

Ward: Whitefield + Unsworth - Unsworth

Item 01

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

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

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The application is a resubmission of two previous schemes (ref 51711 and 52029) which were withdrawn by the applicant to consider areas of concern about the size of the retail unit, over development of the site, unacceptable design, delivery arrangements, sub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 171 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; Croftleigh Close; 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; Randle 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.

Further comment received from No 18 Thurston Close:

- The Council's aspect standards have not been met with regards to the relationship of the proposed building to their property which should be 13m from a habitable room.
- Their conservatory is 5.5m from the boundary fence. The proposed building is 1.2m from the boundary. Therefore there is a separation distance of 6.7m.
- There is an existing row of trees along their boundary as a screen to the pub, shops and apartments above. Concern that the foundations of the new build would cut through the roots of the trees resulting in their removal, or at the least weaken them, in which case they could fall down and damage nearby properties.
- It is not acceptable to build a wall as close as proposed to the boundary fence.

The response to these 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.

It was raised at the May Committee Meeting that several objectors had not received correspondence informing them of the meeting. The Council's record of letters and e-mails sent out to inform residents of the meeting verifies that all who expressed an interest were notified of the meeting.

171 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.

Currently, the only A1 retail uses within this centre are the general store and the hair and beauty salon which occupy 3 of the 7 units that make up the centre. In the context of Policy S1/5, retail A1 is no longer 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". Although the retail element of the proposal extends beyond the quoted floorspace figure (the net sales area would be 262 sq.m), it is not considered to be 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 floorspace 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 which consists of a Class A1 shop, Class A1 hair and beauty salon, book makers, tanning shop, estate agents and a vacant unit, which was granted planning permission for a change of use to hot food takeaway, Class A5 in January 2010. There are currently only two A1 retail shops in this centre, and as such the addition of a new A1 retail unit will sustain and enhance the vitality and viability of this centre. It is an accessible location, within walking distance of the residential community it would serve, and as already identified, supports 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 Neighbourhood Shopping Centre in a predominantly 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.

Comparative examples of similar approved schemes are the retail stores on the former garage site at Woolfold, Tottington and 456-462 Bury Old Road. Both are located within a Local Shopping Centre.

- The site at Woolfold was granted approval for a 415 sq.m gross retail store with associated parking, with delivery and servicing adjacent to the store.
- The site at Bury Old Road Prestwich was granted approval for a 425 sq.m gross retail store.

Furthermore, whilst many comments have been made about existing provision at Unsworth

Pole and Whitefield Town Centre, both of these locations are approximately half a mile away (750m and 1180m respectively) and not within practical walking distance to the residential properties surrounding this centre. This 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 be 139 sq.m and smaller in area than the ground floor. 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.

Aspect Standards - The single storey part of the proposed building would be 1.2m from the boundary with No 18 which gives a distance of 6.7m between the proposed single storey building and their conservatory. There are no aspect standards for this type of development. However, Supplementary Planning Document 6 does provide guidance on

domestic extensions. Using this as a reference, the guidance states that a minimal distance of 6.5m between a principal window to a habitable room and a single storey blank wall should be maintained. As such, the separation distance complies with the Council's aspect standards.

There is a distance of 11m between the single storey part of the proposed building and the 2 storey rear elevations of Nos 18 and 20 Thurston Close. A minimal distance of 6.5m should be maintained as described above. As such the separation distance complies with the Council's aspect standards.

There would be a distance of 25.7m from the 2 storey element to the houses on Chadderton Drive. A minimal distance of 20m should be maintained and as such it complies with the Council's aspect standards.

Distance to boundary - There is a distance of 24m from the proposed 2 storey building to Nos 18 and 20 Thurston Close. A minimal distance of 20m between habitable room windows which directly face each other should be maintained. As such, the separation distance complies with the Council's aspect standards.

