

Ward: Bury East

Item 01

Applicant: Greenhalgh's Craft Bakery Ltd

Location: Greenhalgh's Craft Bakery Ltd, 53 The Rock, Bury, BL9 0JP

Proposal: New Shop front with night security shutter

Application Ref: 52656/Full

Target Date: 29/07/2010

Recommendation: Approve with Conditions

Description

The application relates to a vacant ground floor unit on the Rock, previously occupied by a finance company. No.51 is a shoe shop (A1) and No.55 is a building society (A2).

The application was originally submitted as a combined change of use (A2 to A1) and new shopfront and security shutter however the change of use is permitted development under the Use Classes (Amendment) Order 2005.

The existing shopfront would be removed and replaced with a new aluminium framed shopfront, powder coated in a light ivory (RAL1015) with double doors, powder coated green, opening onto The Rock. Internally the floor would be re-leveled to eliminate the step at the entrance. The proposed security shutter would be housed behind the fascia sign and be perforated and powder coated in a light ivory colour to match the shopfront.

Relevant Planning History

52652 - 1no. internally illuminated fascia sign; 1no. externally illuminated projecting sign -

Publicity

The following neighbouring businesses were notified by letter dated 4/6/2010. Nos.43-55(odd) and 58-78(even) The Rock, Nos.1 and 7-11 Tithebarn Street.

Two representations from Nos.47 The Rock and 1 Tithebarn Street.

The tenant of No.47 The Rock has concerns about litter and disposal of refuse whilst the tenant of No.1 Tithebarn Street objects to the change of use on the grounds of over provision of bakery and take away facilities in close proximity to existing well established businesses.

Both objectors have been notified of the Planning Control Committee.

Consultations

Greater Manchester Police - No objection.

Baddac - No objection.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
EN1/8 Shop Fronts
HT5/1 Access For Those with Special Needs
S1/1 Shopping in Bury Town Centre
S2/1 All New Retail Proposals: Assessment Criteria
S2/2 Prime Shopping Areas and Frontages
Area Central Shopping Area
BY6

Issues and Analysis

Use - Under the current Use Classes Order the change of use from an A2 finance business to A1 bakery would be permitted without the need to apply for planning permission.

Visual Amenity - The design and colour (Ivory) of the proposed new shopfront and security shutter would not be dissimilar to other shopfronts in the immediate vicinity and would be considered to be acceptable and in keeping with the streetscene along The Rock. However, the actual style of the shutter (perforated slats) is not one that would enhance the general appearance of the area and when the lights are turned off in the shop would give the appearance of a solid panel. Consequently, the applicant has agreed to amend the style of the shutter to a 'brick bond' type that has an open mesh and this will be more in keeping with the quality of the streetscape that has now been created on The Rock. A condition has been added to require the type of shutter to be formally agreed before work starts on site. The proposal in this respect complies with UDP Policy EN1/2 Townscape and Built Design, EN1/8 Shopfronts, S1/1 Shopping in Bury Town Centre, S2/1 All New Retail Proposals and S2/2 Prime Shopping Areas and Frontages.

Residential Amenity - As there are no residential properties in the immediate vicinity there is little impact on residential amenity and the proposal would comply with UDP policy S2/1 All New Retail Proposals.

Disabled Access - The scheme would improve access for the disabled by removing steps inside the main entrance and as such complies with UDP Policy HT5/1 Access for those with Special Needs.

Representations - Both representations received relate to the use of the unit rather than the proposed new shopfront and roller shutter. As the change of use is permitted by the current Use Classes Order, they are not considered particularly material to this application. With regard to concerns about refuse, it is considered that there are sufficient refuse bins on The Rock.

The proposal is considered to be acceptable and complies 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 design of the shopfront is acceptable and complies with UDP Policies listed. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered BTR-01, 02, 03 and 26 as amended by condition 3 below 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. Notwithstanding the submitted details the type of shutter to be installed on the shopfront shall be agreed in writing with the Local Planning Authority prior to the commencement of works on site.
Reason. To protect the visual amenity of the area and the character of the streetscene in accordance with the adopted Bury Unitary Development Plan Policies EN1/8 - Shopfronts and EN1/2 - Townscape and Built Design.

