper marketing of the site for continued employment purposes and concerns over the layout.

The site immediately to the east is part of the former East Lancashire Paper Mill/Riverside School site:

45598 - Hybrid application - outline planning permission for housing and Class B1, B2 and B8 uses; full planning permission for new school - Approved - 13/9/07

### **Publicity**

A site notice was posted at the site on 11 February 2010. A press notice was published in the Bury Times on 25 February 2010. Letters were sent to the following properties on 8 February 2010:

1A, 3A, 5A, 1 to 41 and Tottington Motorbodies - all East Street;  
20 Rectory Lane

1 to 25 Brook Street;  
92 to 130, Church Street West;  
Trumeter, Refrigeration Spares Ltd, Milltown Street; and P&F Properties the owners of the ELPM site.

As a result of this publicity, 4 letters of objection have been received from 3, 5, 7 and 9 Brook Street. They all raise the same concerns including:

- They consider that the use of Brook Street as the main access to the site would affect the residential amenity.
- The existing access to the site as it is currently laid out should be used.
- Brook Street currently accommodates just enough on street parking for the existing residents, not enough for visitors.
- Double parking creates extremely difficult access with risks of damage to vehicles. More demands placed on Brook Street would worsen the situation, risk pedestrian safety, increase noise pollution and congestion.
- Concerns are also raised about the disruption from contractors' vehicles. They are not against regeneration but this should not be at the expense of existing residents.

Objectors have been notified of the Planning Control Committee meeting.

### **Consultations**

**Traffic Section** - No objections.

**Drainage Section** - No objections.

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

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

**Waste Management** - No objections.

**Environment Agency** - No objections subject to the conditions relating to surface water drainage and the detailed design of the landscaping at the reserved matters stage improving the wildlife corridor.

**Greater Manchester Police - designforsecurity** - No objections in principle, matters of design relating to the landscaping of the site and appearance have been raised. These would be subject to the submission of reserved matters.

**United Utilities** - No response.

**Serco Metro** - No response.

**GMPT** - No objections. Comments provided concerning the development of residential travel plans and that the PTE has information packs available to developers on these. This can be an informative should approval be given to the scheme.

**Baddac** - No objections. Conditions are suggested to secure a lifetime Homes commitment within the development.

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

EC2/1	Employment Generating Areas
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
OL5/3	Riverside and Canalside Development in Urban Areas
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
RT2/2	Recreation Provision in New Housing Development
H4/1	Affordable Housing
EN1/6	Public Art
EN7/2	Noise Pollution
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD4	DC Policy Guidance Note 4: Percent for Art

SPD16	Design and Layout of New Development in Bury
SPD1	DC Policy Guidance Note 1:Recreation Provision
PPS23	PPS23 Planning and Pollution Control
PPS9	PPS9 Biodiversity and Geological Conservation
PPS3	PPS3 - Housing
PPS1	PPS1 Delivering Sustainable Development
PPS4	PPS4 Industrial Development
PPG24	PPG24 - Planning and Noise
PPS25	PPS25 Development and Flood Risk

### **Issues and Analysis**

**Principle** - The site is an existing employment site and thus is subject to UDP Policy EC2/1 - Employment Generating Areas (EGA). Within Radcliffe East EGA, development will only be allowed for Business (B1), General Industrial (B2) and Warehousing (B8) uses. Other uses will only be permitted where they constitute limited development or where they would not substantially detract from the area's value for generating employment.

Of key concern with the proposals are the relationship of the site with the approved Master Plan and proposals affecting the East Lancashire Paper Mill site and the marketing of the site.

The site lies adjacent to the former East Lancashire Paper Mill (ELPM) which has now been cleared and has been subject to a Master Planning exercise and subsequent planning application for a mixture of uses. This being the case, the application site is the only remaining employment use within the EGA on the northern side of the River Irwell.

It is accepted that the clearance of the ELPM has generated an unusual and unique position for the application site in terms of its context with the remainder of the EGA. SPD14 generally relates to employment land and premises outside EGAs but it does specify that, in exceptional circumstances, the approach set out in the SPD may be applied to sites that sit within an EGA. The circumstances of the application site are considered to be exceptional and, for this reason, the approach set out in the SPD is considered to be appropriate for applying to this proposal.

In general terms, the SPD advocates a sequential approach to proposals involving the loss of employment sites. Initially, the Council will seek to retain employment sites that are suitable from a land use perspective unless it can be clearly demonstrated that this is not a viable option from both an economic and a market perspective. Where the retention of the site can be shown to be unviable, the Council may consider alternative options involving mixed-use development or, failing this, a one off payment to compensate for the loss of the employment site.

The suitability of all employment land and premises in the Borough has been considered as part of the Bury Employment Land Review (ELR). However, the ELR has not involved a detailed appraisal of individual sites within Employment Generating Areas. Rather, the suitability of EGAs was assessed at a more strategic level.

During pre-application discussions, it was agreed that in order to get a definitive view as to the suitability of the site from a land use perspective, it should be assessed against the detailed criteria used for non-EGA sites. This concluded that the site is inappropriate from a land use perspective, largely on the basis of restricted access and its effect on the amenity of adjoining residential properties.

As a result, there would be no objection to the loss of the site in the context of the approach set out in SPD14 and, consequently, the loss of the site would not detract from the EGAs value for generating employment.

In conclusion, the application is considered not to be in conflict with both UDP Policy EC2/1 and SPD14.

**Housing** - The RSS policy L4 has requires the Local Planning Authority to provide for 500 dwellings per year. The RSS policy is now part of the development plan for the Borough. UDP policy H1/2 requires new housing to be directed to the urban area to mitigate undue pressure on Greenfield and Green Belt land. The site is a previously developed site within the urban area and shares common boundaries with extant residential properties. As such the site is considered to be an acceptable one for housing.

**Layout and Scale** - The layout of the site proposals are assessed against UDP Policies H2/1 and H2/2. These policies seek to ensure that developments respond appropriately to their context in terms of design, layout, appearance, aspects/separation and landscaping amongst others.

The proposals have changed significantly to the previous applications to reflect both safe and appropriately designed layouts to meet the aspirations of the Police, the Traffic Section and the Planning Division. The road access from Brook Street currently runs diagonally across the site, which was a historic response to ease the movements of larger scaled vehicles that needed to access and egress the site during its use as a general industrial use. As the proposals now reflect an entirely residential layout the need for accommodating large heavy vehicular use is not required. In an effort to ensure vehicle speeds are restricted, the design shows a near right angle bend where the extension to Brook Street commences. This design is considered to be acceptable from the Traffic Section's point of view.

The layout of the dwellings reflects more closely the indicative layouts presented within the 'Three Sites Master Plan' proposals and seeks to continue the block formation of the residential blocks indicated within the masterplan in an appropriate and considered way.

The area is predominantly surrounded by two storey Victorian early 20th Century terraced properties. The proposals have sought to maintain this scale of built form by providing true two storey units nearer to Brook Street, with higher units to the south of the site. The apartment block would be located to the far south east of the site overlooking the river, thus despite being four storeys, it would have no impact beyond the site itself.

Aspects proposed within the scheme have been indicated to meet the Council's aspect standards. The changes ensure that 23m are maintained where interfaces are shown to three storeys and 25m where four storeys are proposed. These have been achieved and are shown on the plans.

**Waste** - The proposed waste management strategy would provide sufficient storage for domestic waste. For the apartments, 3x1100ltr Eurobins will be required and would be provided. For the dwellings, provision for general and recycling waste would be provided. The appearance of the apartment block bin store is to be brick built with tiled or slate pitched roof. Space is available for waste relating to the dwellings and is indicated on the plans.