Trees - In respect of potential impact of the new build on the trees along the rear boundary of Nos 18 and 20 Thurston Close. These trees are not protected and are not of sufficient public amenity value to warrant a Tree Preservation Order. The objector has indicated that they were planted to screen the pub and they will continue to fulfill this role. If the trees have encroached on the land to which this application relates this is a matter between the landowners to resolve. Equally, damage to the trees are private matters.

Proximity to boundary - The plans show there is an existing boundary fence between the site and the rear of Nos 18 and 20 Thurston Close which is to remain. There are no proposals for any other walls or fences along this boundary.

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.

DCEG 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, Ribble Drive, 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 gross 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/P13b/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 10.00 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 retail net sales area of the unit hereby approved shall not exceed 262 sq.m. and be confined to the area identified on drawing number C1424-P13b.
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 02

Applicant: Fact Focus Ltd

Location: Site of Claremont Old Peoples Home, Park View Road, Prestwich, Manchester, M25 1FA

Proposal: Extend the time limit for implementation on planning permission 43846 for residential development - block of 36 apartments, 14 duplex (2 storey) apartments and 2 roof mounted penthouses

Application Ref: 52395/Full

Target Date: 07/07/2010

Recommendation: Minded to Approve

It is recommended that the Committee should be Minded to Approve the application and delegate the decision to the Chief Planning Officer subject to the signing of a revised Section 106 Agreement.

Description

The 0.65ha cleared site is situated at the junction of Bury New Road and Park View Road. It was formerly occupied by Claremont Elderly Persons Home that has been demolished. The site is characterised by a number of large mature trees and the site has a tree preservation order. The surroundings include St Mary's Park immediately to the north and residential development to the south across Park View Road and across Bury New Road to the west where the land is included in the St Mary's Park Conservation Area.

Planning permission has been granted to build a 6 storey residential block of 58 units (48 apartments and 10 penthouses) with a basement car park. (refs. 40304/03, 41409/03 and 42905/04). Work has not started other than the demolition of the buildings, tree clearance and site security enclosure. The developers secured significant change to the internal content of the block in that instead of the normal single level apartments on the third and fourth floors there would be duplex (two storey) apartments here. This would reduce the overall number of units by 6 down to 52 in total and these would consist of 36 apartments (single level), 14 duplex apartments and 2 penthouses (43846) and this permission is seeking to be extended for a further two years.

The building would be of a modern flat roofed style and characterised by rounded feature elements at each of the corners. Elevations would be mostly in a honey /buff facing brick with other sections in natural stone and with contrasting rendered relief areas. The mostly curtain glazed top penthouse floor would be recessed well behind the main elevations. As previously most of the car parking would be in the basement with 64 spaces at this level and 20 on the surface .

In October 2009, regulations were amended to permit developers to seek an additional two years maximum additional time to carry out developments above the standard three years. The purpose of this was to assist in the economic regeneration of the country where developments may have stalled through the recession.

Relevant Planning History

43846 - Residential development - Construction of residential block of 36 apartments, 14 duplex apartments and 2 roof mounted penthouses - Approve with Conditions 12/05/2005

40304/03 - Residential development (outline). Approved 26th March 2003.

41469/03 - 48 apartments and 8 penthouses (approval of matters reserved by 40304/03). Approved on 5th July 2004.

42400/04 - Addition of two roof mounted penthouses to approved apartment block. Withdrawn on 26th May 2005.

42905/04 - Addition of two roof mounted penthouses to approved apartment block. Approved on 17th January 2005.

Publicity

87 individual addresses in the surrounding area have been notified on 9/4/2010. No objections have been received on the proposals. A comment has been received from 5 The Mews. They confirm no objections to the extension of time but raise issues over the security of the site. This has been passed on to the Enforcement Team to liaise with the developer to resolve.

Consultations

Traffic Section - no objections subject to standard conditions.

Baddac Access Officer - No comment.

Environmental Health Contaminated Land - no objections subject to standard conditions.

Drainage Section - No objections.

