

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

The application was deferred by the Planning Control Committee to carry out a site visit, which is to take place on 25 May 2010.

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47737 - Outline residential development - 40 apartments, 8 town houses - withdrawn -01/06/07 due to the need to demonstrate proper marketing of the site for continued employment purposes and concerns over the layout.

49511 - Outline residential development - 40 apartments, 6 town houses - withdrawn -01/06/07 due to the need to demonstrate proper marketing of the site for continued employment purposes and concerns over the layout.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

Sercos Metro - No response.

GMPTE - 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
SPD14	Employment Land and Premises
PPS1	PPS1 Delivering Sustainable Development
PPS3	PPS3 - Housing
PPS9	PPS9 Biodiversity and Geological Conservation
PPS4	PPS4 Industrial Development
PPG24	PPG24 - Planning and Noise
PPS25	PPS25 Development and Flood Risk
PPS23	PPS23 Planning and Pollution Control

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.

Access - 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.

Brook Street is an adopted highway for the entirety of its length and is 6.1m wide. There is a 1.7m wide footway on the northerly side of the street, immediately in front of the houses fronting Brook Street. This highway width exceeds the minimum standard 5.5m wide carriageway, and as such would be similar to other adopted highways elsewhere within the Borough. The proposed access layout would maintain the highway and width whilst providing pedestrian access on the southerly side of Brook Street. Given the above, the proposed arrangement would ensure that vehicles can park outside the existing Brook Street properties whilst allowing other vehicles to pass.

This access design is considered to be acceptable from the Traffic Section's point of view.

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 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 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.

There is a possibility that the site may have ecological benefit for otters that have been seen within the River Corridor. As such, it is suggested that a planning condition be imposed requiring further investigation and mitigation if evidence is found.

20. No development shall commence unless and until a survey for otters has been conducted and a report submitted and approved in writing by the Local Planning Authority, demonstrating any evidence found of such species using the site. Where evidence of otters using the site is found, mitigation measures shall be formulated into the report and the approved measures shall be incorporated into the site incorporating all measures of the nature of mitigation and timing of implementation.

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 Councils 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 validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

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 (*Fallonia Japonica*, *Rouse Debraene*, *Polygonum Cuspidatum*) and Himalayan Balsam 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 PPS9 – Biodiversity.

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.

20. No development shall commence unless and until a survey for otters has been conducted and a report submitted and approved in writing by the Local Planning

Authority, demonstrating any evidence found of such species using the site. Where evidence of otters using the site is found, mitigation measures shall be formulated into the report and the approved measures shall be incorporated into the site incorporating all measures of the nature of mitigation and timing of implementation. Reason - To scope presence of otters that may have or be using the site pursuant to PPS9 - Biodiversity and Geological Conservation.

21. The visibility splays and forward visibility envelopes indicated on approved plan reference 2543:20 Revision D shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m. Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Unitary Development Plan Policy H2/2 - The Layout of New Residential Development.

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

Ward: Bury East - Redvales

Item 02

Applicant: Thumbs Up (Bury) Ltd

Location: Land To The North Of Thumbs Up, Greenfields, Dumers Lane, Bury, BL9 9UT

Proposal: Change of use of open land to service yard; Creation of hardstanding and erection of 2.3m high security fence

Application Ref: 52211/Full

Target Date: 25/05/2010

Recommendation: Approve with Conditions

Description

The application site is immediately to the north of the Thumbs Up Industrial premises on Dumers Lane. The site is an area of open land in the ownership of the company and is adjacent to the recently constructed warehouse building. The remainder of the site manufactures and distributes plastic houses and garden wares for domestic use.

The surrounding areas have both employment uses and residential development. To the immediate west there is the O2 call centre and large modern Birthday building and on the opposite side of Dumers Lane there are new industrial units. The residential development is to the north east and east on Whitefield Road and Wellfield Close, and across Dumers Lane to the south. Directly to the north there is a further large area of disused land that is owned by Thumbs Up but is not part of their operational site. This area of land is designated as Development in River Valleys and Wildlife Links and Corridors, as defined in the Bury Unitary Development Plan.

Approval was granted in 2007 for an extension to the existing production building sited on an area of hard landscaping to the north of the site and next to the boundary with the adjacent field. Since the building has been completed a problem has arisen associated with the restricted access to the north west of the building for maintenance and means of escape in the event of a fire, together with access for emergency vehicles.

This application therefore seeks a change of use of part of the adjacent open land to extend the service yard area to create a hardstanding, together with the erection of a 2.3m high paladin mesh fence.

The hardstanding area would extend a maximum of 18m into the field. The hardstanding material would comprise of a permeable block paving. The existing galvanized steel perimeter fence would be replaced by a black paladin mesh fence within which a security gate would be installed for access to maintenance of the adjacent land.

Relevant Planning History

45399 - Topsoil restoration - Refused 25/11/2005

45522 - Change of use of existing warehouse (Class B8) to manufacturing (Class B2) and associated building works including installation of six 14 metre high silos - Approve with Conditions 21/12/2005

47585 - Extension to existing factory - Approve with Conditions 18/4/2007.

Publicity

Three letters of objection received from No 728, 738, 740 Whitefield Road which raise the following issues:

- What was previously a quiet area is now subject to constant noise;
- The area should be maintained as Greenfield and strongly object to encroachment on this land;

- The fields are part of the river/Green Belt providing a haven for wildlife, therefore exempt from building - newts especially as they are protected;
- Designated in the UDP as Development in River Valleys and Wildlife Links and Corridors - should not be allowed to extend into it;
- The premises would be more appropriately located in an Industrial Estate, not on the edge of a quiet residential estate;
- The value of property affected by their business next door;
- How long before they apply for another access road/path which was previously refused?;
- The floodlights would be repositioned in the new yard closer their houses;
- Grave concerns as to the purpose of the new yard - Would there be more trucks, lorries, noise and would it be visible from their rear garden? (No 738).

Letter received from No 724 Whitefield Road with the following comments:

- It appears from the plans that it does not seem to impinge or affect the houses on Whitefield Road;
- However, there would be strong objections if the application had anything to do with the previous refusal (45399) and referred to the opening of a gate on Whitefield Road from Thumbs Up site.

The objectors have been informed of The Planning Control Committee.

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health Contaminated Land - No objection subject to conditions.

Environmental Health Pollution Control - No objection subject to submission of a survey to establish noise levels as a result of the development.

Wildlife Officer - No objection. Impact is minimal and landscape mitigation is proposed within other land falling under their ownership. A methodology is required to prevent accidental spread of Japanese Knotweed.

Environment Agency - No objection in principle. Recommend a landscape schedule and management plan be submitted prior to commencement of development.

Greater Manchester Police - designforsecurity - No objection. Advise that paladin fence type be used in the development.

Chief Fire Officer - No objection.

Unitary Development Plan and Policies

EC6/1 New Business, Industrial and Commercial

EN6/4 Wildlife Links and Corridors

EN8/2 Woodland and Tree Planting

OL5/2 Development in River Valleys

EC2/1 Employment Generating Areas

EC1/1 Land for Business (B1) (B2) (B8)

EN7/2 Noise Pollution

EN1/2 Townscape and Built Design

EN9 Landscape

PPS23 PPS23 Planning and Pollution Control

Issues and Analysis

Principle - The site for the extension is partly within an Employment Generating Area and designated Employment Land (EC2/1/9 and EC1/1/15) and mainly within land designated as River Valleys (Policy OL5/2) and as a Wildlife Corridor (Policy EN6/4).

UDP Policy OL5/2 deals with development proposals within the River Valleys. It states that new buildings or change of use of existing buildings or land will not be permitted apart from those that would not lead to the division of the open parts of the valley into sections and, where the development is not in the Green Belt it would fall within a specified list of circumstances of which at least one is met. One of these listed circumstances is

considered to be relevant in this case and considered to comply with criteria ii) that it is an extension to, or renewal of an existing industry, where economic and employment factors are of overriding importance.

UDP Policy EN6/4 - Wildlife Links and Corridors states that development would not be permitted which would adversely affect identified areas. Any new development within or adjacent to identified links or corridors should contribute to their effectiveness through design, landscaping and siting of development proposals and mitigation where appropriate.

The scale of development is the minimum which would be required to enable access to the building whilst minimising the encroachment into the open land. The amount of land to be included within the service yard area and the position of the proposed fence line is such that the development would not lead to the division of the open parts of the River Irwell Valley or impact on the function of the Wildlife Corridor as required by these policies. The replacement fence would substitute an industrial looking palisade type, with a paladin mesh type which is more secure and visually less intrusive.

The Wildlife Officer has raised no objection to the scheme as impact on the wildlife corridor would be minimal and landscape mitigation is proposed within other land under the applicant's ownership. The Design and Access Statement states that landscaping would be incorporated within the scheme to enhance the quality of this designated area. A condition to this effect to submit a landscape mitigation scheme would be included as a condition of a granted permission.

The development would clearly conform with the designations of the small part of the site as an Employment Generating Area and as Employment Land that are aimed at supporting and strengthening the local economy. In this respect the development is particularly important as it would provide an area to access and maintain a part of the building which would otherwise be inaccessible in the event of a fire. The proposal complies with UDP Policy EC2/1 - Employment Generating Areas.

Residential amenity - Visual impact. The extended yard area would be 26m away from the residential properties on Whitefield Road which is a similar distance to the closest part of the existing site. There is a difference in levels of at least 1m between the site and the houses and an existing grass banking which would mitigate activity from the area. It is recommended that a condition be attached to any approval requiring the submission of a landscape mitigation scheme would provide further boundary treatment to this area.