**Noise** - The scheme is submitted with an acoustic report that has looked at the site in relation to intermittent noise from the nearby Metrolink line. The category of the site falls within NEC C noise category. The Council's Environmental Health Pollution Control Section do highlight that, the measurement position chosen for the noise survey (1.5m. above ground level) may not adequately reflect the actual noise levels at the most sensitive locations, these being the bedroom windows of the proposed development - the major noise source (especially at night) is the adjacent Metrolink Line which is positioned above the houses.

However, there are no major planning objections in relation to the development's proximity to the Metrolink Line and the development of this site, particularly as many other recent developments have occurred in closer proximity to this site. Some of these include noise sensitive uses.

Mitigation measures would be required which could be secured through planning condition and should include acoustic ventilation to windows facing the Metrolink line. Equally there are no major concerns from noise experienced in external areas. There are no planning objections to the redevelopment of the site in terms of noise.

**Wildlife Corridor, Ecology and Trees** - The proposals are seeking to create a softer green edge to the River Irwell and have indicated that the southerly edge would incorporate a riverside walkway. This is to respond to UDP Policy OL5/3. The finalised detailed design of the walkway and its landscaping would be a reserved matter for the landscaping of the site. It should include significant levels of planting and trees, particularly to reduce the impact of the newly introduced car parking spaces just within the wildlife corridor. There are no fundamental objections to the details coming forward within a reserved matters application.

In terms of bats, the site has a close relationship with the river and the area is known as being of value to bats either foraging or roosting. The application was submitted with a bat report and an update report for this current application. The buildings still offer little potential for bats and not of a high risk for habitation though the area is recognised for its foraging potential. The Bat report recommends that trees that are removed should be compensated for through the landscaping of the site.

In terms of trees, there are no tree preservation orders within or surrounding the site. The trees are not of any particular merit visually and are generally not prominent. However they do have potential for nesting birds and form part of the wildlife corridor. The landscaping of the site should enhance tree presence along the riverside and this should be clearly stated within any subsequent 'landscaping' reserved matters application. In terms of birds, any tree removal should be outside the bird nesting season and this should be conditioned.

**BADDAC** - The development is of a scale to meet the requirement for lifetime homes provision and a commitment is sought by BADDAC. The layouts internally are shown and the provisions of finalised lifetime homes requirements can be conditioned. This should take the form of a clear statement within the design and access statement when the finalised development is formulated at reserved matters stage (appearance) and the accompanying Design and Access statement at that time. These provisions would secure an informed approach to UDP Policy HT5/1.

**Greater Manchester Police Architectural Liaison Officer** - The Police had no objections to the layout as indicated within the scheme. They recommend some changes and qualification of some details. Largely there are no fundamental flaws in the layout of the scheme. They acknowledge that the reserved matters scheme considering the appearance and landscaping of the site would respond to the matters raised by the Police Architectural Liaison.

**Environment Agency, Ecology and Flood Risk** - The scheme was submitted with a flood risk assessment (FRA) that showed that the development of the site would not be at risk from flooding. The site itself is not within a 1:100 year flood zone as currently considered by the Environment Agency's flood risk maps. Since then, the Council has produced its own Level 2 Strategic Flood Risk Assessment, which includes hazard maps showing that the site may be at some risk of flooding during an extreme 1 in 1000 year flood event. However, the river modelling information in the application suggests that this would not be the case.

Despite this disparity, the Environment Agency have not objected on flood risk grounds and recommend that as a precautionary approach, the dwellings incorporate flood resilient forms of construction, which should be secured through the imposition of planning conditions.

The layout on its southerly end includes provision for river maintenance access at the top of the river bank again to meet the needs of the Environment Agency.

**Recreational Provision** - UDP Policy RT2/2 and Development Control Policy Guidance

note 1 seeks to ensure that residential developments make appropriate provision for recreational space. The applicant has confirmed their willingness to comply with the policy requirements. As the scheme is currently in outline, the landscaping of the site is a reserved matter and final details have yet to come forward. As such a planning condition could be imposed to ensure compliance with the policies.

**Car Parking** - The need for car parking provision needs to be considered against HT2/4 and SPD11. The scheme has shown that each of the dwellings would be provided with at least 1 parking space per unit and 6 visitor parking spaces would be provided. The parking arrangement around the apartments includes provision on the basis of just under 1.5 spaces per unit. The parking provision is considered to provide an acceptable level of provision for the development and accords with the Council's maximum standards.

**Per Cent for Public Art** - UDP Policy EN1/6 - Public Art and Development Control Policy Guidance note 4 seeks to ensure that residential developments make appropriate provision for public art. The applicant has confirmed their willingness to comply with the policy requirements. As the scheme is currently in outline, a planning condition could be imposed to ensure compliance with the policies.

**Affordable Housing** - UDP Policy H4/1 - Affordable Housing and Development Control Policy Guidance note 5 seeks to ensure that residential developments make appropriate provision for Affordable Housing. The applicant has confirmed their willingness to comply with the policy requirements. As the scheme is currently in outline, a planning condition could be imposed to ensure compliance with the policies.

**Response to Objections** - The existing access angles into the site in plan form and its current layout assist the needs for large HGV type vehicles. It is not a design that would be suitable to general residential traffic to use in a safe or way to reduce vehicle speeds. The current access is within the development site and would not be adoptable in its current form. The revised layout would be adoptable and is designed to reduce vehicle speeds, which would be safe and appropriate to a residential development. The Traffic Section have no objections to the currently proposed layout.

The scheme has incorporated visitor parking and there is sufficient availability for parking on street within the scheme itself. There is not likely to be any need to use Brook Street for on street parking.

Double parking and damage to parked cars has been an historical problem with HGV's visiting or leaving the industrial development. In the event of this scheme being developed, this would not be the case and would be no different to any other residential development elsewhere within the Borough.

Disturbance from contractors vehicles are not material planning considerations to the long term development of the site. There will be without doubt need for larger vehicles during the construction. However after that phase, standard domestic traffic would occur. As such this is not a reason to refuse the scheme nor material to the consideration of the proposals.

### **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 use of the site for continued employment is no longer considered to be viable following the assessment of the site within the Employment Land Review as this site is considered to be unusual in terms of its location, being surrounded by housing with inadequate access for heavy goods vehicles. The development would provide a mix of residential accommodation within the area and reflects the principles of the adopted Three Sites Master Plan. The development would comply with Unitary Development Plan Policies and there are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

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

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004
2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the appearance and the landscaping of the site.

Reason. To ensure the satisfactory development of the site and because this application is in outline only.
3. This decision relates to drawings numbered PM/2673/01 rev C, 2543: .20 rev D, 21 rev A, .22 rev A, .23 rev A, .25 rev A, .26 rev B, .27 rev A, .28 rev A, .29 rev A, .30 rev A, .31 rev A, .32 rev B and levels information confirmed by email dated 07/04/2010 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.
4. The development hereby approved shall not be first occupied unless and until the highway improvements at the junction of the site access with Brook Street indicated on approved plan reference 2543:20 Revision D have been implemented to the written satisfaction of the Local Planning Authority.

Reason - To ensure good highway design in the interests of road safety pursuant to Unitary Development Plan Policy H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development.
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 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.

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.

9. Following the provisions of Condition 5 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.

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



survey must be undertaken and submitted to the Local Planning Authority.