Environmental Health Pollution Control - Recommend conditions covering issues regarding contaminated land and soundproofing against external noise. Although the site is within an area predicted to exceed the National Air Quality Objectives the development is not likely to increase levels of pollutants significantly.

Unitary Development Plan and Policies

Issues and Analysis

Principle - The site has planning permission for a block of apartments and penthouses of almost the same size and design and the principle of this type of development has been accepted.

This application is seeking to extend the life of the planning permission by a further two years. The changes to regulations in October 2009 permitted this process with the only issues necessary to consider were any changes in policy since it was first approved.

As such the principle of the development has been accepted already.

Policy Changes - The only substantive change since the original approval in May 2005 is SPD11 concerning car parking. There would be duplex (two storey) apartments bringing would the overall number of units to 52 in total and these would consist of 36 apartments (single level), 14 duplex apartments and 2 penthouses. 84 spaces would be provided. Given the mix of units now provided within the development, the high access location the provision for parking is now just in line with the provisions of SPD11, where as previously, when assessed against PPG13, the scheme over provided. As such there would be no conflict in terms of the development with current planning policy.

Hoarding - The site has been cleared and has stood vacant for a number of years. There have been complaints about the site hoarding which has been targeted by graffiti at time and in need of repair. The applicants have been responsive in dealing with issues when they have been raised. This was the only comment received as a result of the planning consultation process and again the Enforcement team have maintained their pressure on the developers on this issue. As such this is not strictly a planning matter and is a separate issue as to whether the development should be granted further time to develop.

Recreation provision - This was a requirement of the s106 planning agreement and should be further re-introduced on this renewal. The current value would be for £23718.24.

Affordable Housing - This did not bite upon the original application as permission was granted prior to this requirement being a policy matter to seek. This issues therefore will not apply again to this development.

Conditions - The majority of the planning conditions should be carried over in accordance with the regulations. However, with changes to PPS23 - Land contamination issues, conditions would need to be amended to reflect current thinking to resolve contamination.

No other changes are proposed as a result of this application proposal and is considered to be acceptable to extend the previous permission together with an amended s106 agreement concerning recreation provision.

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 scale and visual appearance of the development is acceptable in the context of the size of the site and its surroundings. The scheme retains mature and protected trees and includes satisfactory provision for access, car parking and landscaping. Externally, it does not vary significantly from a recently approved proposal and that consent has already established the principle of the type and scale of the development. There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

2. The development must be begun not later than five years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
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.
4. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity.
5. 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.
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 5837:1991 "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.
7. 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.

8. Following the provisions of Condition 7 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.

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

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

10. 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.

11. Following the provisions of Condition 7 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.

12. The car parking indicated on the approved plans FF/BNR/2D and FF/BNR/3A shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied.
Reason. To ensure adequate off-street car parking provision in the interests of road safety.
13. No development shall take place unless and until a scheme to soundproof the dwellings against traffic noise has been submitted to and approved by the Local Planning Authority so as to achieve an internal level of L10 40dBA (18 hour) and such works that form the approved scheme shall be completed before the relevant dwellings are brought into use.
Reason. To ensure that the development is adequately soundproofed against externally generated noise in the interests of the amenity of future occupiers of the development.
14. No development shall take place unless and until the details of the finished floor levels and means of enclosure within the development have been submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
Reason: In the interests of amenity and to ensure a satisfactory development.
15. No development shall take place unless and until a design scheme to provide an integral artwork feature has been submitted to and approved in writing by the Local Planning Authority. This artwork element shall be in accordance with Policy EN1/6 of the Bury Unitary Development Plan and the associated supplementary planning guidance Development Control Policy Guidance Note 4 - Per Cent for Public Art. The approved artwork feature shall be implemented to the satisfaction of the Local Planning Authority within a period of 6 months from the date on which the first residential unit becomes occupied.
Reason: In order to create a visual enhancement of the development and its surroundings and to create a feeling of well being.
16. This decision relates to drawings numbered FF/BNR/1, PL531.MO2r4, CW/4483-P1, N30265/02, FF/BNR/2 D, FF/BNR/3 A, FF/BNR/4 B, FF/BNR/5 B, FF/BNR/12 B, FF/BNR/13 B, FF/BNR/PEN A, FF/BNR/7 E, FF/BNR/8 E and documents including Tree Survey Schedule by M J Ellinson, Cheshire Woodlands, transport and highways report by Savell, Bird & Axon and the PPG24 Noise Assessment by Environmental Advice Centre and the development shall not be carried out except in accordance with the drawings and particulars hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design.
17. The development hereby approved shall not be first occupied unless and until the visibility and access improvements on Park View Road from its junction with Bury New Road to the easterly site boundary indicated on the approved plan reference FF/BNR/2 Rev 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.