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

Ward: North Manor

Item 02

Applicant: Bury Council - Childrens Services

Location: Springside County Primary School, Springside Road, Bury, BL9 5JB

Proposal: New foundation unit with playgrounds & fencing. New main entrance, and relocation of bin store. Construction of link covered walkway in courtyard area.

Application Ref: 52668/Full

Target Date: 30/07/2010

Recommendation: Approve with Conditions

Description

The application site is located in a residential area off Springside Road. The school boundary is on the fringe of the Green Belt boundary to the south and west, and part of the school site to the west lies within the River Valley. To the north and east are the residential properties on Springside Road and Sabden Close respectively.

The school encompasses single storey buildings constructed of brick and render and reflects the design and style of the majority of the primary schools in the Borough. There is a detached single storey modular building to the north of the main school behind the houses on Springside Road which accommodates the school's foundation unit.

It is proposed to demolish the existing detached classroom and replace with a new build foundation unit with associated playground and fencing. The application also seeks to extend the main entrance to the school and to incorporate a separate pupils entrance. The bin store would be relocate on the other side of the main hall at the front of the school. It is proposed to construct a link covered walkway in the internal courtyard area.

Relevant Planning History

None

Publicity

Letters sent to Nos 651 Walmersley Road, 2-20 (evens) Sabden Close, 8-18 (evens) Springside Road, 9, 11, 31-53 (odds) Springside Road.

One letter of objection has been received from No 53 Springside Road which raises the following issues:

- There has been parking congestion which has interfered with residents ability to park outside their properties;
- Clarification of the parking of staff vehicles during the refurbishment;
- Clarification of the future parking availability;
- Clarification of the boundary treatment and landscaping.

Comment received from No 33 Springside Road regarding the removal of the cherry trees. No objection was raised following confirmation of the provision of replacement tree planting.

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

Consultations

Designforsecurity Team - No objection in principle. The canopy to the main entrance is in an inaccessible area of the school and provisions should be made to make the area more secure or reduce the size of the canopy to the entrance.

Traffic Section - No objection

Drainage Section - No objection

Environmental Health Contaminated Land Section - No objection subject to conditions.

Waste Management - No comments received to date.

BADDAC - Access Group are concerned that the new main school entrance and entrance to the new foundation unit have a substantial step. Properly designed ramped access (ideally no greater than 1:20) will be required to both features. The disabled toilets are welcomed.

Unitary Development Plan and Policies

PPS23	PPS23 Planning and Pollution Control
CF2	Education Land and Buildings
EN1/2	Townscape and Built Design
EN8/2	Woodland and Tree Planting
OL5/2	Development in River Valleys
OL1	Green Belt

Issues and Analysis

Policies - Unitary Development Plan Policy CF2 - Education Land and Buildings seeks to consider favourably proposals for the provision, improvement and dual use of educational facilities.

UDP Policy EN1/2 - Townscape and Built Design has regard to factors including external appearance and design of the proposal, relationship to the surrounding area, materials, access, parking and servicing provision and landscaping.

Principle - The proposed foundation unit and alterations would provide an improved facilities to serve the educational needs of the pupils and the school. As such, the proposal is considered acceptable subject to impact on the surrounding area.

Residential amenity - The existing single storey portable classroom is sited 8.3m from the boundary fence which runs along the rear gardens of houses on Springside Road. The proposed foundation unit is also single storey and would be positioned 9m away from these houses. As such, the proposed building would not be any more detrimental to the outlook or amenity of occupiers of these houses than the existing situation. The existing trees on the northern boundary would be retained and this affords some screening to the school site. The position of the front entrance and courtyard area is such that there are no residencies would be affected by the additions in these area.

The replacement fence which runs from the side of the new unit to the rear boundary of No 41 Springside would replace an existing fence in an almost identical position and as such there would be no adverse impact on this property.

As such, the proposal is considered to be acceptable in terms of its siting and relationship to the houses on Springside Road and complies with UDP Policy EN1/2.