Reason. To ensure that the site is free from Japanese Knotweed in the interest of UDP Policy EN9 - Landscape

11. 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 PPS9 - Biodiversity and Geological Conservation.
12. The development hereby approved shall include an element of public art that would be sufficient to be in accordance with Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.  
Reason - To ensure that the development would contribute to satisfying the need for public art pursuant Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.
13. The development hereby approved shall include an element of recreational provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development.  
Reason - To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development
14. The development hereby approved shall include provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy H4.1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments. The approved details shall be submitted as part of the first reserved matters application relating to the housing proposals within the site and the approved provision shall be implemented prior to the first occupation of the residential element of the site or as otherwise agreed in writing by the Local Planning Authority.  
Reason. To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy H4.1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments.
15. Provision for lifetime homes shall be incorporated into the development in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved commencing. The development shall then be carried out incorporating the measures in accordance with the approved scheme.  
Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.
16. Prior to the demolition of the building(s) permitted by this approval, a survey shall be conducted, and the survey results established as to whether the buildings are utilised by bats or owls. A programme of mitigation shall be submitted to and approved in writing by the Local Planning authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.

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

17. No development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water drainage regulation system has been approved by the Local Planning Authority. The scheme shall be implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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

18. The development hereby approved shall not be commenced unless and until such time that flood resilient construction details have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing /phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing with the Local Planning Authority.

Reason - To reduce the impact of flooding and flood waters on the proposed buildings pursuant to PPS25 - Development and Flood Risk.

19. The residential accommodation hereby approved shall include acoustic glazing and acoustically treated ventilation in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the local planning authority before the development commences. The acoustic attenuation scheme hereby approved shall be implemented in full before use of the residential premises first commences.

Reason.To protect the amenity of the occupants of the premises once the development hereby approved is occupied pursuant to Unitary Development Plan Policy EN7/2 - Noise Pollution and PPS24 Planning and Noise.

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

**Ward:** Radcliffe - West

Item 02

**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

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

### **Description**

The application site contains two large barn buildings, which are 6.7 and 6 metres to the ridge respectively. These buildings were previously in use as an equestrian centre and have a large area of hardstanding surrounding them. A access road from Bolton Road which is divided centrally by a grass verge and a 2 metre high fence. The Black Moss Farm part of the access is between 4 and 7.8 metres in width and is surfaced but unadopted.

There are residential dwellings to the north that 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 No. three storey, four bedroom dwellings. The proposed dwellings would be 5.2 metres to the eaves and 9 metres to the ridge and are of traditional appearance and materials. Two bin stores would be located at the north and south of the site.

### **Relevant Planning History**

32317 - Outline - residential development at land at Black Moss Farm, Off Bolton Road, Radcliffe. Refused - 14 November 1996. Allowed on appeal - 25 April 1997.

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 one containing 42 signatures have been received, objecting to the proposal. 67 letters have been received from the occupiers of

97, 115 Coronation Road; 381, 391, 395, 418, 444, 452, 453, 455, 457, 461, 466, 469, 470, 474, 478, 488 Bolton Road; 1, 5, 7, 13, 17 Stopes Road; 2 Black Moss Court; 2, 10 Barnfield Close; 1, 2, 5, 6, 7, 8 Black Moss Close; 4, 5, 8, 12, 18 Countess Lane; 2, 4 Great Stone Close; 98, 120, 121, 124 Harper Fold Road; 44 Kilburn Road; 18 Pitt Street; Scotson Fold Farm, Scotson Fold; 226 Turks Road; 3 Woodhey Close; Chelsea Avenue, 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.
- The area already suffers from road traffic accidents
- 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.
- No need for more terraced houses.

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 - design for security** - 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)** - The Green Belt boundary is indicated on the site layout plan to clarify the layout of the proposed development in relation to the 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 and do not conflict with the purposes of including land within it.

The UDP Green Belt boundary does not follow the field boundary. The westerly Black Moss boundary at some point in the past has been rationalized to form a regular straight line field boundary. As a result, part of the existing hardstanding and corner of the existing building is in the Green Belt. Research shows that this has been the case for 13 years. The area of the site, which encroaches into the Green Belt would vary in width from 2.3 metres to 4.3 metres.

The proposed scheme removes that small part of the hardstanding that is currently in the Green Belt and would replace it with residential gardens. Given the anomalous issue with the Green Belt boundary compared to the existing development, the siting of the residential gardens would improve upon the existing situation and as a principle, would have no detrimental impact upon the openness or character of the Green Belt land.

**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 to the ridge. The existing farm building has a footprint of some 126 square metres. The proposed dwellings would be 9 metres in height and would be located between 2 and 5 metres further away from the existing dwellings than the existing building. The proposed dwellings would have a footprint of 60 square metres and the length of the gable elevation would be 9 metres as opposed to 16 metres for the existing building. As such, 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. 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 comply with the Council's aspect standards 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 access to the site would utilise the existing road to Black Moss Farm equestrian centre from Bolton Road. A new pedestrian footpath would be introduced alongside the existing grass verge to the proposed dwellings and would be of an acceptable width. The existing gates to the equestrian centre would be removed and the vehicular access would be metalled and be between 4 metres and 7.8 metres wide. The access would be restricted at its narrowest point, the access roadway has been designed to incorporate an acceptable passing place so that vehicles can wait to allow passing to take place while another vehicle is entering the site. This assists to ensure that vehicle speeds are safe and slow.

In terms of the junction with Bolton Road, the geometry and alignment of Bolton Road is such that when leaving the site, intervisibility would be particularly good as vehicles approaching along Bolton Road from north easterly and north westerly directions would have a long view of traffic leaving the site. Similarly, vehicles leaving the site have ample time to view on coming traffic along Bolton Road.

To the north of the access point is a mini roundabout, which in itself assists to reduce vehicle speeds along that part of the road. There have been minor traffic incidents associated with this roundabout but they have been related to poor vehicle handling of the priorities at the junction by drivers and not the design of Bolton Road. A Local Safety Scheme has recently been implemented to respond to these issues and to improve conditions at this roundabout. The site's access to Bolton Road is sufficiently far enough away from this feature, which would provide the best opportunities to ensure that vehicle conflicts are minimised.

In summary, the design, position and intervisibility of the junction to the dwellings is acceptable from a traffic point of view and there are no significant concerns over its position or design.

**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. The plans submitted indicate that the proposed development would provide 2 spaces per dwelling. The application site is located within a high access area, where a lower level of parking is acceptable. The application site has good links to public transport and as such, 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.

**Disabled access issues** - A separate pedestrian access would be provided along road access. The plans submitted indicate Part M compliance and level access would be achieved to all dwellings. BADDAC have no concerns on this issue. 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 that need to be addressed have been addressed in the report. The issues of noise and disturbance during construction; the loss of views are not material planning considerations and cannot be taken into consideration.

A residential use would generate less noise and disturbance compared to the activities associated with a commercial use (equestrian centre). As such, the proposed development would not have an adverse impact upon the amenity of the neighbouring residents in terms of noise.

Details relating to bin storage and collection have been submitted and there are no objections from Waste Management.

### **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. To ensure good highway design in the interests of road safety pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
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.
11. 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 & E 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 **Helen Longworth** on **0161 253 5322**

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 03

**Applicant:** Park Farm Garden Centre and Farm Shop

**Location:** Park Farm, 206 Manchester Road, Ramsbottom, Bury, BL9 5NP

**Proposal:** Retrospective application for the retention of hardstanding to the rear of Park Farm Garden centre / cafe

**Application Ref:** 52226/Full

**Target Date:** 06/04/2010

**Recommendation:** Refuse

### **Description**

The site is a piece of land at the rear of Park Farm Garden Centre. It is edged by trees along the northern and eastern boundaries some of which are covered by Tree Preservation Order 39 (TPO 39). To the west is the outdoor plant display area and the garden centre/café building/access road is to the south.