18. Notwithstanding the details indicated on Savell Bird & Axon's plan reference N30265/02, the development hereby approved shall not be first occupied unless and until a scheme of traffic calming measures on Park View Road and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority.

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

19. There shall be no direct means of vehicular access between the site and Bury New Road.

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

20. The visibility splays indicated on the approved plans shall be implemented before the development is first occupied and shall subsequently be maintained free of obstruction greater than 0.6 metres in height.

Reason: To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.

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

Ward: Radcliffe - West

Item 03

Applicant: Chapelfield Primary School

Location: Chapelfield County Primary School, Clough Street, Radcliffe, Manchester, M26 9LH

Proposal: Replacement 2.4 metre high paladin boundary fence and gates

Application Ref: 52503/Full

Target Date: 09/07/2010

Recommendation: Approve with Conditions

Description

The site is bounded by residential properties to the north, east and south with open aspect to the west. There is an existing 1.8m concrete post and wire fence along part of the school's perimeter which is dilapidated in parts and does not provide adequate security to the site.

This application seeks to replace the existing fence with a paladin mesh style along the entire perimeter of the school. The height of the fence would be 1.8m along the rear boundaries of Nos 16, 18, 20 Andrew Close and the side of No 20 Andrew Close, and 2.4m high along the rest of the perimeter of the site. There would be new 1.8m high paladin gates to the vehicular and pedestrian access to the front of the school.

The school has experienced a number of break-ins and vandalism and the proposed boundary treatment would provide the much needed security to the site.

Relevant Planning History

None applicable

Publicity

Properties notified at Nos 2-28 (evens) Stonemere Drive; 238, 240, 242, 244, 244a, 246, 246a - 252 (evens) Stand Lane; 14-20 (evens) Andrew Close.

One letter of objection received from No 20 Andrew Close which raises the following:

- The new fence would be 3.4m above their garden and unpleasant to look at;
- It would only be 1.7m away from the landing windows of their house;
- It would be impossible to prune the shrubs on the Chapelfield side;
- Most intruders to the school jump over the low front wall and gates to the entrance and an increase in height at this point would improve security;
- There would be no objection to a replacement fence of the same height (1.8m) as the present one along the section of the boundary bordering their garden and a 2.4m high fence for the remainder of the boundary.

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

Consultations

Traffic Section - No objection.

Landscape Practice - No objection.

Greater Manchester Police - designforsecurity - No objection.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

SPD3 DC Policy Guidance Note 3: Planning Out Crime

EN8/2 Woodland and Tree Planting

Issues and Analysis

Residential amenity - Part of the proposed fence would be adjacent to the side boundary of No 20 Andrew Close and the rear of Nos 16, 18 and 20 Andrew Close. There is an existing 1.8m high concrete post and wire fence along the boundary to these properties. The proposed fence would also be 1.8m high adjacent to these residential properties and would be no different to the existing situation. The remaining fence would be replaced and increased to 2.4m high around the remaining part of the school site. The new fence would not be any more detrimental to the outlook or amenity of occupiers of these houses or indifferent to other school fencing found elsewhere in the Borough. It would comply with UDP Policy EN1/2 - Townscape and Built Design.