Visual amenity - The proposed foundation unit has been designed to complement the existing school and would be constructed of red brick and buff brick band course. The new entrances would also have matching brickwork and white aluminium doors and frames. The proposed canopies within the courtyard area to provide a covered walkway between the two key stage units are a departure from the more traditional materials associated with schools extensions. It is not the intention to cover the entire courtyard area as this also used for secured outdoor play. However, the canopies provide an inexpensive, yet fun and colourful way solution to covering part of the courtyard area.

As such, the proposal complies with UDP Policy EN1/2 - Townscape and Built Design.

Parking - The proposed development would not result in either an increase in children or staff to the school, and there would be no reduction in parking availability in the school grounds for staff on completion of the development.

There will be some disruption whilst the works are carried out. Staff will continue to park in the staff car park whilst the foundation unit is under construction. This car park will then be

made available for use by the contractors which may result in some of the staff having to find alternative parking. However, this arrangement is to ensure the safety of the children in and around the school during the works and would be for a temporary period only.

A Travel Plan has been compiled by the school and submitted as part of the application. The school has taken a positive approach to investigating and promoting alternative travel arrangements and initiatives have been put forward to reduce car travel to the school, including journeys made by staff.

The Traffic Team have raised no objection and as such the proposals comply with HT2/4 - Car Parking and New Development.

Trees - There is a row of cherry trees lining the access into the school which would need to be taken out at the start of the works to allow construction access. The proposed plan shows that these trees would be replaced by the same specimen. The applicant and landscape officer involved in this scheme confirmed that some of the trees are poor quality, are at the end of their natural life and unlikely to survive much longer. Given this, it was agreed that these trees be removed on the provision they are replaced with the same specimen. This has been included as a condition of the planning approval.

Security - In response to the recommendations of the designforsecurity team, the applicant seeks to retain the roof to the front entrance as part of the design. It is visible from the road and the school intend to make the entrance to the site more secure after the works are completed. The school also intend to secure the courtyard area following completion of the works by means of fencing. To ensure these recommendations to secure the area and the school are implemented, a condition has been attached requiring the submission of a security scheme.

Access - A temporary road and site area would be required to facilitate access to the development area. This would accessed off the existing vehicular entrance into the school and would be far enough within the school grounds not to impact on adjacent residential properties. Following completion of the works, this area would be re-instated to a grassed area.

Additional plans have been received to demonstrate there will be level access into the main entrance and the foundation unit.

As such, the proposal complies with UDP Policy EN1/2 - Townscape and Built Design and and HT5/1 - Access for Those with Special Needs.

Response to objector - The objector (53 Springside Road) was contacted in response to their e-mail where they sought clarification of matters but with no reply withdrawing their objection. The issues raised with regards to parking, proximity of the proposed building and boundary treatments have been covered in the report above.

Summary of reasons for Recommendation

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

The proposed extensions and alterations are considered to be acceptable in terms of siting, design and materials and would not be detrimental to the amenity of the nearby residents or impact on their visual amenity. The scheme includes adequate parking provision and will not adversely impact on highway safety issues. The scheme incorporates satisfactory landscaping measures.

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 E 10301 A PL02; PL03; and 09334 A PL04; PL05; PL06; PL07; PL08; PL09 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. 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.

7. No development shall commence unless and until a scheme detailing the security measures to be provided within the development site in response to the comments raised by the designforsecurity team have been submitted to and approved in writing by the Local Planning Authority. The approved scheme only shall be implemented and be operable before the development is first occupied.
Reason - To secure the satisfactory development of the site in relation to crime and design pursuant to Unitary Development Plan Policy EN1/5 - Crime and Design.

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

Ward: Ramsbottom + Tottington - Tottington

Item 03

Applicant: Bury Council

Location: Old Kays Park, Tottington, Bury

Proposal: Installation of play equipment within the park area (retrospective)

Application Ref: 52697/Full

Target Date: 04/08/2010

Recommendation: Approve with Conditions

Description

The application site is a play area in Old Kays Park, Tottington which is in the Green Belt, River Valley and West Pennine Moors. The park is rural in character and the approach to and through Old Kays Park to the play area is challenging due to the topography of the area.