The application is for retrospective consent to retain a hardstanding to the rear of Park Farm Garden centre/café that was constructed in September 2009 and is the subject of Enforcement enquiry 09/0402. The submitted planning application form states, 'the hardstanding is to provide an overflow car park for the garden centre and in preparation for the forthcoming utilities work that is to take place in the existing garden centre car park. The contractors undertaking the repair to a culvert that is extremely problematic, seek to have the use of the existing car park for a period of six months or thereabouts.'

However, the application is a full application for the use of the land for parking without any time limit and for it to act as an overflow car park for the existing cafe and garden centre.

There are discrepancies in the submitted plans and what has actually taken place on site and it is the actual layout of the car park as it exists that has been assessed in the application.

### **Relevant Planning History**

18835 - Additional retails sales from existing farm shop - Refused 16/10/1986 - Appeal Dismissed 30/10/1987

23647 - Use of land for continuation of the mixed use for agriculture and the sale of retail and wholesale of perishable and non-perishable produce other than produce grown or produced on the farm, subject to the condition that the present area of the permitted use within the barn on the south boundary of the site shall not be extended without the prior permission of the local planning authority - Planning permission granted by the Secretary of State following Enforcement Action by Bury MBC - Appeal Allowed 20/10/1989.

26655 - Change of use and extension of part of barn to create a canopy, extend café, kitchen, retail and storage areas, Alterations of access, creation of service area and surfacing of car park - Approved Conditionally 13/08/1992

### **Publicity**

Site notice was posted 02/03/2010 and a press advert placed in The Bury Times on 04/03/2010. Nine neighbouring properties were notified by letter dated 10/02/2010 at 119, 129, 211, Gollinrod Farm, Park Wood Farm, Shipperbottom Barn, Shipperbottom Cottage, Shipperbottom House all Manchester Road Ramsbottom and Hillside Kennel, Pike Farm, Bury Old Road, Bury

No letters of objection have been received. A letter of 'no objection' has been received from the occupiers of 129 Manchester Road as it is not visible from their property.

The correspondent has 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

**Landscape Practice** - Object on the basis of the detrimental impact on the trees contained within the TPO.

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

EN1/2 Townscape and Built Design

OL1/1 Designation of Green Belt

EN9/1 Special Landscape Areas

H3/2 Existing Incompatible Uses

HT2/4 Car Parking and New Development

SPD11 Parking Standards in Bury

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

PPG2 PPG2 - Green Belts

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

EN8/1 Tree Preservation Orders

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

SPD10 Planning for Equestrian Development

### **Issues and Analysis**

There are on-going utilities work to a culvert on the garden centre land to remedy the flooding that occurs on the adjacent section of Manchester Road. As part of this on going work a section of the existing car park has been temporarily out of use and further investigation work is still needed. However the application has been submitted for consent for a permanent over-flow car park at the rear of the site. On this basis the temporary disruption to the existing car park is not being considered as part of this application nor as mitigation for the need of the over flow car park.

**Principle** – The site is land within the Green Belt and a Special Landscape Area and the proposal needs to be assessed against the criteria of Planning Policy Guidance 2 – Green Belts, Bury UDP policies OL1/2 - New Buildings in the Green Belt and EN9/1 – Special Landscape Areas and Development Control Guidance Note 8 – New Buildings in the Green Belt.

PPG 2 establishes a presumption against inappropriate development within the Green Belt. There are several exemptions, including development required for essential facilities for outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Proposals for development, which do not fall into one of the above categories is inappropriate development and will only be permitted if very special circumstances are demonstrated by the applicant.

Policy OL1/2 states that the construction of new buildings within the Green Belt is inappropriate development unless it is for agriculture, essential facilities for outdoor recreation, limited extension or dwellings and for other uses of land, which would preserve the openness of the Green Belt.

The proposed over flow car park is not considered to be 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 therefore judged to be inappropriate unless very special

circumstances have been demonstrated.

The application includes a Design and Access Statement but no very special circumstances have been demonstrated. The Design and Access Statement simply states that the car park is needed whilst repair works to the culvert take place and can then be used for over flow car park after these works have been completed. No detailed assessment is made of the need or impact of the car park on the Green Belt other than to state the cafe is full at lunch times, that the land was poor agricultural quality and land locked, that it is not used for agricultural purposes and that the car park does not compromise the openness of the Green Belt as it is not visible.

The site has 2 Public Foot Paths in close proximity to it. One FP 194 runs through the existing garden centre car park and along the northern boundary of the site and FP195 runs along the southern boundary of the site. Both paths afford views of the new car park and as such it will impact on the character of the area.

The proposal is contrary to PPG2 - Green Belt, Bury UDP Policies OL1/2 - New Buildings in the Green Belt and EN9/1 – Special Landscape Areas and Development Control Guidance Note 8 – New Buildings in the Green Belt.

**Design & impact upon surrounding area** - The hardstanding has been constructed of 200mm of compacted hardcore then topped 200mm of black road planing's. The dark colour and finish of the hard standing is considered to create a visually conspicuous feature and out of keeping with the character of both the Green Belt and Area of Special Landscape Value. SPD 10 includes a section on the type of surfaces that may be appropriate in the Green Belt. These are listed as crushed stone, rolled gravel or 'grascrete' (a proprietary product that allows land to be used for parking whilst allowing grass to grow through it) and these have a substantial different character to black tarmac planing's which have an urban and visual detrimental impact on the character of the area.

The Design and Access Statement makes reference to the land being 'boggy' but no details have been supplied as to how this has been resolved and if the 'filling' of the land has simply displaced the water to another site. As such the type of materials used for the car park and its general design are contrary to Bury UDP Policies Bury UDP Policies OL1/2 - New Buildings in the Green Belt and EN9/1 – Special Landscape Areas and Development Control Guidance Note 8 – New Buildings in the Green Belt and should be refused.

**Effect on Surrounding Trees** – The hardstanding is surrounded on two sides by mature trees some of which are protected by TPO 39. The application does not contain an Arboricultural Report and the Design and Access Statement ignores the status of the Trees. The site has been inspected by our Landscape Practice and they are concerned that the car park has already affected tree T5 (Oak), and tree T6 (Oak) has been removed as part of the works carried out. This is being further investigated by the landscape Team and may lead to criminal prosecution. The proposal is contrary to Bury UDP Policies EN8/1 - Tree Preservation Orders and EN9/1 Special Landscape Areas and should be refused.

**Highways and Parking Issues** – The access onto Manchester Road is not altered by the proposal and the Traffic Section has no objections to the scheme. However, no details have been provided about the number of car parking spaces provided on the site at present, the peak demand for parking or any justification for the amount parking needed that for the area of land that has now been turned into car park. Additionally no information has been provided about how the car park will be managed.

**Recommendation:** Refuse

#### **Conditions/ Reasons**

1. The car park constitutes inappropriate development in the Green Belt and the applicant has not submitted evidence to substantiate very special circumstances.

The car park by reason of its size, method of construction and materials is considered to be seriously detrimental to the character and openness of The Green Belt. The development thereby conflicts with policy OL1/5 - Mineral Extraction and Other Development in the Green Belt and PPG2 - Green Belts.

2. The proposed development by virtue of its size and siting would result in threat to the continued well being of existing trees which are subject of Tree Preservation Order - 39. The damage to or loss of these trees is considered to be unacceptable because of the impact on the general amenity and character of the area in which the application site is located. The development is therefore contrary to the following policies of the Bury Unitary Development plan: EN8 - Woodland and Trees; EN8/1 - Tree preservation Orders and PPG2 - Green Belts.