The fence line would extend from its existing position from the corner of the rear garden of No 738 Whitefield Road into the adjacent field and would be visible from some of the houses on Whitefield Road. The existing palisade fence which has an industrial and unsightly appearance would be replaced by the paladin fence, which is visually less intrusive and visually more pleasing. There is an existing gate opening from the site into the adjacent field and there would be a gate in the new fence. This access point would be solely for the maintenance of the field which is an open and not for use in association with the business.

Given the difference in levels, the proposed landscaping and the new fence it is considered that in visual amenity terms the proposed scheme will have no greater impact on the residential amenity of the neighbours than the existing site and is acceptable.

Noise and disturbance. It has been agreed with the applicant that a condition can be imposed restricting the level of noise from the site to that of the existing operation. As such, any activity associated with this area is considered not cause undue harm in terms of additional noise and disturbance to occupiers of these properties nearby.

As such, the development is considered not to affect the amenity of the local residents and complies with UDP Policy EN1/2 - Townscape and Built Design and EN7/2 - Noise Pollution.

Response to objectors - The site is an established commercial business within an Employment Generating Area and there would be an expected amount of associated noise and activity.

The extension of the yard area into land designated as Wildlife Corridor and River Valley is dealt with above.

There are no proposed additional floodlights to the area.

House property prices are not a material planning issue.

The previous refused planning application, reference 45399, concerned the deposit of topsoil to restore part of the site which involved the creation of a new access off Whitefield Road and hardstanding route through the field. For clarification, this application would not create a new access from Whitefield Road or road through the field.

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 complies with policies restricting development within the River Valley and Wildlife Links and Corridors. It would be in accordance with the policies of an Employment Generating Area and would not adversely impact on the amenities of the surrounding residents. There are no highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 51/2008/0551 - dwg nos. 1000/1001/1002/1003/170/167 A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. No works of development shall take place until a landscaping scheme for the enhancement of the Wildlife Corridor has been submitted to and approved in writing by the Local Planning Authority. It shall be implemented not later than 12 months from the date the service yard is completed; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN6/4 - Wildlife Links and Corridors and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
4. No development shall commence until a methodology to prevent the spread of Japanese Knotweed and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.
Reason. To ensure that the site is free from Japanese Knotweed in the interest of

UDP Policy EN9 - Landscape

5. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. No development shall commence until a landscape schedule and management plan, including long-term objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape schedule shall include mitigation of the loss of land in the Wildlife Corridor and to ensure there is no loss of visual amenity to the adjacent residential properties. The landscaping plan shall be carried out as approved on completion of the scheme and maintained hereafter, and any subsequent variations shall be agreed in writing by the Local Planning Authority. Any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
8. Noise from the proposed development hereby permitted shall not increase the prevailing ambient noise levels as measured at the boundary of the site. The ambient noise levels shall be determined by survey, by the applicant, to the satisfaction of the Local Planning Authority and a copy of the survey report shall be provided to the LPA before
any development takes place. For further information, the applicant is advised to contact the Environmental Services Division of the Local Authority.
Reasons. To protect the amenities of occupiers of nearby properties and to comply with UDP Policy EC6/1 - New Business, Industrial and Commercial Development.
9. The proposed access gates in the perimeter fence hereby approved shall be used solely for the maintenance of the fence and the field.
Reason. In the interests of residential amenity pursuant to Unitary Development Plan Policy EC6/1 - New Business, Industrial and Commercial Development and EN7/2 - Noise Pollution.

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

Ward: Radcliffe - West

Item 03

Applicant: Mr Alan French

Location: Sunlight House, 125 Stand Lane, Radcliffe, Manchester, M26 1JR

Proposal: Change of use of ground floor from retail (Class A1) to hot food takeaway (Class A5); Extraction flue at rear (resubmission)

Application Ref: 52296/Full

Target Date: 26/04/2010

Recommendation: Approve with Conditions

Description

The site is a detached property with a self contained residential flat above a retail shop. It has a long yard area at the rear that is enclosed by a 2.2m high wall. At the rear is a two storey outrigger which is a bedroom at first floor level to the self-contained flat. The shop is at the lower end of Stand Lane close to the junction with New Road where there is a higher concentration of commercial uses than further up the road.

To the north is Thornley Street across which the parking area for a children's day nursery on Stand Lane and a dwelling, 16 King Street. On the south side of the site and to the east are residential properties, 127 Stand Lane and 18 King Street. To the west on the opposite side of Stand Lane are the Swan Hotel public house and the rear aspect of residential properties fronting onto Woodvale Road.

The proposal is to change the use of the ground floor of the existing local shop from Retail (Class A1) to hot food takeaway (Class A5) with a bin store in the rear yard area. A 300mm diameter flue is proposed on the two storey outrigger at the rear that starts at ground floor level on the side elevation facing Thornley Street then curls around to the rear elevation at first floor level. The proposed hours of opening are 12 noon to 23:00 Monday to Saturday and 17:00 to 23:00 Sundays and Bank Holidays. There is no on-site parking.

Relevant Planning History

52068 – Change of use of ground floor from shop (class A1) to hot food takeaway (Class A5) – Refused on 11/02/2010 due to lack of information and the position of the flue.

Publicity

25 neighbouring properties were notified by letter dated 02/03/2010 and additional properties consulted on 09/04/2010 at Crumbs Café 102, 109-117, 118, 119-123, 127-133, 136, Food Delights 280 Stand Lane; 2-6 Woodvale Road and 11, 13, 16 and 18 King Street – four letters of objection from the occupiers of Crumbs Café 102 Stand Lane (x3) and Food Delights 280 Stand Lane have been received and the concerns are summarised below:

- Business is hard and another takeaway would be detrimental to my business which is rented from Bury Council.
- Parking provisions is inadequate for a takeaway shop and will inconvenience the surrounding residential properties and affect the free flow of traffic on Stand Lane including the nearby bus stop.
- Changing the use to a hot food takeaway will have a major impact on the safety of pedestrians and road users.
- Adversely affect the residential amenities of the adjacent residential streets.
- Over concentration of A5 uses. It is not suitable to encourage over concentration or clustering of takeaway shops in close proximity of schools, youth facilities and parks.
- The hours requested and the location opposite 2 licensed premises and an off license could provide major potential to increase crime and anti-social behaviour associated with a gathering of people.

- A take away shop will produce unacceptable smells and fumes
- Potential for pests and vermin.
- Litter
- Sufficient storage facilities for waste.

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

Consultations

Traffic Section – No objection

Environmental Health – No objection subject to conditions regarding the extraction system and sound insulation

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
 S1/5 Neighbourhood Centres and Local Shops
 S2/6 Food and Drink
 SPD11 Parking Standards in Bury

Issues and Analysis

The proposal is for a change of use of an existing 'Local Shop' (Use Class A1) in terms of the existing use and Policy S1/5 - Neighbourhood Centres and Local Shops to a take away (Use Class A5) and therefore needs to be assessed against the criteria of Bury UDP S2/6 - Food and Drink. Policy S2/6 sets out 5 criteria (residential amenity, over concentration of similar uses, parking and servicing, storage and impact of the flue) against which any proposal should be assessed and they are covered below:

Residential amenity - This is measured in terms of noise, opening hours, smell and litter and these are discussed below:

Noise and Hours of Opening – The application has requested the opening hours of 12 noon to 23:00 Monday to Saturday and 17:00 to 23:00 Sundays and Bank Holidays. There is a self contained flat above the shop and there are residential properties to the south and rear.

The property is an existing detached retail shop (Class A1) with no control over the current hours of opening and it is located in a semi-commercial context on a busy main road, a pub opposite and children's day nursery to the north. The existing planning use class would allow a late shop or off-licence to be established in the unit with 24 hour opening.

With specific reference to the flat above the shop unit it is considered that the proposal would not result in any significant additional noise or disturbance to the occupants of the flat subject to conditioning the hours of opening to those requested and suitable soundproofing between the takeaway and the flat. Having regard to the other residential properties the nearest one is adjacent on the Stand Lane frontage. This is a busy main road and if the hours of operation are restricted as recommended that it is not considered that there would be such a reduction in residential amenity as to warrant refusal. The other properties at the rear on King Street are at least 20m distant from the rear of the property and it is considered that there will be no detriment to their amenity. Given the above the proposal is considered acceptable in terms of opening hours and would comply with Bury UDP Policy S2/6 - Food and Drink.

Smell and Litter - The proposed development shows an external flue at the rear and it is proposed that a condition be imposed requiring a scheme to be devised by a competent person to be submitted to and approved in writing by the LPA to ensure that smell is not an issue. Litter is always a problem associated with takeaways. The property has a forecourt and it is recommended that a condition be imposed requiring a litter bin to be provided on the forecourt so as to mitigate this potential problem. With these conditions it is considered that the proposal accords with UPD Policy S2/6- Food and Drink and is acceptable.

Concentration of Hot Food Takeaways – There is a children's nursery on the opposite side of Thornley Street and a public house on the opposite side of Stand Lane to the site. The nearest shop selling food is Crumbs Café at 102 Stand Lane over 100m away to the north. Therefore due to the separation distances to the existing hot food takeaways in the area the proposal is considered acceptable in terms of concentration of hot takeaways pursuant to Bury UDP Policy S2/6 - Food and Drink.