To the west of the site is a residential property No 3 Old Kays which is separated along the boundary by tree planting and hedging. The site is accessed via stone steps and a path off Holcombe Road, or from a path leading from the car park which is located at the foot of Hollymount Lane. There is also access via an unmade private track off Turton Road.

The application is part retrospective and seeks the retention of play equipment within this area of the park. There are 6 pieces of play equipment in total made of natural materials which have been chosen to encourage interactive play within a natural and rural setting. These comprise of a grass maze, climbing log, climbing trail, embankment slide and steps, puddle water play and cantilever basket swing. A wood chip safety surface surrounds some of the pieces of equipment.

Background - Following an audit of play provision and green spaces in the Borough, Old Kays Park was identified as one of the sites that lacked in the provision of play facilities. A proposal for this park was submitted to the Team Bury Play Partnership by a member of the local community, Local Area Partnership Manager and Leisure Services and funding was awarded for the installation of a natural themed play area.

Community consultation in the form of advertisements in local publications and signage was carried out and an open event to encourage public participation was held on the site. A competition inviting children to design their own play area resulted in the winning design incorporated into the scheme.

The equipment was installed in the park without planning permission and this application therefore seeks to regularise the development.

Relevant Planning History

No history

Publicity

Neighbours notified at Nos 1,3 Old Kays, 254 Turton Road, 65, 129, 131, 135, Holcombe Road, Tottington.

Site notice posted on 11/6/2010.

Three letters of objection have been received from Old Kays (No 1) and Old Kays Farm (No 3) Tottington and raise the following issues:

- There had been no consultation with the local residents prior to the installation of the equipment and no information regarding the open days;

- The Design and Access Statement is incorrect; the equipment is not on the site previously occupied by a play area, it is much higher and next to the boundary of their home;
- It's location encourages people to drive down the private road (public footpath) off Turton Road which is for residents use only;
- Cars park outside their houses which is undesirable and an intrusion of privacy and has led to confrontational behaviour from some people parking in this area;
- The location of the play equipment directly next to their home is close to the private lane which discourages cars to use the car park on Holcombe Road;
- Until the play equipment was installed, the residents never experienced unauthorised vehicles using the lane;
- Since the erection of the play equipment, the noise levels in the area have increased dramatically daytime and into the night;
- It has encouraged youths to congregate in the area, particularly at night which increases noise levels to an unacceptable level;
- There have been several instances when youths have driven young children and families off the park following foul language and behaviour;
- Intrusion of privacy;
- Constantly having to investigate noise from the site incase a serious incident has occurred;
- The plans show there is no intention to minimise the noise nuisance by fencing/hedging near to their property to minimise the noise nuisance;
- The litter has become a problem;
- The site is isolated and open to vandalism and there has been no evidence of surveillance or park patrols.

E-mail received from resident of Oswestry Close who raises the following issues:

- Signs in the park invited local people to 'Have a Say' as to how the funds be spent. Residents expressed concern over a possible skate park, but felt views were not taken into consideration;
- The park is a wildlife haven which should not be disturbed;
- The applicant's contact details have not been advertised as promised;
- A previous play area was pulled down due to mis-use;
- There is no car park and people park on Oswestry Close or Holcombe Road;
- The site is secluded and there are security issues;
- More residents should have been consulted about the planning application.

Two letters of support received from No 16 Greenheys Crescent and No 405 Holcombe Road with the following comments:

- The park at the moment is really good and better than what was there a few years ago;
- Would like more play equipment for smaller children and toddlers, picnic benches and a picnic area and a few more waste bins;
- The whole area is lovely and natural and are very lucky to have it.

One comment from No 1 Brookhouse Close:

- More toddler play equipment and obstacles should be provided.

Those respondents who expressed an interest have been informed of The Planning Control Committee Meeting.

Consultations

Public Rights of Way Officer - The development will not affect Public Footpath Number 57 Tottington which runs to the southern edge of the site.