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

**Ward:** Radcliffe - West

Item 04

**Applicant:** RTK Grabhire Ltd

**Location:** Land At Outwood Park, Off Outwood Road, Radcliffe, Bury

**Proposal:** Variation of Condition 10 of planning permission 50535 to be amended to: The infilling works shall be completed within a period of 12 months from 24/08/2009.

**Application Ref:** 52240/Full

**Target Date:** 12/04/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site is located within Outwood Community Park, which is used as a public amenity area and is accessed from James Street, via a single track road, which is also a public footpath. The access track opens out onto a large tarmac area, which currently contains some unauthorized tipped material.

The site for tipping is accessed from the large tarmac area and is a triangular piece of land. Prior to the submission of the application in December 2006, the application site, which had been wooded, was cleared of all vegetation. The application site did slope quite steeply from south to north and there are public footpaths on all the boundaries to the site. The application site was formerly used as a tip and the existing tip faces were very steep and were either vertical or had created an overhang, which was in danger of collapsing.

The nearest residential properties are on James Street and St Aiden's Close and are 378 and 126 metres away from the tipping site respectively. The site is surrounded by mature woodland. The application site is located within the Green Belt and an area, which has been designated as suitable for informal recreation.

Planning permission was granted for the importation and reuse of inert materials to make safe the tip, by engineering a 1 in 3 slope across the site. This slope could be safely maintained in the future. The infilling works were restricted to a 6 month period from 21 August 2009 to 21 February 2010. This period has now expired and the applicant has ceased works on site.

Works commenced on site in August 2009. However, due to market conditions, the difficulty in sourcing appropriate, suitable materials and also poor weather conditions, an extension of time is sought to complete the works. The applicant has applied to vary condition 10 to allow a period of 12 months to complete the tipping works, ie until 24 August 2010. This period would be broken down into 9 months for bringing material onto site and a further 3 months for regrading the material.

### **Relevant Planning History**

47269 - Importation and re-use of inert materials to make safe existing former tip and landscaping at land at Outwood Community Park, off Outwood Road, Radcliffe. Refused - 27 February 2007.

The application was refused as there was insufficient information with regard to the need of the development, the ecological impact of the development and pedestrian and vehicle conflict.

07/0081 - Tipping on land at Outwood Community Park, off Outwood Road, Radcliffe. Temporary Stop Notice served on 15 February 2007.

50535 - Importation and reuse of materials to make safe the existing former tip land and

landscaping at land at Outwood Park, off Outwood Road, Radcliffe. Approved with conditions - 23 December 2008.

### **Publicity**

42 neighbouring properties (Outwood Road; Highmeadow; St Aidan's Close; Churchfield Close) were notified by means of a letter on 17 February and a press notice was posted on 25 February. Site notices were posted on 22 February 2010. Two letters have been received from the occupiers of 40 Outwood Road and 6 St Aidan's Close, which have raised the following issues:

- The proposed development is noisy.
- Is a extension of 6 months necessary?
- Query why a access has been constructed at the end of St Aidan's Close into the park.
- Impact of the proposed development upon wildlife.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objections.

**Drainage Section** - No objections.

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

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

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

**Environment Agency** - No comments.

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

**Baddac** - No comments.

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

EN1/1	Visual Amenity
EN6/3	Features of Ecological Value
OL1/5	Mineral Extraction and Other Dev in the Green Belt
OL5/2	Development in River Valleys
RT3/2	Additional Provision for Recreation in the Countryside
HT2	Highway Network
HT6/2	Pedestrian/Vehicular Conflict
MW4	Environmental Considerations for Waste Disposal Sites
MW4/1	Assessing Waste Disposal Proposals
MW4/2	Development Control Conditions (Waste)
MW4/5	Land Contamination
MW4/6	Standards of Restoration (Waste)
PPS10	PPS10 Planning for Sustainable Waste Management

### **Issues and Analysis**

**Principle** - Policy OL1/5 states that mineral extraction and other development within the green belt would be deemed inappropriate unless it maintains the openness of the green belt and does not conflict with the purposes of including land within the Green Belt.

Policy RT3/2/2 states that the Council will encourage the re-use of vacant and derelict land for recreational use, providing that the proposal would not be detrimental to the environment, a feature of ecological value or the amenity of the neighbouring residents, and would not result in an unacceptable increase in traffic within the area. Policy RT3/2/9 identifies the Outwood area as a site which is suitable for informal recreational use.

Policy MW4 sets out the criteria against which all waste proposals will be assessed and states that proposals for waste disposal sites will be accepted in principle when all of the criteria have been satisfied.

The need to tip on the site was established with the grant of planning consent (50535) in December 2008, which established that the steep and vertical faces could fail and were

unsafe. As such, the tipping operation would enable the site to be safe and would allow this land to be used for recreational purposes once completed. It was considered that the proposed development would not have an adverse impact upon the openness of the Green Belt, that there were exceptional circumstances to accept the development and would enable the land to be used for recreational purposes reflecting the allocation of the rest of the land surrounding the site. The principle was therefore accepted and the proposed development would be in accordance with Policies OL1/5, RT3/2/2 and MW4/1 of the adopted Unitary Development Plan.

The proposed extension of time is sought to allow for the completion of the previously approved infilling works. The applicant has been unable to complete the works due to difficulties in sourcing appropriate materials due to the economic downturn and the poor weather in recent months. The extent of the development would not change and would not have an adverse impact upon the openness of the Green Belt. The proposed extension of time would allow the infilling works to be completed to make the site safe and to enable the land to be used for recreational purposes following the restoration works. Therefore, the proposed development would be in accordance with Policies OL1/5, RT3/2/2 and MW4/1 of the adopted Unitary Development Plan.

**Residential Amenity** - The access to the site is taken from James Street, where there are residential properties. It was accepted that there would be some adverse impact upon the amenity of the neighbouring residents through noise and disturbance of the lorries passing along James Street. However, noise and disturbance from the tipping operation and access/egress into the site would be controlled by the restriction of the hours from 08:00 to 18:00 on Mondays to Fridays and 09:00 to 14:00 on Saturdays. This was considered and accepted as appropriate mitigation.

The applicant has been unable to complete the tipping works within the 6 month time period due to adverse weather during the winter months and the lack of material following the economic downturn.

The tipping operation is 70 - 80% complete. The applicant estimates that a further 3 months would be sufficient to source and bring the material onto site, with a further 3 months to complete the regrading of the material. Given the accepted principle established by the planning permission that is already in place, and also the extent of the operation that has been completed, the acceptance of the additional time period sought to make safe the former tip would outweigh the disturbance to the amenity of the neighbouring properties during the opening hours.

**Noise** - The proposed site for tipping would be located some 126 metres from the nearest dwelling on St Aidan's Close and the application site would be screened from view by the existing mature trees. Therefore, it is considered that there would be no significant adverse impact upon the amenity of the neighbouring residents and the proposal would be in accordance with Policy MW4/1 of the adopted Unitary Development Plan.

**Highways issues** - The access would be the same as already approved and no changes are proposed. Given the accepted principle of the development, the use of this access for a further 6 months is acceptable. The Traffic Section has no objections to the proposed development and the proposal would be in accordance with Policy MW4/1 of the adopted Unitary Development Plan.

**Response to objectors** - The issues of noisy working during and beyond the operating hours is currently being investigated by the Pollution Control Section within Environmental Health and the Enforcement Section and any necessary action will be taken.