Parking – The proposal has no on-site parking. However there are no restrictions on the on-street parking on the side street (Thornley Street) which has no residential properties fronting onto it adjacent to the proposed take away and on Stand Lane in front of the shop. Development Control Policy Guidance Note 11 - Parking Standards in Bury requires a maximum of 1 parking space/8.5sqm gross floor area or 9.5 spaces for the proposals 80sqm gross floor area. However it is considered that the potential for parking need is no greater for the proposal A5 use than it would be for a late shop or off-licence within the existing A1 use class. Both on Thornley Street and Stand Lane are of sufficient width to allow on street parking without undue hazard to motorists or pedestrians. Therefore and in this instance, given the availability of on street parking it is considered that no off street parking is acceptable in terms of Bury UDP Policy S2/6 - Food and Drink.

Servicing/Storage – The site has a large rear yard area surrounded by a 2.2m high boundary wall. The proposal states the bin store is to be within this yard area. Due to the detached nature of the property, the high boundary wall and the position of the existing two storey out rigger/single storey extension at the rear of the shop creating a physical barrier to 127 Stand Lane and 18 King Street the proposal is considered acceptable in terms of servicing pursuant to Bury UDP Policy S2/6 - Food and Drink.

Flue – The proposed extraction flue is a narrow 300mm diameter flue coloured black metal that exits the roof of the single storey part of the site at the side and then curls around to the rear elevation. The siting of the flue would not be visible from any of the windows of the self contained flat above the shop and would be over 8m to 18 King Street, the nearest dwelling at the rear.

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

Comments on Representations – The subjects of parking, smells and odours, waste disposal/storage and over concentration of hot food takeaway have been discussed in Issues and Analysis above.

The issue of competition is not a material planning consideration. The potential for increasing vermin and anti-social behaviour is not a planning matter in this case.

Summary of reasons for Recommendation

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any representations and consultation responses, in particular Bury Unitary Development Plan Policies H3/1 - Assessing Non-Conforming Uses and S2/6 - Food and Drink, it is considered that the proposed development would not effect the character of the area, cause harm to the occupiers of the adjacent properties, nor adversely impact on highway safety issues. It would not cause demonstrable harm to other interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 21043-01A and 21043-02B and the development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to Bury UDP Policy EN1/2 - Townscape and Built Design.
3. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating/dispersing fumes and odours so as to render them inoffensive to local residents has been submitted to and approved by the Local Planning Authority. A written statement from a competent person shall be included with the submitted scheme, that the proposed scheme will achieve the requirements of adequate treatment/dispersion under all normal operating circumstances. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.
Reason. To safeguard the amenities of the occupiers of nearby residential and office accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. No development shall take place unless and until a scheme to soundproof the floor/ceiling between ground and first floor has been submitted to and approved in writing by the Local Planning Authority. The levels of acoustic insulation to be provided shall be, as a minimum, those deemed to be acceptable and specified as standards of construction in current Building Regulations. Such works that form the approved scheme shall be completed before the development is brought into use.
Reason. To protect the residential amenities pursuant to Bury UDP Policy S2/6 - Food and Drink.
5. A litter bin of a size and type to be approved by the Local Planning Authority shall be installed on the forecourt of the premises to the written satisfaction of the Local Planning Authority before the use commences.
Reason. In the interests of amenity pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

Ward: Prestwich - Sedgley

Item 04

Applicant: School Governors of St. Monica's

Location: St Monicas RC High School, Bury Old Road, Prestwich, Manchester, M25 1JH

Proposal: Erection of two storey vocational centre and associated works

Application Ref: 52303/Full

Target Date: 02/06/2010

Recommendation: Approve with Conditions

Description

The existing high school site consists mainly of two storey buildings and is bounded by Bury Old Road and Scholes Lane. Vehicular access is taken from Bury Old Road and leads to a car park and to a single storey schoolhouse building. Within the site, there are netball courts immediately to the south of the school buildings with a grassed area beyond. The grassed area is not marked out for pitches and is approximately 1 metre higher than the adjacent road. This area is bounded by 3 metre high paladin fencing.

Heaton Park and the Grade II listed gatehouse are located to the east and are within Manchester City Council's boundaries. Nazareth House to the west is a Grade II listed building and is at a higher level than the application site (approximately 2.5 metres). There are residential dwellings to the north and south of the application site.

The proposed development involves the provision of a two storey vocational centre for further education on the grassed area to the south of the main school buildings. The proposed building would be of a modern design using render and metal cladding and would be located in the south eastern corner of the site at the junction of Scholes Lane and Bury Old Road. The proposed building would provide vocational courses for 16 - 19 year old's, such as hospitality and catering, media studies and IT.

The proposed development would use the existing access. The existing schoolhouse would be demolished to allow for the extension of the car park and access to the proposed building. The existing car park would be rationalised to provide 54 spaces for use by the school and a car park with 26 spaces, would be provided for the proposed building.

Relevant Planning History

48255 - Replacement and new fencing to two existing hard play/games areas. Tarmacing over of grassed strip between the two hard surfaced sections of the southerly play/games areas at St Monica's RC High School, Bury Old Road, Prestwich. Approved with conditions - 25 July 2007

51223 - Two storey classroom block extension at St Monica's RC High School, Bury Old Road, Prestwich. Approved with conditions - 22 May 2009

52059 - Non material amendment to panel colours following grant of planning permission 51223. Approved - 14 December 2009.

Pre application - As part of the pre-application process, a meeting was held with local residents and councillors to discuss the proposal. 80 - 90 letters were sent to the neighbouring properties and minutes of the meeting were submitted as part of the application. The issues of car parking, highways, need for the building and the location and design of the building were discussed and the plans were amended to answer some of the concerns raised.

Publicity

52 neighbouring properties (111 - 129 (odd), 163, Woodthorpe Hotel, Bury Old Road; 56 - 60 (evens), 85, 87 Bishops Road; 1 Parkfield Avenue; 1, 2, Sheepfoot Lane; 13, 15, Oakfield; 9 - 13 Beechwood Road; 86 - 112 (evens), Nazareth House, Scholes Lane; 1 - 10 The Stables) were notified by means of a letter on 4 March and a press notice was published in the Bury Times on 11 March. Site notices were posted on 5 March 2010. 5 letters have been received from the occupiers of Ostrich Inn, Bury Old Road; 104, 108, 110 Scholes Lane, which has raised the following issues:

- Existing problem with parking.
- Proposed building will increase noise from passing traffic.
- Proposed building should be relocated near the netball courts.
- Where would contractors park during the project.
- Impact of dirt on road.
- Loss of view to Heaton Park.

In addition to the above, a objection from Councillor A Garner has been received, which has raised the following issues:

- Viewed plans and attended a presentation by St Monica's for residents.
- Extremely exciting project for Prestwich and will be of benefit to the local community
- Concerned about location of building on corner of site, which is an important gateway to Prestwich and setting of Heaton Park.
- Traffic remodelling has opened up the junction, improving light, safety and lowering noise pollution. Proposed development would increase noise as it would bounce off the building.
- Why not relocate building near the tennis courts, to reduce prominence of building?
- traffic issues with parents dropping off children at the school.
- Where would contractors car's park?
- Concerned relating to dirt on roads generated by contractors wagons.

In addition to the above, a letter from Ivan Lewis MP has requested that objector's letter is taken into consideration.

The objectors have been notified of the Planning Control Committee.

Consultations

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

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

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

Environment Health - Pollution Control - No response.

Conservation Officer - The proposed development would have no impact upon the listed buildings. No objections to the proposal, subject to a condition relating to the recording of any archaeological works found on site during groundworks.

Waste Management - No response.

Children's Services - Support the application. The Council has been working with the Governing Body and the former Learning Skills Council to develop the proposal for sixth form provision at the school and this was approved by the Executive committee in November 2009. The Secondary Strategy for Change sets out strategic plans for secondary school provision across the borough and this strategy recognises the role the proposed centre will play in meeting the needs of post 16 learners in the borough.

GM Police - designforsecurity - No objections.

United Utilities - No objections.

GM Archaeological Unit - No objections as the proposal would not threaten any known or potential archaeological interest or other heritage asset.

Manchester City Council - No response.

Sport England - Object to the proposal. The site is not classed as a playing field but

consider that the development would result in the loss of green space and the need for the proposal has not been demonstrated.

BADDAC - No objections.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/6	Public Art
EN1/7	Throughroutes and Gateways
EN2/3	Listed Buildings
EN7	Pollution Control
EN7/2	Noise Pollution
EN8/2	Woodland and Tree Planting
OL3/1	Protection of Urban Open Space
RT2/3	Education Recreation Facilities
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
SPD11	Parking Standards in Bury

Issues and Analysis

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

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

Policy CF2 states that the Council will consider favourably proposals for the provision, improvement and dual use of educational facilities.

The proposed development would provide a sixth form centre, which would offer vocational courses for 16 - 19 year olds. The nearest sixth form centres are located within Bury and students in the south of the borough are less likely to travel to Bury. This is supported by the fact that within the surrounding catchment areas of Radcliffe, Prestwich and Unsworth, there is a high number of students aged 16 - 18, who are not in Education, Employment or Training (NEET). The proposed development forms part of the Council's strategic plans for secondary provision (The Secondary Strategy for Change). Childrens Services are in support of the proposal and recognise the important role the proposed centre would play in meeting the needs of post 16 learners in the borough.

The proposed development would be used by the general public and would be open for community use and involvement. The proposed development is located on a main bus route and would be accessible by public and private transport. The issues of traffic generation, car parking provision and access for disabled people will be discussed later in the report. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies CF1/1 and CF2 of the adopted Unitary Development Plan.