Visual amenity - The proposed mesh fence is of a paladin type which is generally accepted as a preferable solution for both visual and security reasons. Paladin fencing is prevalent throughout the Borough at various school sites and is appropriate for the needs of the school. It has a "see through" appearance and would not adversely impact on the visual amenity of the area. As such it complies with UDP Policy EN1/2 - Townscape and Built Design.

Security - The new fencing would make the school far more secure than the existing situation and should minimise incidents of vandalism which is to be welcomed. The increase in height of the entrance gates would considerably improve security to the front of the school. The design for security team have raised no objection and the proposal is considered to be acceptable in terms of security and would comply with UDP Policy EN1/5 - Crime prevention.

Trees - The site is bounded by a group Tree Preservation Order No 183. The proposed fence would be erected close to these trees but would not necessitate any loss of trees along the perimeter. However, a condition to protect the trees would be part of the approved development.

Response to objector - The replacement fence would be 1.8m high and located in the same position along the boundary of their property as the existing fence and therefore would be no different to the present situation.

The proposed entrance gates would be 1.8m high which would improve security to the school.

The maintenance of shrubs would be as the existing situation.

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 boundary fence is not considered to be of a height and design that would have a seriously detrimental impact on the visual or residential amenity of neighbouring properties or the area in general.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 09/140.02 A1; Design and Access Statement dated 6th April 2010 and the development shall not be carried out except in accordance with the drawings hereby approved.

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

3. No trees subject to Tree Preservation Order No 183, 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.

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

Ward: Prestwich - Holyrood

Item 04

Applicant: Yourspace (UK) Ltd

Location: 2 Bury Old Road, Whitefield, Manchester, M45 6TF

Proposal: Change of use from shop (A1) with associated living accommodation to hot food takeaway (A5) with associated living accommodation

Application Ref: 52510/Full

Target Date: 21/06/2010

Recommendation: Approve with Conditions

Description

The site is located on the edge of the Kirkhams Local Shopping Centre and comprises the ground floor of a former newsagents shop. The building is located in a terraced row of commercial and residential properties adjacent to the junction of Cuckoo Lane and Guest Road. There is a solicitors office adjacent to the building and opposite the site is a cafe/ takeaway shop and a launderette. The first floor of the site is in residential occupation in connection with the business and there are further residential properties to the rear.

The proposal involves the change of use of the ground floor from a shop (Class A1) to a hot food takeaway (Class A5). The only external alteration would be the installation of a flue at the rear. The application has been submitted by the owner of the property, as he has been unable to let the premises as a shop unit (class A1).

Relevant Planning History

None relevant to this application.

Publicity

12 neighbouring properties (1, 2 Cuckoo Lane; 2, 4, Ludlow Avenue; 35 Guest Road, 4 - 8, 4a, 5, 7 and 526 Bury Old Road) were notified by means of a letter on 28 April. 12 letters of objection have been received from 12 addresses at 2, 3, 6, 8, 9, 11, 19, 37 Cuckoo Lane, 6, 19 and 526 Bury Old Road and 35 Guest Road.

The concerns are summarised below:

- Numerous takeaways within walking distance and no need for more.
- Late night noise and anti social behaviour will spread into the residential area.
- There are no suitable sites in the area.
- Parking provision is inadequate for a takeaway shop and will inconvenience the surrounding commercial and residential properties.
- Parking on the double yellow lines will affect the free flow of traffic on Bury Old Road including the nearby crossing and cause a danger to traffic and pedestrians.
- 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 and flat at 4a.
- A take away shop will produce unacceptable smells and fumes
- Potential for pests and vermin.
- Litter

In addition to the above, a objection from Councillor V D'Albert has been received, which has raised the following issues:

- There are a plethora of hot food takeaways in the locality
- Lack of parking provision
- The proposal would create a nuisance for local residents

- Litter

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

Consultations

Traffic Section - No objections.