Environmental Health Section - No comments to make.

BADDAC - Initial objection to the inaccuracies of the Design and Access Statement withdrawn following the submission of a revised statement.

Unitary Development Plan and Policies

OL1	Green Belt
OL7/2	West Pennine Moors
OL5/2	Development in River Valleys
EN6/4	Wildlife Links and Corridors
EN9/1	Special Landscape Areas
EN1/2	Townscape and Built Design
RT3/3	Access to the Countryside
RT1/2	Improvement of Recreation Facilities

Issues and Analysis

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

RT3/3 - Access to the Countryside seeks to improve and extend opportunities for all to gain access to the countryside including maintaining and improving footpaths and signposting improving facilities for the mobility impaired, providing parking where appropriate and creating new access points.

Principle - The Team Bury's Play Policy was adopted by the Council in 2007, and the design of the playbuilder sites are based on guidelines of the Play England document "Design for Play: a guide to creating successful places to play". Following an audit of recreational facilities and outdoor spaces in parks and green spaces, a lack of provision and facilities in the Tottington area was identified.

The Partnership judged the proposed play area at Old Kays was among the 24 sites in the Borough to have met the necessary criteria and was awarded funding for the installation of a natural themed play area. Consultation work was carried out within the community and children in the local area were involved in the evolution of the scheme.

Old Kays is a rural country park and the ethos behind the play area and the equipment aimed at integration within the natural environment. It would fulfill the aim of Team Bury's Play Policy to provide a playable space which encourages children to interact with the natural environment. As such, it complies with RT1/2 - Improvement of Recreation Facilities.

The site is a public park with existing access points and footpaths in and around the park area. There is a parking area on the approach to the park from Holcombe Road and as the park is generally used by people in the locality and does not draw people in from the wider area there is no requirement for further parking. The topography and gradient differences of the park and area means the park is not completely accessible to all, but this due to the existing surroundings and setting of the park. As such, the proposal would comply with UDP Policy RT3/3.

Residential amenity - In terms of the proximity of the equipment to the nearby residential properties, the nearest piece of equipment, the grass maze, would be 13m from the boundary with the adjacent property and 30m from the side elevation of the house. The next nearest piece of equipment is 30m away from the boundary and is a climbing log. One of the more popular pieces of equipment, the basket swing would be moved away from the boundary to this residential property, closer to the entrance to the play area. There is screening from tree planting and a hedge along the boundary with this property.

The objector adjacent to the play area expressed a wish that additional boundary treatment should be provided, which Children's Services were willing to provide. Subsequently, the objector suggested they may accept this offer but for now did not want to pursue the provision of additional screening. However, the lack of proposed boundary treatment was raised as an issue in their letter of objection.

In planning terms, there is considered to be sufficient screening along the boundary;

however, in the interest of neighbourliness, a condition to submit a boundary treatment scheme to further safeguard the amenities of the adjacent neighbour has been attached should the application be approved.

As such, it is considered there is adequate distance and intervening features to mitigate the impact the use of the equipment would have on the nearby residential properties.

Whilst this is an established country park, which has generally attracted walkers, dog walkers, and short stay visits by people, the installation of a play area is likely to attract more people to this particular area of the park for longer periods of time, pursuant to UDP Policy RT1/2. The objectors are concerned about the noise and disturbance which is associated with the use of the area, and anti social behaviour and vandalism as a consequence. These are issues which are often raised when a development of this type is being considered. The type of play equipment installed is aimed at children up to 13 years old who are more likely to be accompanied by adults. However, the playspace is also designed to be an interactive point for the whole community to encourage interaction between different generations within the community and promote inclusivity.

In terms of the park attracting youths to the area, there are no controls to it being used as a gathering point late into the evening and night time. However, it is an existing public park, accessible at all times and an area which is already liable to encourage groups to congregate.

Given the location of the equipment and its setting within the park, the boundary treatments existing and proposed to the west and its distance from the nearest residential properties, the scheme is considered to be acceptable and would comply with the criteria of RT1/2, RT1/3 and EN1/2.