Policy RT2/3 states that development will not be allowed where it would result in the loss of education recreation facilities. Exceptions to this will only be permitted where each of the following are satisfied:

- It can be demonstrated that there is no educational requirement for the land;
- There is no significant demand for its use by the Council, voluntary groups or sporting bodies now or in the future
- There is an adequate supply of pitches and recreation space in the area.

The proposed building and car park would be built on a grassed area, which is not marked for pitches. Sport England have objected to the proposal as it would result in the loss of a potential recreation facility and there is insufficient evidence relating to the need for the development.

The site has not been used as a playing field in the last five years for team sports (defined as an area of 0.2 Ha used for football, hockey, cricket or rugby). As such, the site is not classed as a playing field. Therefore, the consultation with Sport England on the application is non-statutory and they have confirmed this.

The school has historically identified alternative facilities to fulfill the P.E. curriculum including using Heaton Park and other Leisure facilities such as Abraham Moss. The school have confirmed that they would also have access to the sports facilities in the newly approved Leisure development in Heaton Park opposite as well.

Therefore in policy terms, the open land site has not been used for sporting activities for the past 5 years and the site is not a recreational facility. Therefore, the proposed development would be entirely in accordance with Policy RT2/3 of the adopted Unitary Development Plan and there is no requirement for the school to demonstrate a case for the exceptions.

Siting - The proposed building would be located at the corner of Scholes Lane and Bury Old Road, which is a prominent location and a gateway site. The proposed building would be prominent and well designed and would fit into the space with no adverse impact.

The proposed building would be used by a separate age group (16 - 19 year old's) of pupils from the main school and would teach vocational courses. As such, the separation of the building is important for the pupils to progress to.

The location of the proposed building would allow for the future extension of the building or school and associated car parking without a significant impact upon the nearby residential properties. Therefore, the location of the proposed building is acceptable and would be in accordance with Policies CF1/1 and EN1/2 of the adopted Unitary Development Plan.

Design - The proposed building would provide 2450 square metres of floorspace over two floors, for approximately 250 students. The design approach aims to help inspire and motivate students and has been 'layered up' of all the necessary components to provide a flexible space. It is envisaged that the proposed building would be able to be shared by many interest groups and the school, with spaces internally able to adapt through the use of movable walls to create smaller or larger rooms/spaces for music and drama.

The proposed building would be two storeys in height in terms of accommodation. The corner aspect of the proposed building would be 12 metres in height through the addition of a parapet. The additional height of the parapet would allow the building to have 'a presence' with sufficient massing to hold the corner in this prominent position. This is good urban design practice.

There are a variety of building styles in the locality and as such, a modern building would not be out of place within the streetscene. The proposed materials of render and metal cladding and the vertical emphasis of the windows break up the elevations and add interest to the building.

The proposed development would be appropriate in terms of height, form and scale and would be in accordance with Policies EN1/2, EN1/7 and CF1/1 of the adopted Unitary Development Plan.

Impact upon residential amenity - The nearest residential dwellings on Scholes Lane would be 40 metres away from the proposed building. The minimum distance required is 23 metres. As such, the proposed development would exceed the minimum aspect standards

sought by Council standards and thus would not have an adverse impact upon the amenity of the neighbouring residents.

A noise survey has been submitted as part of the application, which states that there would be little or no increase in noise compared to the existing background noise levels. The location of the proposed building would also screen any noise from parking and servicing of the site. Therefore, the proposed development would be in accordance with Policy EN7/2 of the adopted Unitary Development Plan.

Heritage/archaeology - An archaeological and heritage assessment was submitted with the application. The proposed development would not impact upon the views of any of the listed buildings in the locality and there is no archaeological potential at the site. The Conservation Officer has no objections to the scheme and the GM Archaeological Unit has no objections and states that there is no need for any further archaeological survey work. Therefore, the proposed development would not impact upon the setting of the listed buildings (Nazareth House and Heaton Park gatehouse) in the locality and there is no significant archaeological potential at the site that would preclude development.

Bats - The existing single storey school house building, which is located off the existing car park, would be demolished to allow for the widening of the access and to rationalise the parking on site. A bat survey has been submitted as part of the application, which states that there is no evidence to suggest that the building has any importance for bat conservation. Therefore, the proposed development would not be detrimental to a protected species and would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Trees/landscaping - All of the trees along the boundary with Nazareth House and the existing planting along the boundary with Scholes Lane would be retained. Eight trees, which are not protected, would be removed to allow for the widening of the car park along the front of the site. These trees would be replaced with eight oak trees between the proposed access and Bury Old Road to acceptably compensate for the loss of trees.

A number of mature trees were removed as part of the highway improvement works to the junction of Scholes Lane & Bury Old Road. The applicant acknowledges that these trees were an attractive feature and would have provided some screening of the proposed development from the nearby residents. They were also seen as an important feature to the residents opposite them. As such, it is proposed to plant mature trees along the boundary Scholes Lane and Bury Old Road to screen the proposed building and to compensate for the loss of the previous trees and to 're-green' this frontage.

The proposed landscaping would be acceptable and would be in accordance with Policies EN1/3 and EN8/2 of the adopted Unitary Development Plan.

Highways issues - The proposed development would be accessed from the existing access onto Bury Old Road, which has adequate visibility splays. The existing schoolhouse would be demolished to allow the access to the car park to be widened to 6 metres, thus allowing for better and safer manoeuvring within the site and the rationalisation of this area would increase the number of parking spaces to 50 for use by the existing school.

A layby for use as a drop off and servicing would be provided at the proposed building and the layout of the proposed car park provides a turning area for vehicles. As such, the servicing arrangements are satisfactory.

A travel plan, was submitted as part of the application, which aims to reduce the number of car journeys by pupils and staff. The implementation of the travel plan would be secured via a condition. Therefore, the proposed development would not be detrimental to highway safety, would reduce the reliance upon private car travel and would be in accordance with Policy CF1/1 of the adopted Unitary Development Plan.

Parking - The school currently has 50 standard car parking spaces and 2 disabled parking spaces within the site (52 in total). The proposals would provide 30 new standard spaces and 3 new disabled spaces (33 in total) being provided following the redevelopment of the existing.

This would provide 85 spaces in total for the site.

In terms of the development proposals, SPD11 states that the maximum parking standards for a D1 (Non Residential Institutions) and a D2 (Assembly and Leisure) 35 spaces should be provided.

As such the development together with the existing provision is providing the maximum provision for car parking.

It should be noted that the majority of the spaces for the development would be required in connection with a public performance (35 spaces). However, as these would take place in the evening or weekend, the school's parking spaces would also be available.

The proposed development is located within a high access area and has good links to public transport, including the quality bus corridor and Metrolink. A travel plan will be implemented aiming to reduce the number of vehicle movements.

On this basis, the proposed development would provide an acceptable level of parking and would be in accordance with Policy HT2/4 and CF1/1 of the adopted Unitary Development Plan and SPD11.

Disabled issues - The proposed development would provide level access to the building and 4 disabled parking bays would be provided. A lift and disabled toilets would be provided within the building and a resting point would be incorporated into the proposed ramped access. The agent has confirmed that there would be no adverse gradients across the site and an accessible door would be provided next to the revolving doors. As such, the building would be fully accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Response to objectors - It is envisaged that the access from Scholes Lane would be used during the construction of the proposed building and contractors vehicles would park in this area. It should be noted that this is not a material planning consideration. Following completion of the construction works, the access from Scholes Lane would be used for emergency access and occasional maintenance only.

The remaining issues have been addressed in the above report.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and would not have an significant adverse impact upon residential amenity. The proposed development would be appropriate in terms of height, massing and design and would not be detrimental to highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings numbered 7594 D10 B, 7594 D11 B, 7594 P12 B, 7594 D13 A, 7594 D14 B, 7594 D15, 7594 D16, 7594 D17, 7594 P18, 7594 D19, 7594 D20, 7594 D21, 7594 D22, NW6542/M/G/PLAN1, NW6542/M/1/PLAN2, NW6542/M/R/PLAN3, Travel plan and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. No development shall commence unless and until:
 - 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. No development shall commence unless or until a landscaping scheme, including details of the siting, size, planting medium of the replacement trees, shall be submitted to, and approved in writing by, the Local Planning Authority. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by

trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

8. No development shall commence unless or until details of foul and surface water drainage aspects have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the building hereby approved being occupied.

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

9. 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 UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development and H2/2 - The Layout of New Residential Development.

10. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being brought into use.

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

11. The travel plan shall be implemented prior to occupation of the building hereby approved.

Reason. In order to deliver sustainable transport objectives in accordance with PPG13 - Transport and Department for Transport's 'Guidance on Transport Assessment'.

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

Ward: Whitefield + Unsworth - Unsworth

Item 05

Applicant: Cobe Consulting Ltd

Location: The Dragon, Parr Lane, Bury, BL9 8LU

Proposal: Demolition of existing public house and redevelopment to form 348 sq m gross ground floor retail unit with B1 office over and associated works (Resubmission of 52029)

Application Ref: 52374/Full

Target Date: 02/06/2010

Recommendation: Approve with Conditions

Description

The application site is the currently vacant Dragon Public House on Parr Lane, Unsworth. It is within the Bury Unitary Development Plan allocated as part of a Neighbourhood Shopping Centre and Local Shops - S1/5. Adjacent is a 3 storey 1970's building consisting of a parade of shops at ground floor which comprise a Class A1 shop, hair and beauty salon, book makers, tanning shop, estate agents and a vacant unit. There are residential flats above at first and second floor. To the north, east and south on Parr Lane are residential properties.