Drainage Section - No objections.

Environmental Health - No objections.

Waste Management - No objections.

Baddac - No objections.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

S1/4 Local Shopping Centres

S2/5 New Local Shopping Provision

S2/6 Food and Drink

SPD11 Parking Standards in Bury

Issues and Analysis

The site is located on the edge of but within the Kirkham Local Shopping Centre and Policy S1/4 - Local Shopping Centres is relevant. This states that the Council will seek to maintain and enhance local shopping centres and will encourage the provision of a range of shopping facilities.

The proposal is for a change of use of an existing 'Shop' (Use Class A1) 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 applicant has requested the opening hours of 08:00 to midnight, every day of the week. There is a self contained flat above the adjacent office premises and the residential flat above the existing shop would be occupied in conjunction with the proposed hot food takeaway. There are additional residential properties to the south and east.

The property is an existing retail shop (Class A1) with no control over the current hours of opening and it is located in a designated local shopping centre on a busy main road. The solicitors is the only attached property with a flat above and there is a cafe and launderette opposite.

Taking into consideration the adjacent office use and conditional control of the hours of opening and soundproofing, it is considered that the proposed development would not result in any significant additional noise or disturbance to the occupiers of the flat. The nearest residential property on Bury Old Road (No. 14) would be located to the north and would be in the same block as the application site. The semi-detached dwellings on the opposite side of the junction with Cuckoo Lane are 35 metres away from the site. This is a busy main road and if the hours of operation are restricted as recommended, 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 Cuckoo Lane are set 30m from the junction with Bury New Road and therefore, the main frontage of the proposed takeaway. 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 UDP Policy S2/6- Food and Drink and is acceptable.

Concentration of Hot Food Takeaways – There is a hairdressers (A1), greengrocers (A1) and solicitors (A2) adjacent to the application site and the proposed development would result in half the units being retained in a retail use (A1).

There is a cafe on the opposite side of Bury Old Road and the nearest takeaway is over 130m away to the north or 290m to the south. Both of these takeaways are located in local shopping centres. There are 9 takeaways on this busy main road between Thatch Leach Lane and Heywood Road but this covers 3 Local Shopping Centres and is over 3/4 of a mile in length. 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 two spaces for on-site parking. However there are restrictions on the on-street parking on the side street (Cuckoo Lane). Development Control Policy Guidance Note 11 - Parking Standards in Bury requires a maximum of 1 parking space/8.5sqm gross floor area, which equates to a maximum of 9.5 spaces for the proposal's 80 square metres gross floor area. However it is considered that the potential for parking need is no greater for the proposed A5 use than it would be for a late shop or off-licence within the existing A1 use class. Therefore and in this instance, 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 an existing 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 nature of the property and the high boundary wall creating a physical barrier to 1 Cuckoo Lane at the rear and as such 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 and the agent has indicated that it can be coloured black metal. It follows the line of the existing chimney on the rear of the property and is set well away from both the windows of the existing residential accommodation above the shop, the adjacent flat above No. 4 and 12m from the side gable wall of No. 1 Cuckoo Lane. The siting of the flue would be visible from Cuckoo Lane but given its position on the gable and colour it is not considered that it would be unacceptable. Therefore given the size and position of the flue 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.

There is no reason to believe that the proposed hot food takeaway would create any additional problems with anti-social behaviour.

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

2. 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.
3. This decision relates to drawings numbered 2BOR/1B 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.
4. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating/dispersing fumes and odours so as to render them inoffensive to local residents has been submitted to and approved by the Local Planning Authority. A written statement from a competent person shall be included with the submitted scheme, that the proposed scheme will achieve the requirements of adequate treatment/dispersion under all normal operating circumstances. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.
Reason. To safeguard the amenities of the occupiers of nearby residential and office accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
5. 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.
6. 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.
7. The use hereby permitted shall not be open to customers outside the following times: 08.00 to 24.00 daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and 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**