Siting and Appearance - The play equipment is located on a piece of land within the park which rises from Holcombe Road and continues on a slope towards Turton Road to the west. The location for the play area was chosen for three main reasons:

- The flatter sections of the site are very wet in the winter months and locating the equipment in this area would have led to maintenance issues, restricted use of the equipment and limited the life expectancy of the equipment;
- Guidance suggests it is best to use natural topography of the site as much as possible and the location has allowed several new play experiences which would not otherwise have been possible;
- The funding criteria states the focus should be on natural play and some of the equipment is dependant on being located on a higher slope. This location makes the best use of the play equipment and the natural features of the site.

The objectors raise the issue that the siting of the play equipment close to their boundary has had a detrimental impact on their residential amenity. The applicant has agreed to relocate a piece of equipment (basket swing) which is currently close to their boundary, some 75m away, which would be closer to the pathed entrance to the play area. However, it is not intended to relocate the entire play area to a different area of the park. This particular area was considered to be appropriate for the type of natural play equipment and its intended use, its integration within the natural environment and located on higher ground to avoid more waterlogged areas of the park. This is not considered to be unreasonable from a planning perspective.

The key components of the scheme are made of wood and stone, and where necessary bark chippings or grass matting have been laid as a safety surface, and some earth works done to facilitate the equipment. Visually, the play area is in keeping with its rural setting and does not conflict with the surrounding environ.

As such, the layout of the play equipment as shown on the submitted plan best utilises the natural topography of the site and taking into account the drainage problems on flatter area of the park. It is considered acceptable in terms of its siting and appearance and complies

with UDP Policy EN1/2 - Townscape and Built Design and RT1/2 - Improvement of Recreation Facilities.

Access - There are 3 access points to the site; two footpaths off Holcombe Road to the east and one from Turton Road to the west. The access from Turton Road is a private lane, which is a public footpath right of way, and the only vehicular access to the 2 dwellings at the end of this lane. The objectors have reported increase use of this access point from people driving to the park.

The park and play area is aimed to be a local facility for local people and would walk to the park and therefore no additional parking provision is proposed or expected. There are measures which can be taken to discourage cars to use the private lane off Turton Road such as additional signage. However, this lane is privately owned and the erection of any barriers, gates and bollards would be the responsibility of the land owners in consultation with the Traffic Team and Public Rights of Way Officer.

Disability Access Issue - A revised Design and Access Statement has been submitted which clarifies the access arrangements to the park area and the play area specifically. The existing approaches to the park are challenging due to the overall topography of the site. There is stepped access from Holcombe Road onto a path which rises up towards the park, or from the car park over a footbridge again via a steep path which winds through a wooded area. The site is more accessible off Turton Road; however this is also demanding, particularly on the ascent out of the park.

The park itself is constrained by physical boundaries and not easily accessible to every person. The play area and equipment lends itself to be used by children with a range of abilities. Like many parks, there are some pieces which will be more accessible than others. However, it has been designed to be as inclusive to as many children and young people as possible to allow for interactive play. There will be some children who will not be able to access the area, particularly wheelchair users, and this has been acknowledged in the Design and Access Statement.

Accessibility between the pieces of equipment has been raised as an issue by BADDAC. Following discussion with the applicant, they are willing to provide additional paths to ensure the pieces of equipment are as inclusive as possible. A condition to submit these details would be attached to any grant of permission.

BADDAC welcome the revised Design and Access Statement and the commitment to provide additional paths to the play equipment. As such, they raise no objection to the application.

Given the site constraints and access arrangements, the location of the play equipment is considered to be acceptable and compliant with UDP Policy RT1/3.

Response to objectors - The issues which relate to noise, disturbance and impact on residential privacy associated with the siting of the equipment have been covered in the above report. In terms of litter, there is an existing litter bin to the entrance of the play area and others located around the park area.

Publicity prior to the installation of the equipment has been covered in the report above. In terms the planning application, residents adjacent to the park area and on Holcombe Road were notified. Two sites notices were posted; one to the entrance of the park off Holcombe Road and one to the entrance of the play area. This meets the Council's normal requirements for notification and publicity.