It is proposed to demolish the public house and redevelop the site to provide a 348 sq.m (gross) ground floor Class A1 retail unit (262 sq.m net), with a 139 sq.m Class B1 office at first floor, with 23 associated parking spaces for the shops and office.

Retail unit - There would be 17 parking spaces in total, 14 allocated along the north eastern boundary and 3 disabled spaces adjacent to the store. Deliveries would be principally via the main entrance and secondary at the rear through the storage building. Pedestrian access to the store would be from a footpath off Parr lane. Proposed opening hours of the shop are 8am to 11pm Monday to Saturday and 10am to 10pm Sundays and Bank Holidays.

Office unit - There would be 6 parking spaces including 2 disabled spaces. Access to the offices would be through the stair tower which faces Parr Lane.

There would be bin storage provision to the rear of the site enclosed within a single storey brick building with a flat roof.

The application is a resubmission of two previous schemes (ref 51711 and 52029) which were withdrawn by the applicant to consider areas of concern about the size of the retail unit, over development of the site, unacceptable design, delivery arrangements, sub standard aspect distances.

Relevant Planning History

51711 - Demolition of public house and redevelopment to provide a 353 m2 ground floor A1 retail unit with 8 no. apartments at 1st and 2nd floor and associated parking - Withdrawn by Applicant 02/10/2009

52029 - Demolition of public house and redevelopment to provide a 322 m2 ground floor class A1 retail unit with 7 no. apartments over and associated parking and external works (resubmission) - Withdrawn by Applicant 11/02/2010

Publicity

268 letters sent to properties on 12/4/2010 including Randale Drive, Chadderton Drive, Blackley Close, Parr Lane, Brookdene Road, Rhodes Drive, Simister Drive, Thurston Close,

Monsall Close, Swinton Crescent, Lostock Walk, Elland Close, Alexander Drive, Oakwell Drive, Linksway Drive, Goyt Walk, Harris Drive, Heathfield Road, Millom Drive, Stanley Road, Cunningham Drive, Roch Crescent, Wavell Drive, Sunny Bank Road, Bloomfield Drive, Dempsey Drive, Thatch Leach Lane, Sandown Road, Haweswater Crescent, Ennerdale Drive, Bilberry Close, Calder Walk, Hillsborough Drive, Alkington Close, Gort Close, Chapel Close, Tedder Close, Livsey Street, Colinwood Close, Haddon Close, Harper Fold Road, Orford Road, Silverlea Drive, Ajax Drive, Ripon Avenue, Eskdale Close, Pole Court, Apollo Avenue, Bent Fold Drive, Chingford Avenue, Bradley Drive, Sandown Road, Irwell Street, Tarleton Cose, Rhodes Drive, Church Meadow, Parr Fold, Victoria Mews.

A Site Notice was posted in the vicinity on 16/4/2010.

A full detailed list of the addresses notified can be found on the working file.

Neighbour responses - A petition signed by 637 people has been received objecting to the scheme, and 169 individual letters of objection from the streets below:

Ajax Drive; Alexander Drive; Alkington Close; Apollo Avenue; Ashwood; Blackley Close; Bloomfield Drive; Brookdene Road; Burndale Drive; Calder walk; Cartmel Close; Chadderton Drive; Church Meadow; Cunningham Drive; Dempsey Drive; Elland Close; Ennerdale Drive; Eskdale Close; Gort Close; Harris Drive; Hillsborough Drive; Hollins Mews; Kirkway Alkington; Laburnham Drive; Linksway Drive; Livsey Street; Monsall Close; Millom Drive; Moss Lane; Oakwell Drive; Parr Lane; Pole Court; Randale Drive; Rhodes Drive; Ripon Avenue; Roch Crescent; Sandown Road; Shorecliffe Rise; Simister Drive; Stanley Road; Stanley Street; Sunny Bank Road; Swinton Crescent; Tamworth Avenue; Tanway Road; Thurston Close; Victoria Mews; Wavell Drive.

The issues raised can be summarised below:

- Increased traffic in an already congested area;
- Dangerous to school children on this well used school route;
- Cause congestion into and out of the site, inadequate parking for customers and access for delivery lorries;
- The loading bay at the front would be dangerous to pedestrians and look unsightly, and the revised tracking of a delivery vehicle is still not adequate;
- Offices would cause more traffic than apartments;
- There are enough supermarkets in the area and increased competition would impact on and close local businesses, resulting in urban decay of the area;
- The adjacent shop is a local store which has served the local community for a long time and it supports the local children's football team and the owners are active in the area;
- Would result in closure of Lomas News next door - this shop has permission to extend and provide additional facilities to the local community;
- Need more community facilities, or affordable housing for young people or sheltered accommodation for vulnerable people;
- Ridiculous to replace a community building with a supermarket;
- Noisy with delivery trucks and business clients;
- Become a hotspot for youth nuisance;
- The supermarket and offices would be too near to adjacent homes;
- This is a residential area and not a business park - offices are not appropriate;
- The problem is the proposal for the ground floor and not what is proposed for the upper levels;
- Retail units close by have security shutters which demonstrates increase in crime; the proposal would exacerbate the situation;
- The parking would be immediately adjacent to the back fence of the houses on Chadderton Drive, creating noise and disturbance. Fence panels have been broken in the past and property damaged;
- A mini market is of a different character and the village atmosphere will be lost and the building and use is not in context with the surrounding area;

- The flow of traffic would impact on the occupants of the adjacent house;
- Waste storage provides potential intrusions into the environment;
- Noise pollution from potential condensers mounted externally, plant area and ventilation flues;
- Environmental damage of increase in traffic;
- Repeated application submission disregards the community's desire for retail development.
- There is a long history of alcohol fuelled disturbance in the area and the new unit selling alcohol would bring more problems to the area;
- Lighting details on plan are poor - but would contribute to light pollution at night;
- The Design and Access Statement refers to major transport links - there is only 1 bus route;
- The Design and Access Statement states there are 3 empty shops and there has and is only one;
- The report submitted with the application makes the Parr Lane area sound quiet - would like it to stay that way;
- The Travel Survey suggests the Parr Lane shops are not well used as the car park is often empty - this is not true and leads to cars already parking on the main road;
- The proposed retail unit would result in the closure of other local retail units, and shift the problem from one area to another;
- The development seems at odds with local and national priorities and policy;

A lengthy objection letter has been submitted from the owner of the adjacent business, Lomas News. The response to this and other objections raised can be found in the issues and analysis section of the report.

Letter received from Councillor Boden who objects on the basis that the large convenience store would be detrimental to local residents by undermining the sustainability of the local shopping centre at Unsworth Pole. The scale of the development is larger than what constitutes catering for the day to day needs of a local community. A comparison is made to a planning approval at the former Albert Inn at Albert Square/Ribble Drive in Whitefield (reference 50948).

A response to this is contained in the issues and analysis section of the report.

Individual objectors and the petition author have been informed of The Planning Control Committee Meeting.

Consultations

Traffic Section - No objection subject to conditions.

Drainage Section - No objection.

Environmental Health Contaminated Land - No objection subject to conditions.

Environmental Health Pollution Control - No objection in principle subject to restricted delivery times between 8am and 8pm. There have been numerous noise complaints regarding the Dragon when it was operating as a pub, mostly relating to amplified music and noise from the beer garden.

Waste Management - No comments received to date.

Baddac Access Officer - Welcome generous provision of disabled parking spaces. Care needed with bollard positions. Raise concern about the narrow paving round the store and conflict of servicing arrangements. Welcome the provision of a lift.

Environment Agency - No objection.

Greater Manchester Police - designforsecurity - No objection subject to the implementation of the designforsecurity measures of the Crime Impact Statement.

Unitary Development Plan and Policies

S1/5 Neighbourhood Centres and Local Shops

S2/1 All New Retail Proposals: Assessment Criteria

S3/3 Improvement and Enhancement (All Centres)

EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/3	Landscaping Provision
SPD11	Parking Standards in Bury
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Principle -

Of key importance in the consideration of the proposal, is the permitted change of use from an A4 pub use to an A1 shop. On this basis it is possible for the existing ground floor space of 346 sq.m of floor space to be converted to a shop without the need for planning permission.

Retail -

UDP Policy S1/5 - The proposed site is within the identified boundary of the Randle Drive/Parr Lane Neighbourhood Centre, and as such, the proposal should be assessed against Policy S1/5 of the Unitary Development Plan. Under this policy, the Council will seek to retain retailing (Class A1) as the predominant use in such centres to cater primarily for the day to day needs of residents and businesses. The retail element of the proposal should also be considered against UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.

Over the years, the retail (A1) offer within this neighbourhood centre has diminished to only one of the units provided within the centre. In the context of Policy S1/5 and contrary to the Policy's aim, retail A1 can no longer be regarded as the 'predominant use' within this centre. Consequently, the principle of additional retail use should be supported in that it will increase the proportion of A1 uses within the centre and strengthen its vitality and viability. Competition between retailers is not a planning consideration.

With regard to the scale of what can be considered to be local shopping provision, Policy S1/5 specifies that this "...will generally be taken to include all shops with a gross retail floorspace of 200 sq m or below". The gross floor space would be 348 sq.m with a proposed net floor space of 262 sq.m. However, the foundation of the policy is considered to be a useful guide as opposed to a specific threshold, and although the retail element of the proposal extends beyond the quoted floorspace figure, it is not considered to be particularly excessive and is still considered to fall within the remit of serving local needs, especially given the aims of Policy S1/5 and the contribution that the proposal would make in adding to the retail offer of this particular neighbourhood centre. To ensure that the retail provision does not exceed the current proposed net retail floorspace through a result of internal alterations, a condition should be imposed to restrict the floorspaces to safeguard the vitality and viability of the centre.