Maintenance works have been undertaken to the existing footpath at the end of St Aidan's Road. These works are permitted development and no planning application is required.

The current application is for the extension of time only and the impact upon wildlife was



fully assessed during the previous application (50535).

### **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 impact upon the openness of the Green Belt. The proposed development would not have a significant adverse impact upon the amenity of the neighbouring residents.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Q208-001, Q208-002 1, Q208-003 1, Q208-004, Q208-005 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. Stockproof fencing with gates or cattlegrids at all opening shall be erected along either side of the access road and around all operational areas of the site wherever necessary and shall be maintained to the satisfaction of the Local Planning Authority until the completion of restoration at which time they shall be removed unless previously agreed in writing by the Local Planning Authority.  
Reason. In the interests of the amenities of the area and pursuant to the following Policy(ies) of the Bury Unitary Development Plan:  
Policy MW4/1 - Assessing Waste Disposal Proposals  
Policy MW4/2 - Development Control Conditions (Waste)
4. Dust suppression measures must be employed at all times to minimise the generation and dispersal of dust arising from the operations hereby consented.  
Reason. To ensure that the level of dust emanating from the site is not excessive and is not detrimental to the amenities of the occupiers of nearby premises pursuant to the following Policy(ies) of the Bury Unitary Development Plan:  
Policy MW4/1 - Assessing Waste Disposal Proposals  
Policy MW4/2 - Development Control Conditions (Waste)
5. Unless otherwise approved in writing by the Local Planning Authority, the tipping of waste materials shall be carried out and the site restored in such a manner as to ensure that the final restored levels of the site are in accordance with the contours shown on Plan no Q208-002 1 and details shown on drawings showing cross-sections (Q208-002 1), forming part of this permission.  
Reason. In the interests of proper site restoration and to accord with the terms of application, and pursuant to the following Policy(ies) of the Bury Unitary Development Plan:  
Policy MW4/1 - Assessing Waste Disposal Proposals  
Policy MW4/2 - Development Control Conditions (Waste)
6. Within three months of the completion of the restoration of the site or in the first available planting season following restoration, the site shall be landscaped in accordance with the approved landscaping scheme. All trees and hedges included in the landscaping scheme shall be retained, protected and maintained for a period of five years after planting during which period any tree or hedge that may become damaged or be removed or die shall be replaced with a similar plant

in the next available planting season.

Reason. To ensure satisfactory development of the site pursuant to the following Policy(ies) of the Bury Unitary Development Plan:

Policy MW4/1 - Assessing Waste Disposal Proposals

Policy MW4/2 - Development Control Conditions (Waste)

7. Restoration of the site shall be carried out under the supervision of a person in the employ of or responsible to the applicant with knowledge of and expertise in restoration of and with authority to stop restoration operations during unsuitable weather conditions.  
Reason. In the interests of the area and restoration of the site pursuant to the following Policy(ies) of the Bury Unitary Development Plan:  
Policy MW4/1 - Assessing Waste Disposal Proposals  
Policy MW4/2 - Development Control Conditions (Waste)
8. No materials other than inert material shall be deposited on the site, in accordance with the waste management exemption issued by the Environment Agency for the site – Ref NR1/E/RTK002/2. NR1/003668.  
Reason. In the interest of protecting residential amenity and pollution of the land and water environment pursuant to Planning Policy Statement 23 - Planning and Pollution Control and the following Policy(ies) of the Bury Unitary Development Plan:  
Policy MW4/1 - Assessing Waste Disposal Proposals  
Policy MW4/2 - Development Control Conditions (Waste)
9. All waste disposal and soiling operations, including the finished site levels, shall be carried out in accordance with the specifications shown on the plans submitted.  
Reason. To ensure that the Local Planning Authority has control over the amount of material deposited on the site and the final landform in order to safeguard the amenity of the area within which the site is located pursuant to the following Policy(ies) of the Bury Unitary Development Plan:  
Policy MW4/1 - Assessing Waste Disposal Proposals  
Policy MW4/2 - Development Control Conditions (Waste)
10. The infilling works shall then be completed within a period of 12 months (9 months - importation of material; 3 months re-grading) from 24 August 2009.  
Reason. To ensure that the development is acceptable to the Local Planning Authority pursuant to the following Policy(ies) of the Bury Unitary Development Plan:  
Policy MW4/1 - Assessing Waste Disposal Proposals  
Policy MW4/2 - Development Control Conditions (Waste)
11. All materials to be used to make safe the existing tip shall consist only of clean, graded hardcore and soil. In particular, any biodegradable materials, plastics, timber, metal or paper wastes shall be strictly excluded.  
All materials to be used in the landscaping shall be tested for contamination and suitability for use on site.  
The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.  
Reason. To ensure that only clean, non-polluting materials are used, to prevent the pollution of the land, water and the surrounding environment pursuant to Planning Policy Statement 23 - Planning and Pollution Control and the following Policy(ies) of the Bury Unitary Development Plan:  
Policy MW4/1 - Assessing Waste Disposal Proposals  
Policy MW4/2 - Development Control Conditions (Waste)
12. Proposals for the screening of invasive species within imported materials, such as

Japanese Knotweed and treatment if necessary are required for submission prior to works commencing on site. All materials to be used in the filling operation must be demonstrated to be free from invasive species including Japanese Knotweed.  
Reason. To restrict the spread of invasive species including Japanese Knotweed across the site in the interest of UDP Policy EN9 - Landscape.

13. All imported material shall be effectively contained so as to prevent littering beyond the site boundary for the tipping operation.  
Reason. To protect the amenities of occupiers of nearby premises pursuant to the following Policy(ies) of the Bury Unitary Development Plan:  
Policy MW4/1 - Assessing Waste Disposal Proposals  
Policy MW4/2 - Development Control Conditions (Waste)
14. No work or other activity shall take place on the site on Sundays or Bank Holidays and all work and other activity on other days shall be confined to the following hours:-  
08:00 to 18:00 - Monday to Fridays  
09:00 to 14:00 - Saturdays.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink, EC4/1 – Small Businesses, EC6/1 – Assessing New Business, Industrial and Commercial Development and H3/1 – Assessing Non-Conforming Uses of the Bury Unitary Development Plan.
16. 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 for the duration of the importation and landscaping operations.  
Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to the following policy(ies) of the Bury Unitary Development Plan:  
Policy HT4 - New Development  
Policy MW4/1 - Assessing Waste Disposal Proposals  
Policy MW4/2 - Development Control Conditions (Waste)
17. The approved management plan for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) should be implemented as part of the development hereby approved. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.  
Reason. To ensure that the site is free from Japanese Knotweed in the interest of UDP Policy EN9 - Landscape
18. No materials other than topsoil and subsoil forming part of the extraction operations hereby permitted shall be stored on the site without the prior approval in writing of the Local Planning Authority.  
Reason. For the avoidance of doubt.

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

**Ward:** Bury East

Item 05

**Applicant:** Mr K Bouguerch

**Location:** 34 Market Street, Bury, BL9 0AJ

**Proposal:** Change of use of first floor of No 34 from retail (Class A1) to restaurant/cafe (Class A3) incorporating existing restaurant/cafe at no. 36

**Application Ref:** 52245/Full

**Target Date:** 13/04/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site relates to a retail premises on Market Street, located in Bury Town Centre within the Conservation Area and forms part of a Secondary Shopping Frontage Policy S2/3 in the Unitary Development Plan. There are eight properties on this row, 5 in A1 use and 3 in A3/A4 use (2 of these being double units).

No 34 Market Street has an A1 retail use (hairdresser) at ground and first floor. No 36 is The Metro Cafe which has A3 use at ground and first floor.