Park Rangers regularly visit the site and the estates team visit the park to check on maintenance issues. There is a security system in place for every park in Bury which alerts the Bury MBC Security Department to reported incidents from the park rangers and members of the public.

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 play equipment area is an additional recreation facility which would not have a detrimental effect on the amenity of nearby residents or adversely impact on the environment and the surrounding area. The scheme does not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The cantilever basket swing equipment shall be relocated according to plan 05/2010 Scheme Proposal within 56 days of the date of the scheme hereby approved. The equipment shall be retained in this position unless agreed and approved in writing by the Local Planning Authority.
Reason. In the interests of residential amenity pursuant to Unitary Development Plan Policy EN1/2 - Townscape and Built Design.
2. This decision relates to drawings - Scheme proposal 05/2010; site boundary 05/2010 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. Within 28 days of the date of this approval, a scheme relating to the boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented within 28 days of the approval of the scheme.
Reason - In the interests of the visual and residential amenities of the adjacent residential properties pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Within 28 days of the development hereby approved, a scheme to provide additional paths within the play area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme only shall be implemented within 90 days of the approval of the scheme.
Reason. To ensure inclusivity and accessibility pursuant to Unitary Development Plan Policy RT3/3 Access to the Countryside.

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

Ward: Bury East

Item 04

Applicant: Armac Veterinary Group

Location: Land at the rear 457-461 Rochdale Old Road, Bury, BL9 7TB

Proposal: Change of use of land to form car park to create 8 spaces

Application Ref: 52704/Full

Target Date: 28/07/2010

Recommendation: Approve with Conditions

Description

The application site is land to the rear of Nos 457-461 Rochdale Old Road. The land is in the ownership of the veterinary surgery which operates from No 461. To the north and west of the site is open land, a former clay pit and Jericho landfill site which is allocated as a proposed recreation site in the Unitary Development Plan (Policy RT2/1/4). To the east are gardens and parking associated with the terraced houses Nos 479-485 Rochdale Old Road which are separated from the site by an existing timber panel fence. To the south are the two adjacent terrace properties (Nos 457 and 459) which are bounded by an existing wall.

There is an existing area of land behind the vets surgery which is used as a car park for between 4 and 5 cars but is not formally laid out. The application seeks the change of use of disused land to the west of this area thus to increase the parking capacity to a total of 8 spaces and to formally lay out the parking area. A new 1.35m high timber post fence would be erected to the north of the site to separate this area from the recreation land beyond.

Relevant Planning History

49532 - Change of use of land to form extension to existing car park to create 7 additional spaces - Withdrawn due to lack of information - 25/3/2008.

52178 - Change of use of land to form extension to existing car park to create 3 additional spaces - Invalid application 08/04/2010

10/0103 - Creation of car park - Enforcement Case - 01/04/2010. This application is as a result of this case.

Publicity

Neighbours notified at 445 - 459 (odds) and 479-501 (odds) Rochdale Old Road.

One letter of objection received from No 457 Rochdale Old Road which raises the following issues:

- The land overlooks their bedroom and there would be no privacy;
- This is a residential area and a car park would be classed as industrial use;
- The increase in parking area would exacerbate an existing noise problem.

Comment received from No 459 Rochdale Old Road:

- There should be access to the back of their property;
- Will a suitable footpath be made to enable easier access to the gate of No 459 which at present is rough gravel?

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

Consultations

Traffic Section - No objection subject to condition to formally layout the car park.

Environmental Health Contaminated Land - No objection subject to conditions.

Drainage Section - No objections.

BADDAC - Request 2 disabled bays.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
RT2/1	Provision of New Recreation Sites
HT2/4	Car Parking and New Development
EC4/1	Small Businesses
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Principle - UDP Policy EC4/1 - Small Businesses . Proposals will be acceptable when the scale of the development is appropriate to and the use is compatible with the surrounding area in which it is to be located and would not conflict with other land uses or policies. RT2/1 - Provision of New Recreation sites seeks to encourage new opportunities for recreation provision in the urban area.