Criteria (a) to (d) of Policy S2/1 set out the considerations to establish the principle of the proposal before assessing more detailed criteria. The considerations are:

- (a) be within or immediately adjoining the main shopping area of existing centres;
- (b) sustain or enhance the vitality and viability of a centre;
- (c) be accessible by public transport;
- (d) be in conformity with other policies of the plan.

The application site clearly falls within an existing neighbourhood shopping centre that is currently deficient in A1 retail use. It is an accessible location, within walking distance of the residential community it would serve, and as already identified, support the aims of planning policy for this neighbourhood shopping centre in terms of its vitality and viability of the centre, by introducing a greater proportion of and appropriately scaled retail use. On this basis, the principle of retail development of this scale and in this location can be

considered to be acceptable in principle and comply with criteria (a) to (d) above.

The proposal should then be considered against the criteria (e) to (k) which includes its regard to the surrounding area in terms of design, scale and height; traffic and servicing; customers/visitors to the site; amenity of nearby residents and businesses by reason of noise, smell, litter, opening hours; access; parking and servicing and associated facilities where appropriate. These issues are covered in the main body of the report below under the headings - Design of the building; Siting, scale and layout; Residential amenity; Highways issues and Access.

UDP Policy S3/3 - Improvement and Enhancement (All Centres) relates to the improvement and enhancement of all centres within the Borough and specifies that the Council will encourage the refurbishment and improvement of shopping centres within the Borough in order to actively promote the regeneration of these centres for retailing activities. Particular reference is made to those that contain outdated, inadequate or substandard shopping facilities; are in need of enhancement due to poor environs, poor building condition or under occupancy; and those experiencing a decline in shopping patronage.

The former Dragon Public House is currently vacant, boarded off and in need of regeneration, and the redevelopment of the site for retail purposes would improve the quality of shopping facilities within the centre, improve the centre's general image and environment and would address the depleted representation of A1 retailers within the centre.

The proposed development is located within a residential area and the proposed floor space would not be so large as to attract trips from beyond the local area. It is considered that the size of the retail store would cater for the daily and casual needs of nearby residents or those passing by and therefore not harm the character of the neighbourhood centre. Furthermore, whilst many comments have been made about existing provision at Unsworth Pole and Whitefield Town Centre, both of these locations are remote to the residential properties surrounding this centre. This remoteness encourages car trips to the Pole, which is often troubled with parking problems.

Taking into account the above, the proposed development would not conflict with the aims of Policy S1/5 and would be in accordance with Policy S2/1 and S3/3 of the adopted Unitary Development Plan.

B1 Office - The proposed development involves the provision of a B1 office above the retail unit. PPS4 - Planning for Sustainable Economic Growth, encourages offices within centres at first floor level.

The size of the office use in this case is considered appropriate to the scale and function of the neighbourhood centre. It would not generate significant amounts of traffic and would add to the vitality and viability of the neighbourhood centre.

The scale of the office element of the proposal is considered to be appropriate to the centre.

Design of building - UDP Policy S2/1 states that all retail proposals will be considered in terms of design, scale, height and landscaping with regards to users of and visitors to the site.

Policy EN1/1 - Townscape and Built Design considers the external appearance and design of proposals in relation to height, scale, density and layout, materials and relationship to the surrounding area.

The applicant has designed the building to integrate into the existing street scene and character of the area, yet maintaining some semblance of individuality through its contemporary design and use of materials.

The building would provide a modern interpretation of the adjacent shopping parade, continuing a flat roof design. The front elevation would be 2 storey with a feature stair tower with corner glazing extending virtually to the height of the adjacent shopping parade. This provides a focal feature on the building and the overall appearance provides a sense of continuity of existing design in the streetscape.

The building itself would step down in height by 1.7m to accommodate the 1st floor offices. The office unit would cover less than half the area of the retail unit, and be positioned towards the front of the site.

The elevational drawings provide adequate detail of the appearance of the building which is considered to be acceptable in terms of design and massing and would respect the general character of the area and the relationship to the adjacent properties. As such, the proposal would comply with EN1/2 and S2/1.

Residential amenity - The building continues the line of the adjacent parade of shops and an assessment of its relationship to the nearby houses needs to be addressed.

This scheme shows that the 2 storey element of the building has been set back from the houses on Chadderton Drive and reduced to single storey at the rear. The scheme satisfies the required separation distances from the adjacent houses on Chadderton Drive and Thurston Close, by providing 25.7m and 11m respectively.

Pubs and The Dragon in particular has had a long history of noise related issues. Whilst shops can generate a degree of noise, by comparison, noise issues tend to be less impacting, and in this instance a potentially "better neighbour". Hours of deliveries to the retail unit would be restricted from 09:00 until 20:00 and hours of opening applied for, from 08:00 to 23:00 would not be harmful to residential amenity. There has been no objection from Pollution Control Section. It is therefore considered that the proposed development would give rise to less disruption than the pub and would be in accordance with Policy 7/2 - Noise Pollution.

The scheme shows parking next to the houses on Chadderton Drive. However, an acoustic fence would be provided to mitigate noise that may occur from the car park.

Highways issues -

The applicant has worked closely with the Highways Section regarding the servicing, deliveries, access arrangements and car parking layout.

Deliveries - This revised scheme has relocated the position of the building to the rear of the site to provide a turning and delivery area for articulated vehicle deliveries. The delivery area is now positioned to the front of the unit. This allows adequate vehicle movement to enter and leave in a forward gear.

Parking - UDP Policy HT2/4 - Car Parking and New Development requires new development to make adequate provision for their car parking and servicing requirements in accordance with adopted standards.

DCPG Note 11 requires a maximum standard of 1 space per 25 sq.m for the food retail unit and 1 space per 35 sq.m for the office. The scheme provides a total of 23 parking spaces including 5 disabled spaces, which is the maximum provision required by the Supplementary Planning Guidance. There is sufficient car parking provided for the development to comply with the Council's parking standards and satisfies UDP Policy HT2/4 and DCPG Note 11.

The highways section have not raised an objection to the application subject to conditions regarding the layout of the car park and signage to deter customers parking in the delivery area. A condition is included to ensure demarcation of the car park.

Disabled Access - There would be a 1200mm wide pavement area along the side of the store which would increase to 1500mm in front of the entrance, sufficient enough for wheelchair access. A lift has been provided to the 1st floor offices with provision of a disabled toilet at 1st floor. BADDAC's requirements including removal of the bollards have been incorporated into the proposal and they would comply with UDP Policy HT5/1 - Access for Those With Special Needs.

Landscaping - There would be tree and low level planting along the frontage to Parr Lane adjacent to a dwarf wall, part way along the south western elevation and along the boundary with the houses on Chadderton Drive. Given the nature of the scheme, this is considered adequate and no other details are sought.

Comparison to the Albert Inn application - The applicant makes reference to a similar scheme to re develop the former Albert Inn public house in Whitefield. (Approved in 2009). and was referred to in the objection received from Councillor Boden.

This site also sits within a Neighbourhood Centre and Local Shops as defined in UDP Policy S1/5 and was subject to consideration under this policy and S2/1 and Policy S3/3 - Improvement and Enhancement.

The proposal involved the erection of a 2/3 storey building to consist of residential development, and 6 retail units including an anchor unit with a floorspace of 372 sq.m. The proposed retail unit of 372 sq.m net was 172 sq m larger than the 200 sq.m of floor space generally recommended in Policy S1/5. However, the vacant Albert Inn site and immediate area had become run down and in need of particular attention in terms of investment to the area. The proposed development offered the opportunity not only to enhance and provide a local shopping facility but to act as a catalyst for a wider future regeneration of the area.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and would not have an impact on the character of the surrounding area. It would be acceptable in terms of design, scale and height and would not unduly impact on the occupiers of the surrounding properties. The proposed development would not be detrimental to highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered: NW90208-001;C1424-P11/P12a/P13a/P14/P15/P16a/P17/P18 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;

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

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

4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

5. Following the provisions of Condition 3 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

6. No deliveries to the site shall take place other than between the hours of 0800 hrs to 2000hrs daily.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Unitary Development Plan Policy S2/1 - All New Retail Proposals: Assessment Criteria of the Unitary Development Plan.

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

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

8. The use hereby permitted shall not be open to customers outside the following times: 08.00 to 23.00 Monday to Saturday and 10.11 to 22.00 Sundays and Bank Holidays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S1/5 – Neighbourhood Centres and Local Shops of the Bury Unitary Development Plan.

9. The total gross floor space of the unit hereby approved shall not exceed 348 sq.m. The retail net sales area of the unit hereby approved shall not exceed 262 sq.m.

Reason. In order to protect the vitality and viability of the Neighbourhood Centre and Local Shops in accordance with the Bury Unitary Development Plan Policy S1/5.