It is proposed to change the use of the first floor of No 34 to an A3 use which would be incorporated into the existing Metro Cafe business. A partition would be erected to the bottom of the stairs of No 34 and the first floor dividing walls would be partially removed. There would be no additional extraction systems and the kitchen and preparation area would remain as existing. There would be no changes to delivery or servicing arrangements to the business.

The applicant states that the present size of the existing cafe is not large enough, especially to cater at peak times and that the first floor of No 34 is not used by the occupier and is not required for their business.

### **Relevant Planning History**

50627 - Change of use from retail (A1) to restaurant/cafe (A3) incorporating existing cafe at No. 36 - Refused 27/11/2008.

### **Publicity**

Properties notified at Nos 17, 19, Broad Street; Lester House, Broad Street; 22-34 and 38-40 Market Street (evens); 1A, 3, Market Street; 46, 49 The Haymarket.

Site Notice posted 22/2/2010, Press Notice in the Bury Times on 25/2/2010 as Development within Bury Town Centre Conservation Area.

1 objection (e-mail no address) received as a result of the publicity with the following raised:

- Continued use of the ground floor of 34 Market Street as a retail use Class A1 would be limited by lack of 1st floor for storage purposes etc;
- Any future planning application for change of use of the ground floor on No 34 to restaurant/cafe would therefore be strengthened;
- A previous application reference 50627 was refused as contrary to Policy.

### **Consultations**

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

**Traffic Section** - No objection.

**Drainage Section** - No objection.

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

**Conservation Officer** - No objection.

**BADDAC** - Request that an ambulant disabled toilet facility be provided.

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

EN2/1 Character of Conservation Areas  
EN2/2 Conservation Area Control  
S2/3 Secondary Shopping Areas and Frontages  
S1/1 Shopping in Bury Town Centre  
S2/6 Food and Drink  
Area Bolton Street/Market Place  
BY3

### **Issues and Analysis**

**Principle** - Unitary Development Plan Policy S2/3 - Secondary Shopping Areas and Frontages seeks to maintain retailing A1 as the predominant land use at ground floor level. Where a proposal would lead to more than 40% of any identified secondary shopping frontage being in non-retail use, additional factors need to be taken into account, namely, e) the location and prominence of the proposal within the secondary shopping frontage; f) the number, distribution and proximity of other premises in non-retail use; g) the nature and character of the use proposed.

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

The site is located within the secondary shopping frontage that runs from No 22 to No 40 Market Street. However, the application seeks the change of use of the 1st floor of No 34 and as such the ground floor retail provision would not be affected by the proposal.

The proposal would result in the reduction of the retail floor area of No 34 through the loss of the 1st floor to this premises. However, there are many A1 retail shops which operate from a single storey premises only, and there is no reason this unit could not operate as such.

The proposal would be an expansion of an existing business, with provision for storage, disposal of waste and ventilation flues already in place. There are no residential properties in the immediate vicinity, and being a town centre location, additional parking provision would not be required.

As such, the proposal would comply with UDP Policies S2/3 - Secondary Shopping Areas and Frontages and S2/6 - Food and Drink and is acceptable in principle.

**Conservation Area** - There would be no external changes to the premises. Given the town centre location which characterised by a mix of different uses, the development would not have a detrimental impact on the Conservation Area.

**Amenity** - The premises are located in the town centre adjacent to other properties in A3, A4 and A5 use, which are open late at night. As such, there would be no issue in terms of hours of opening or detrimental impact of additional noise and disturbance to the area. The proposal complies with UDP Policy S2/6 - Food and Drink.

**Access** - There is existing level access into the premises, although the layout of the ground floor does not easily facilitate the needs of disabled people, particularly for wheelchair users, as there are no toilet facilities on the ground floor. However, the proposed 1st floor layout demonstrates the existing toilets for the restaurant would be relocated into the new area, and ambulant facilities provided.

The applicant has sought to make the premises as inclusive as possible and the proposal would comply with HT5/1 - Access for Those with Special Needs.

**Response to objector** - Whilst there would be a loss of floor space associated with No 34, there is sufficient floor area at ground floor to maintain an A1 use now and in the future. Future applications for the change of use of the ground floor of No 34 would be assessed against the relevant planning policies.

The previous planning application for the change of the ground floor of No 34 was refused as contrary to Unitary Development Plan Policy S2/3 - Secondary Shopping Areas and Frontages and S2/6 - Food and Drink.

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

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

The proposed change of use would not have a detrimental impact on the vitality of the Shopping Area. It would not affect the character of the Conservation Area nor impact on the occupiers of the adjacent premises.

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 - existing plans sheet 1,2,3; proposed ground floor plan sheet 4; proposed 1st floor plan sheet 5 dated 04.03.2010, 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.

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

**Ward:** Bury West - Church

Item 06

**Applicant:** KIA Motors ( UK) Ltd

**Location:** Elton Garage, Bolton Road, Bury BL8 2NP

**Proposal:** 3 x Internally illuminated fascia signs; 1 x Non illuminated fascia sign; 1 x Non illuminated double sided 2 metre free standing sign; 1 x Non illuminated replacement message plank; 1 x Non illuminated 2 metre wall mounted sign; 1 x Internally illuminated 4 metre pylon

**Application Ref:** 52324/Advertisement

**Target Date:** 30/04/2010

**Recommendation:** Approve with Conditions

### **Description**

Then application site comprises the existing Peugeot dealership on the main road from Bury town centre to Bolton.

The application is for the re-branding of the garage for KIA Motors and involves the replacement of the existing 'Peugeot' branded signage with KIA branded signage, both illuminated and un-illuminated.

### **Relevant Planning History**

There have been a number of applications on this and the adjacent filling station site for signage including 35456 for the filling station and 1251 for the Car sales signage.

### **Publicity**

Neighbours at Elton Service Station, 103, 105, 106, 107, 109, 155, 158, 160 162 and 162a Bolton Road, 13 Daisy Street, 2 to 18 (evens) and Flats 1 to 10 at 20 to 22 Fairy Street were notified by letter on the 10th March 2010 and two objections have been received from 6 and 10 Fairy Street. The objections can be summarised as follows:

- existing signage is blue and the new signage is white which will increase the amount of light pollution and be of detriment to the residential amenities of their homes.
- existing signage and flood lighting is too bright and is of detriment to their residential amenity.
- the pylon sign is too tall and wide.

### **Consultations**

**Traffic Section** - No objections subject to standard conditions on the level of illumination.

**British Waterways** - No objections.

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

EN1/9 Advertisements

### **Issues and Analysis**

As the application is for Advertisement Regulations consent it has to be assessed in terms on amenity and safety only.

**Amenity** - The proposed signs are white with red lettering and the areas of illumination are similar to the illuminated letters on the existing blue white and silver Peugeot signage. The application has been amended to reduce the size of the 'pylon' sign on the frontage to 4m tall and 1.4m wide as opposed to 6m tall and 2m wide as on the original proposal. The sign is now smaller than that of the existing sign and far smaller than the 'totem' sign on the forecourt of the adjacent filling station. Whilst this sign will be viewed from properties fronting onto Fairy Street, there is a difference in height of some 4m with Fairy Street set above the level of Bolton Road and there are only oblique views of the other signs. Given that the tallest sign is 4m and would be 70m distant from the nearest residential property

and viewed against the back drop of the main arterial street scene formed by Bolton Road it is not considered that there would be any material detriment to residential amenity. In addition the signage is seen in the commercial setting of this part of Bolton Road, is appropriate in terms of scale to the buildings and use on the site and as such would not be of detriment to the street scene. Consequently, the proposal will accord with Unitary development Plan Policy EN1/9 with regard to amenity.