There is an existing staff car park area directly to the rear of the building and the proposed car park area and would be solely for the use of visitors to the vets. The 3 additional spaces is a relatively minor increase in development for the car park proposal, which would utilise a disused and overgrown piece of land and would reduce the likelihood of cars relying on on street parking on Rochdale Old Road. The proposal would not conflict with other land uses and policies and as such complies with EC4/1 - Small Businesses.

The site is on the periphery of land allocated as an informal recreation area. The car park extension would not encroach on this area and the applicant states the development would be wholly on their own land. As such, the proposal complies with RT2/1 - Provision of New Recreation.

Layout and Appearance - Part of the site is used as a car park but is not formally laid out. There would be 5 spaces marked out along the eastern boundary where cars currently park, and a further 3 created along the westerly boundary. Access into the site would be via the existing tarmac drive off Rochdale Old Road. The layout would best utilise the existing and proposed areas of land to gain as much parking as possible for the veterinary business whilst not encroaching onto the open areas of land to the north.

Stone chippings would be used as the surfacing material to match the existing and the bays would be demarcated with split logs fixed to the ground. As such, the car park would maintain a rural appearance which is considered appropriate given it is located adjacent to an area of uncultivated and open land.

The Highways Section have raised no objection to the application subject to its formal demarcation and as such the proposal complies with EC4/1 - Small Businesses and HT2/4 - Car Parking and New Development and EN1/2 - Townscape and Built Design.

Parking Standards - Development Control Policy Guidance Note 11 - Parking Standards in Bury states that a maximum provision of 8 spaces should be provided for a vets business of this size and scale. There is currently scope for 5 spaces and the proposal would increase this to a total of 8 including 2 disabled spaces, which therefore satisfies the maximum requirement. The business is located on a busy main road opposite the entrance to Fairfield Hospital and a traffic light controlled junction and to provide the maximum requirement is considered reasonable and practical for its location.

There is a separate car park for staff directly behind the building which sufficiently caters for the business. As such, the parking requirements are satisfactory and the proposal complies with DCPG Note 11.

Residential amenity - The newly created car park would be 12.3m from the rear elevations of Nos 457 and 459 Rochdale Old Road. The land would be lowered by some 0.3m to facilitate its resurfacing and would make the resultant car parking level with surrounding land. The erection of a 1.35m high boundary fence would screen part of the car park from these houses and would mitigate some of the headlights from people and cars using of this

area. The veterinary surgery is a daytime operation, when people are likely to be at work or carrying out daytime activities and as such there would be minimal disturbance caused to local residents. The extension of the car park area is therefore considered not to be detrimental to the amenity of the local residents and would comply with EC4/1 - Small Businesses.

Contaminated land - Part of the site is situated above the Jericho Landfill site which was filled between the 1950s and 1970s and is known to contain landfill gas. A gas risk assessment report has been received and full validation of the works to create a car park will be required to ensure that the gas regime at the site is not altered by the development. As such, conditions have been attached to secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment.

Response to objectors - Whilst the increase in parking may result in more cars visiting this immediate area, the business is not expanding in terms of numbers of staff or floor area and as such there is unlikely to be any discernible change in numbers of visiting members of the public.

The key difference is that the use of the area would be intensified marginally but the scale of additional spaces would not be so great that would give concerns to create significant levels of harm to residential amenity. The car park would be at the same level as surrounding levels and given the screening provided by the houses own rear boundary supplemented by the proposed fencing and the fact that the area is currently used for parking there would be no change to issues of affecting overlooking as it is today.

There are no proposals to alter the access along the rear of Nos 457 and 459 as this area is within their land ownership and does not form part of the application site.

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 car park will not harm the character of the area or conflict with the uses and amenity of the surrounding area. The scheme will not adversely impact on the amenity of surrounding residents or adversely impact on 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 revised red edge plan; revised layout plan 1697.02 Rev C 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 car parking spaces indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the written satisfaction of the Local Planning Authority.
Reason. To ensure adequate off street car parking arrangements in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:

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

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

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

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

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

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

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

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

8. 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.

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