10. No development shall commence unless and until details of an acoustic boundary fence to be erected along the north eastern boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the building being brought into use or first occupied, and thereafter maintained in its approved position to mitigate noise whilst it serves the use hereby approved.
Reason. In the interests of residential amenity pursuant to Unitary Development Plan Policy S2/1 - All New Retail Proposals: Assessment Criteria.
11. The development hereby approved shall not be brought into use unless and until the access improvement works indicated on the approved plans have been implemented to an agreed specification and to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design in the interests of highway safety pursuant to Unitary Development Plan Policy HT2/4 - Car Parking and New Development.
12. The visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Unitary Development Plan Policy HT2/4 - Car Parking and New Development.
13. The turning and servicing facilities indicated on the approved plans shall be provided before the development is brought into use or first occupied. The service yard area used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety, pursuant to Unitary Development Plan Policy HT2/4 - Car Parking and New Development.
14. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
15. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

Ward: Prestwich - Sedgley

Item 06

Applicant: DS Private Hire

Location: 11 Bury New Road, Prestwich, Manchester, M25 9JZ

Proposal: Change of use of one room in existing offices (Class A2) to taxi booking office (Sui Generis)

Application Ref: 52401/Full

Target Date: 08/06/2010

Recommendation: Approve with Conditions

Description

The application relates to a first floor office (13.7sqm) at the rear of a two storey property within a row of commercial premises on the western side of Bury New Road. The site is within a secondary shopping frontage of Prestwich District Centre and as defined within the UDP. To the front is a wide hardstanding/pavement area whilst at the rear there is an informal parking area, accessed from Bury New Road, which is within the applicant's control. To the south, across the side access road is a vacant commercial premises whilst there are further shops across Bury New Road. To the rear is Sedgley Park Trading Estate. There are parking restrictions along this part of Bury New Road. The building as a whole is totally commercial in use as are the immediately adjacent properties.

The applicant seeks to change the existing office to private hire booking office. The remainder of the first floor of the property forming 9-11 Bury New Road would continue in office use (A2). Pedestrian access, shared with other offices on the first floor, would be from the front door between 9 and 11 Bury New Road. The applicant states in the application that the business would be based on pre-booked cars and have no access for the public. The office would be manned by one or two people taking bookings by telephone and relaying information to drivers by mobile phone. Clients, it is stated, would therefore not be picked up or dropped off in the vicinity of the offices. This means that radio antenna would not be required.

There would be two parking spaces allocated to be used by the office workers or the occasional driver. Hours of operation would be as follows:
Monday to Sunday and Bank Holidays - 6am to 11pm
Saturdays - 6pm to 11pm.

Relevant Planning History

None relevant.

Publicity

The following neighbours were notified by letter dated 14/4/2010.

16 - 26(evens), 1 - 15(odd) Bury New Road, 46 Swarbrick Drive and 5 and 11 Sedgley Park Trading Estate.

One letter of objection from No.22 Bury New Road on the opposite side of the road. The objection relates to the nuisance caused to local residents by noise and general disturbance from vehicles around the site and lack of parking.

The objector has been informed of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Baddac - No objection.

Unitary Development Plan and Policies

S1/3	Shopping in District Centres
HT2/4	Car Parking and New Development
HT2/8	Taxi and Private Hire Businesses
EC4/1	Small Businesses
S2/3	Secondary Shopping Areas and Frontages
TC2/1	Upper Floors

Issues and Analysis

Policy - The site lies within a Secondary Shopping Area and Frontage of the District Shopping Centre of Prestwich where UDP Policies S1/3 and S2/3 are relevant. These policies seek to support proposals for new shopping development at ground floor level. The fact that the unit is on the first floor and is already established as an office means that there is no loss of retail function. The proposal is therefore not contrary to policies S1/3 Shopping in District Centres or S2/3 Secondary Shopping Areas and Frontages.

Policy TC2/1 relates to upper floors within existing town centres and indicates that the Council will support proposals to bring underused space into beneficial use.

Policy HT2/8 Taxi and Private Hire Businesses indicates that these types of businesses will be looked on favourably where adequate parking is available, where there is no adverse impact on neighbours and where there is no detrimental impact on the local highway network.

Policy EC4/1 Small Businesses supports small businesses where appropriate and where they do not conflict with other policies of the UDP.

Residential Amenity - A relatively small private hire booking office with two staff members, receiving only telephone calls from customers and co-ordinating vehicles by mobile phone, should not have customers or private hire vehicles visiting the site. There are no residential properties immediately adjacent to or within the building and as a consequence, the impact of the business on the amenity of any local residents on other parts of the Bury Old Road frontage will be minimal. Given the nature of the proposal combined with a condition restricting the use of the office to solely a booking office, the proposal would comply with UDP Policy HT2/8 taxi and Private Hire Businesses in respect to residential amenity.

Traffic - Two parking spaces would be allocated, within the informal car park at the rear, for use by office staff manning the phones. Subject to the use being limited to telephone bookings, there should be no customers or hire vehicles visiting the site. On this basis, the traffic section are satisfied that there are no parking or highway safety concerns and have not objected to the proposal.

Design and Appearance - As there are no external alterations proposed, the new use would not have a detrimental effect on the appearance of the property or the street scene.

Objection - The noise and traffic issues raised by the objector are addressed in the above report. The impact of disturbance would be mitigated by the business being based on telephone bookings only without the need for hire cars to visit the site and the fact that there are no residential properties immediately adjacent to the use. This system of operation would be reinforced by a condition restricting the use to telephone bookings and restricting customer and driver facilities on the premises.

The proposal is considered to comply with UDP Policies listed.

Summary of reasons for Recommendation

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

The booking office is small in scale and would not involve visiting members of the public or

the parking/waiting of private hire vehicles in the immediate vicinity of the site. The booking office in place of an A2 office would not have an adverse impact on the viability of the district shopping centre. 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 20936/01, 02 and 03 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the use hereby approved commencing, full details of all external aerials and antenna to be attached to the building shall be submitted to and approved in writing by the Local Planning Authority.
Reason. In the interests of visual amenity pursuant to UDP Policies EN1/2 and HT2/8.
4. The use hereby approved shall be limited solely to telephone or radio controlled bookings. There shall be no facilities at the premises for customer pick up, driver waiting or rest and refreshment.
Reason:In the interests of residential amenity and highway safety pursuant to UDP Policy HT2/8 Taxi and Private Hire Businesses.
5. No private hire vehicles belonging to the applicant or those belonging to freelance drivers operating through the communications system at the premises, shall attend the office hereby permitted, including for the purposes of waiting or taking orders and instruction, collecting clients or for the purpose of taking refreshment.
Reason: In the interests of residential amenity and highway safety pursuant to UDP Policy HT2/8 Taxi and Private Hire Businesses

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

Ward: Radcliffe - East

Item 07

Applicant: Radcliffe Engineering

Location: 101 Church Street West, Radcliffe, Manchester, M26 2SX

Proposal: Change of use of Unit 5 from workshop to MOT testing station (Sui Generis)

Application Ref: 52411/Full

Target Date: 26/05/2010

Recommendation: Approve with Conditions

Description

The application site is one of 5 units, which is used as a workshop within an established industrial area. There is a central parking and servicing area along the eastern boundary, which is shared by all units. Vehicular access to the site is from Church Street West.

There are residential dwellings located to the west and south of the site. Radcliffe Metrolink station and the Metrolink line are located to the east and the car park to the Metrolink station is located to the north.

The proposed development involves the change of use of the unit from a workshop to a MOT testing station (sui generis). There would be no external changes to the building and 3 parking spaces would be dedicated to the proposed MOT station.

Relevant Planning History

43565 - Construction of office above single storey trade counter (resubmission) at 101 Church Street West, Radcliffe. Approved with conditions - 13 December 2004

51360 - Single storey workshop extension at 101 Church Street West, Radcliffe. Approved with conditions - 21 July 2009

51647 - Single storey extension to trade counter/office building at 101 Church Street West, Radcliffe. Approved with conditions - 08 October 2009

52321 - Single storey extension at Unit 2, 101 Church Street West, Radcliffe. Approved with conditions - 22 April 2010.

Publicity

19 neighbouring properties (2, 2a, 2b, 4 - 30 Barlow Street (evens), Cold Roll (Rings) & SM Plant & Tippers Ltd, 101 Church Street West) were notified by means of a letter on 8 April 2010. One letter has been received from the occupiers of Cold Roll (Springs), one of the other units on the site, which has raised the following issues:

- The plans indicate that there are 24 parking spaces, but there are 19 on site, including 2 disabled parking bays. Unit 2 is allocated 7 parking spaces and all are used by staff. Concerns relating to the impact of the proposal upon parking.
- The proposed use would increase traffic movement in and out of the site, which would cause difficulties to vehicles manoeuvring into and out of the site.

The objector has been notified of the Planning Control Committee.

Consultations

Traffic Section - No objections.

Environmental Health Contaminated Land - No comments.

Environmental Health - Commercial Section - No response.

Environmental Health Public Health - No response.

Stagecoach Metro - No response.

Baddac - Proposed toilet should be suitable for disabled use

Unitary Development Plan and Policies

EC1/2	Land Suitable for Business (B1)
EC6/1	New Business, Industrial and Commercial
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
Area	Spring Lane/Church Street West/Radcliffe Metrolink Stn
RD6	
SPD11	Parking Standards in Bury

Issues and Analysis

Principle - Policy EC1/2 states that the site is allocated as employment land, which is suitable for business (B1) and office uses. Development for other business and industrial uses will only be permitted in exceptional circumstances and in accordance with other policies of the plan.

Policy EC6/1 states that the following factors will be considered when assessing all new business, industrial and commercial development:

- scale, size, density, layout, height and materials
- access and car parking provision
- the effect on neighbouring properties
- the safety of employees, visitors and adjacent occupiers

The unit would be used as a MOT station, which is a sui generis use and is akin to the business and employment uses on this site. It would maintain the commercial character and would not detract from the surrounding employment uses. The development would be acceptable in principle and would not conflict with Policies EC1/2 and EC6/1 of the adopted Unitary Development Plan.

Impact upon surrounding area/residential amenity - The proposed development would not involve any external changes to the building and would not be prominent within the street scene.