**Safety** - The positioning and type of illumination of the signs will not hazard either pedestrian or highways safety and as such accord with UDP Policy EN1/9 with regards to safety.

**Objections** - The impact on residential amenity has been covered above. It should be noted that new signage is of a lower level of illumination and more energy efficient than the existing and the issue over flood lighting is not a matter for consideration under this advertisement regulations application but the objector has been given the contact details for our Environmental Health team so that they can investigate under the Control of Pollution Act legislation.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The luminance of the signs shall not exceed 600 cd/m<sup>2</sup>.  
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

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



**Ward:** Bury East

Item 07

**Applicant:** Rainbowace Ltd

**Location:** 109 Rochdale Road, Bury, BL9 7BA

**Proposal:** Change of use from retail (Class A1) to hot food takeaway (Class A5); Installation of ventilation flue at rear; New doorway to side (to provide access to first floor flat)

**Application Ref:** 52343/Full

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

**Recommendation:** Approve with Conditions

### **Description**

The site is 109 Rochdale Road, a currently vacant commercial premises with existing A1 retail use at ground floor and storage area at 1st floor. It is located at the end of a row of mixed uses, including shops and commercial properties and the area is designated as a Secondary Shopping Area in the Bury Unitary Development Plan. To the rear of the site is a warehouse comprising various units and associated service yard area and along the western elevation is Queen Street. There is a rear access road which runs directly along the rear of the premises on this row.

The application is for the change of use of the ground floor from an A1 shop to a hot food takeaway A5, and the installation of a flue at the rear. A new doorway would be created on in the western elevation to access a residential flat at 1st floor which would be permitted development. There would be bin storage provision within the existing single storey outrigger at the rear of the shop. There are no proposals to change the front elevation of the premises. The applicant has applied for unrestricted opening hours.

### **Relevant Planning History**

42404 - Change of use from taxi office to A3 hot food takeaway - Approved 19/5/2004.

### **Publicity**

Neighbours notified at 105, 105a, 109, 111, 111a, 113, 113a, 115, 117, 119-121, 94, 96, 98, 100, 102, 104, Rochdale Road, 106-124 Iceland Foods, Rochdale Road, Units 8, 9, 12 Brenton Business centre, Bond Street, DRM Industrial Fabrics Bond Street.

One letter of objection received from DRM Industrial fabrics, Bond Street with the following concerns:

- There is already a great deal of food waste left on the street in this part of Bury;
- The area is infested with rats;
- Until the local takeaways take responsibility for the mess created by their business, there will be objections to further development;
- None of the food outlets have rubbish bins and they do not help to clean up the area.

### **Consultations**

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

**Drainage Section** - No objection.

**Environmental Health Pollution Control** - No comments received to date.

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

Area	Rochdale Road/Lord Street/York Street
BY10	
S2/3	Secondary Shopping Areas and Frontages
S2/6	Food and Drink
HT5/1	Access For Those with Special Needs
EN7/1	Atmospheric Pollution

### **Issues and Analysis**

**Policies** - Unitary Development Plan Policy S2/3 - Secondary Shopping Areas and Frontages seeks to retain retail as the predominant use at ground floor level. Proposals for a change of use will take into account factors of design and appearance, provision of a display window, access and noise and disturbance.

UDP Policy S2/6 - Food and Drink has regard to amenity of nearby residents, intensification of use in the area, parking and servicing provision, bin storage and litter disposal and environmental impact of flues.

The premises is one of 20 on this row. 3 units out of the 20 are currently in A5 use, and the grant of this premises for an A5 use would equate to 20% in A5 use. The remainder of the units are mixed, although are predominantly in A1 use. The property has previously been granted planning permission for a hot food takeaway in 2004 but the permission was not implemented and has now lapsed. There have been no significant policy changes since the previous consent was granted and there would be no change in character of the area as a result of the proposed change of use.

The proposal would bring into use a vacant unit which would be beneficial in terms of having an active shop frontage and regeneration to the area.

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

**Residential amenity** - There are residential flats above and adjacent to the premises which would be affected by the proposal. The premises are located within a Secondary Shopping Area on a busy main road, and are positioned on a row of mixed commercial businesses, and as such it is expected there would be a certain amount of noise and disturbance associated with a business user in this area in general.

A condition to soundproof the ground and 1st floor to minimise noise problems to the residents above would reduce some of the impact on residential amenity. In addition, a scheme has been submitted to demonstrate the flue would be located on the corner elevation adjacent to the bathroom and away from the bedroom window. The Design and Access Statement states there will be full consultation with the Environmental Health Officer before the system is ordered and installed. Finally, the creation of an entrance to the flat would completely separate the proposed change of use from the residential accommodation.

The applicant has demonstrated that measures have been taken to minimise any likely impact on the amenity of the flat above and surrounding properties. As such, the proposal is considered to comply with UDP Policy S2/6 - Food and Drink.

**Visual amenity** - The only external alterations comprises the flue on the rear elevation of the property. It would be positioned on the single storey outrigger, flush to the original rear elevation between the bathroom window and gable of the 1st floor flat. Whilst visible when viewed from Queen Street, there are no properties at the rear from which the flue would be visible and this street does not have a great amount of footfall. The top of the flue would be partly visible to Rochdale Road, obliquely, and the proposal seeks to paint it black thus ensuring that the flue has no prominence on the building at all.

The proposal would comply with UDP Policy S2/6 and EN1/2 - Townscape and Built Design.

**Bin storage and servicing** - The bins are currently stored outside the premises on the back street. The proposal seeks to improve this situation by locating them in a vented bin store within the existing single storey rear outrigger. There would be litter bins provided for customer use within the shop. As such the proposal complies with UDP Policy S2/6 - Food and Drink.

**Parking** - There is restricted parking on Rochdale Road and no designated parking for the premises, or for any of the shops on this row. The proposed use tends towards short stay parking needs when visiting the shop and there is limited on street parking on Queen Street at the side and a public car park 100m away.  
As such, it is considered no formal parking would be required in this instance.

In terms of the flat above, planning permission would not be required for its use as residential accommodation and as such there is no control over required parking. However, given the proximity of the premises to the town centre and proximity to a good public transport system it is considered that parking would not be an issue for the flat.

**Access** - There are no proposed changes to the front elevation or the entrance into the shop and as such access arrangements remain as existing. There is an existing step up into the premises. In the event of amendments being proposed to the shop front, level access would be sought. Any internal alterations to facilitate disabled access would be managed by the applicant and must be compliant with Part M of the Disability Discrimination Act.

There would be a new doorway created in the side elevation of the building to allow for a separate access to the 1st floor flat. Its position is determined by the sizeable advertising hoarding on the side elevation. The new doorway is not considered to raise any issues in terms of visual amenity or security to the building.

**Hours** - There was no restriction of hours on the previous planning approval and there is no change in situation to warrant control of opening hours on the current application.

**Response to objections** - The applicant has sought to improve the storage of waste by creating an internal bin store. There would also be litter bins provided inside the shop.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-  
The proposed change of use would not adversely affect the character of the area or the amenities of neighbouring residents. The scheme would not adversely impact on highway safety issues. The proposal comply with Unitary Development Plan Policies and there are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings 1 - Existing plans, 2 - Proposed plans, 3 - Elevations, date stamped 10/3/2010 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. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flat, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before

the development is brought into use.

Reason. To protect the residential amenities of occupiers of the 1st floor flats pursuant to Unitary Development Plan Policy S2/6 - Food and Drink.

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