The proposed use should not generate any more noise than the existing use and a condition restricting the use of the building for testing only and no repairs will be included on any grant of planning permission. There would be no openings on the elevations facing the residential properties. As such, the proposed development would not have a significant adverse impact upon the amenity of the nearby residents in terms of noise. Therefore, the proposed development would be in accordance with Policy EN7/2 of the adopted Unitary Development Plan.

Highways issues - The proposed development would utilise the existing access from Church Street West and the servicing facilities would be unaffected by the proposal. As such, the servicing and access arrangements are acceptable and would not be detrimental to highway safety.

As the proposed use is sui generis, there is no specific parking standard within SPD11. SPD11 states that the maximum parking standards for a B2 use would be 1 parking space per 60 square metres of floorspace, which would generate similar parking requirements. On this basis, the proposed development should provide 3 parking spaces. The site plan indicates that three parking spaces, including 1 disabled bay would be dedicated to the MOT station.

Considering the overall floorspace for all the units on site, including the recently approved extension, a maximum of 27 spaces should be provided. There are only 23 spaces available. However, the site is located within the town centre and has good access to public

transport, including the Metrolink immediately adjacent. The Traffic Section has no objections to the proposal. Therefore, the proposed parking provision is acceptable and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Summary of reasons for Recommendation

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

The proposed development 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 detrimental to highway safety.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 31 March 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. The use hereby permitted shall not be open to customers outside the following times:
08.30 to 17.30 on Mondays to Fridays
08.30 to 13.00 on Saturdays
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy EC6/1 - Assessing new Business, Industrial and Commercial Development of the Bury Unitary Development Plan.
5. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the use hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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

Ward: Prestwich - St Mary's

Item 08

Applicant: Mr & Mrs D Brady

Location: Lowther House, 1 Lowther Road, Prestwich, Manchester, M25 9QG

Proposal: Outline - 1 no. detached dwelling with details of access, layout and scale.

Application Ref: 52451/Outline Planning
Permission

Target Date: 07/06/2010

Recommendation: Approve with Conditions

Description

The site, measuring 0.06ha, is currently private garden ground that surrounds Lowther House on the corner of Lowther Road and St. Ann's Road. The existing house is a detached two storey building with a single storey outrigger to the side that incorporates a double garage and small conservatory. The garden is bounded by a hedge and low wall along St Ann's Road and Lowther Road. There are also four Black Pine trees situated behind the hedge along the St Anns frontage. Across St Anns Road are large detached houses. The gable of No.81 St Ann's Road faces across the site and small section of the rear garden of No.14 St Anns Close backs on to the site. The remainder of the rear garden of Lowther House is located to the south. The area is residential in nature and comprises detached and semi-detached houses. The area immediately to the north is designated as St Mary's Conservation Area.

The outline application proposes to site a detached two storey house within the northern section of the rear garden whilst retaining the southern section as private garden to the applicant's house. The 4 bed house would be accessed from St Ann's Road and have an integral single garage. It would be located between the gable of No.81 St Anns Road and the garage of the applicant's house and have a frontage onto St Anns Road of 32m. The footprint of the house would measure approximately 104sqm and the main ridge would have a height of 7.5m.

The application seeks approval for layout, scale and access. The appearance of the property and landscaping are reserved matters for future approval.

Relevant Planning History

This application follows on from a previous application for two houses within the rear garden area of Lowther House. This scheme, which was eventually withdrawn, was considered unacceptable and represented overdevelopment of the site.

In 1990, approval was granted for a single dwellinghouse on a similar site to that now proposed. This approval was never taken up.

52048 - Two Detached Dwellings (Outline) - Withdrawn 05/03/2010
24017 - Detached Dwelling (Reserved Matters) - Approved 23/10/90

Publicity

Immediate neighbours notified by letter dated 16/4/2010 as follows:

75 - 81, 101 - 107, 100 -110 St Anns Road, Burn Brae, The Bungalow, Westmond, St Anns Road, 2 - 6 Lowther Road, 1 - 14 St Anns Close, 44, 46 and 48 Shrewsbury Road. The occupier of No.9 St Anns Close has objected to the proposal on grounds it would have a detrimental impact on him and his immediate neighbour at No.10. His concerns are summarised:

- Loss of light,
- Reduction in privacy
- Disturbance by construction traffic.

The objector has been notified of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health - No objection.

Conservation Officer - No objection.

Landscape Practice - No objection.

Baddac - No objection.

Greater Manchester Police - No objection.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/6	Garden and Backland Development
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN7	Pollution Control
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD16	Design and Layout of New Development in Bury

Issues and Analysis

Housing Policies - Policy H1/2 - Further Housing Development states that the Council will have regard to various factors when determining a proposal for residential development including the availability of infrastructure, the suitability of the site, the nature of the local environment and the surrounding land uses.

The application site is within the urban area of Prestwich and as such the proposed development would be appropriate in land use terms and would not conflict with the surrounding uses. Furthermore it is considered that there is adequate infrastructure to support the development. Subject to compliance with other policy considerations, the proposed development would be in accordance with Policy H1/2.

The details and layout of the application will need to be considered against the criteria listed in Policies H2/1 - Form of New Residential Development and H2/2 -Layout of New Residential Development as well as guidance provided in SPD16 - Design and Layout of New Development.

Policy H2/1 The Form of New Residential Development sets out factors to be assessed, including

- height and roof style,
- impact on residential amenity,
- density and character of the locality,
- position in relation to neighbours and materials to be used.

Policy H2/2 The layout of New Residential Development relates to layout and states that proposal should take account of;

- car parking and access,
- density,
- space between dwellings,
- landscaping,

Policy H2/6 Garden and Backland Development states that proposals that result in the loss of garden for infill should be resisted unless it is shown that the development would not adversely affect the character and amenity of the area.

Policy EN1/2 relates to general design of a new build on the streetscene and states that proposals should not have an adverse impact on the character of the townscape.

Visual Amenity and Scale - In terms of siting, a detached house on that part of the existing garden, adjacent to No.81 is considered to be acceptable and would not have an adverse impact on character of the locality including the adjacent conservation area in that it is set back well into the site, has a road frontage and generally reflects the existing residential street pattern along this part of St Anns Road. The existing trees would remain in situ as would much of the mature hedge along the boundary which would afford an appropriate screen to the site from St Ann's Road. The appearance of the proposed house is a 'reserved matter' but it is considered that the part two storey/part single storey house would be appropriate on this part of St Anns Road in terms of massing and scale. In terms of visual amenity, notwithstanding its detailed design, the proposal complies with UDP Policies EN1/2, H2/1, H2/2 and H2/6 relating to new development.

Residential Amenity and Layout - The proposed house would be adjacent to the side of No.81 St Ann's Road which does not have any habitable room windows facing the shared side boundary. From the proposed layout, it is not considered that there would be any issues with regard to overlooking neighbouring gardens and window to window distances to properties to the south (37m) are well in excess of those suggested by our own aspect standards. The house is also to the north of the gardens of properties on St Ann's Close thereby having little impact on sunlight into those properties. In terms of residential amenity the proposal would comply with UDP policies H2/1, H2/2 and H2/6 and associated guidance.

Parking and Access - The proposed access point, between the boundary with No.81 and an existing pine tree, allows for adequate visibility splays given the nature of St Anns Road with the predominance of mature boundary planting along the roadside and the general speed of traffic along it.

With regard to parking, there would be adequate provision for at least two cars within the site which could enter, turn and leave in forward gear. The proposal complies with H2/2 and HT2/4 relating to parking and residential development.

Trees - The site is covered by an area Tree Preservation Order and as such the four mature Black Pine trees along the St Anns frontage are protected. The proposed scheme would not have a detrimental impact on the trees as the new dwelling would be approximately 8m away and any hardstanding/driveway construction would be subject to an appropriate condition to protect tree roots. As such the proposal complies with UDP Policy H2/2 and specific tree policy EN8 Woodland and Trees.

Objection - The objector, at No.9 St Ann's Close is located approximately 35m to the south of the site and faces west, away from the site. Whilst there are issues of overlooking arising from the siting of new house, the new property would comply with the Council's aspect standards and as such would not have a serious impact on levels of light into either his or his neighbour's property at No.10. Any disturbance caused by construction traffic would be dealt with under environmental health legislation and is not a material planning consideration. As such, it is not considered that the objections can be supported by any reason for refusal.

The proposal is considered to be acceptable for the reasons set out above and complies with the UDP policies and guidance listed.

Summary of reasons for Recommendation

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

The proposed dwelling is appropriately located within the site and would not have a seriously detrimental impact on the visual amenity of the area or harm the amenity of the surrounding neighbours. Trees are not affected and highway safety is not compromised. The proposal complies with UDP policies listed. 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 the block Plan 1:1250 scale, Site plan and drawings numbered 05B and 06A 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. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
5. 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.
6. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant

to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

7. No trees subject to a Tree Preservation Order, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
8. The proposed driveway and paved area at the front of the property shall be constructed of permeable/porous materials as set out in the Dept of Communities and Local Government publication "Guidance on the Permeable Surfacing of Front Gardens" and maintained in situ whilst the proposed dwelling is occupied to the satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and PPS25 - Flood Risk and Development
9. The visibility splays indicated on the approved plans shall be implemented before the development is brought into use and subsequently maintained free of obstruction above the height of 0.7m
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
10. 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.
11. Following the provisions of Condition 10 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.
12. Following the provisions of Condition 10 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and
A Site Verification Report detailing the actions taken and conclusions at each

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

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

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

