

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 01

**Applicant:** Electricity North West Ltd

**Location:** Electricity Substation Building, Paradise Street, Ramsbottom, Bury, BL0 9BS

**Proposal:** Change of use of part of substation building to offices (Class B1); Raising of roof ridge height to create additional storey; Creation of access to 2 no. car parking spaces at rear (resubmission)

**Application Ref:** 52589/Full

**Target Date:** 17/08/2010

**Recommendation:** Approve with Conditions

**The application was deferred for a site visit by the previous Planning Control Committee on 24th August.**

**Description**

The proposal relates to a brick built Edwardian electricity sub-station (1910) within Ramsbottom Town Centre Conservation Area. The land on which the sub-station is sited slopes up from Paradise Street towards Ramsbottom Lane at the rear. Across Paradise Street is a row of stone terraced properties in residential and business use. To the rear is a small walled yard with an area of rough scrub with two poor quality trees. To the side, running along the boundary with the flats that comprise Adderstone Mansion, is an unmade, informal footpath (Non-Definitive Right of Way) that links Paradise Street and Ramsbottom Lane.

It is proposed to retain the building's operational capacity with the existing transformer and plant room at the rear of the building whilst introducing an additional floor and reception area within the property. Total floor space for offices and ancillary development would be 190sqm. In order to create the additional office space the roof ridge would be raised 1.3m. New windows and a main entrance will be introduced at the front, where there are existing recessed brick panels on the Paradise Street elevation. The introduction of the entrance, reception area and disabled toilets would entail lowering the internal floor level by 900mm. Windows on the upper floor at the front would be reinstated. The existing door opening on the side would be bricked up and two additional windows introduced. New window openings would be added at the rear, overlooking the parking and turning area that would be accessed from Paradise Street, along the side of the building.

The informal path to the side would be regraded to facilitate vehicular access to the rear, where two car parking spaces would be provided, whilst retaining the footpath link between Paradise Street and Ramsbottom Lane.

Proposed hours of working would be Monday to Friday 8.30am to 5.30pm and Saturday 8.30am to 1pm. Closed Sunday.

**Relevant Planning History**

**52090** - C/U Sub-station to Offices, Raising ridge to create additional storey, Creation of Access to 2no. parking spaces - Withdrawn 08/01/2008.

This application is a result of discussions following the withdrawn application.

**Publicity**

Neighbours notified at Carr Bank Lodge Ramsbottom Lane, 22 Market Street, 22-48(even) Market Place (Adderstone Mansion), 47-53(odd) Bridge Street, Steam Packet House, 720 Churton Grove, 8-10 Paradise Street, Paradise Works, The Smithy and Paradise St shoeing Forge, Paradise Street by letter dated 12/1/2009. A site notice was placed on the 25th June 2010 and the application was advertised in the Bury Times on the 1st July.

Representations have been received from, or on behalf of, 30, 32, 36 and 40 Adderstone

Mansion, Market Place, 213 Ainsworth Road, 8 and 10 Paradise Street and Paradise Works, also on Paradise Street. Concerns are summarised below:

- The main concerns relate to the potential loss of on street parking spaces along Paradise Street which cannot support more traffic.
- 14 apartments at Adderstone Mansions, adjacent, was approved with only 6 parking spaces and as a consequence residents park on Paradise Street.
- The excavations for the proposed driveway would undermine the trees and side boundary wall.
- Overlooking across Paradise Street.
- The creation of any specialised/disabled parking at the front would impede the operations of the business across Paradise Street.
- Is there a demand for further office space?
- Possible hazard from electro-magnetic radiation from existing transformer.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objection.

**Drainage Section** - No objection

**Environmental Health** - No objection.

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

**Conservation Officer** - No objection.

**Landscape Practice** - No objection.

**Secure by Design** - No comment to date.

**Ramsbottom Heritage Society** - Objects on grounds that the new windows on the front and side alter the character and balance of the building and there is concern that the new brickwork may not match the existing.

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

EC4/1	Small Businesses
EC5/2	Other Centres and Preferred Office Locations
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN8	Woodland and Trees
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD11	Parking Standards in Bury
Area	Market Place/Carr Street/Ramsbottom Lane
RM1	
PPS23	PPS23 Planning and Pollution Control

### **Issues and Analysis**

**Principle** - The principle of converting part of the building to offices is considered to be acceptable and would enable a new use to be found for what is an attractive building within Ramsbottom Town Centre's conservation area.

EC4/1 Small Businesses supports EC5/2 in stating that proposals for small businesses will be considered acceptable where they do not conflict with other policies of the UDP.

UDP Policy EC5/2 Other Centres and Preferred Office Locations, indicates that proposals for offices with town centres will be looked on favourably where there is adequate infrastructure.

Policy EC6/1 Assessing New Business, Industrial and Commercial Development indicates that proposal should take into account the following factors - size and scale, access and

parking, landscaping, effect on neighbours and safety factors.

**Town Centre** - UDP Policy Area RM1 relates to Ramsbottom Town Centre and states that the Council will seek to improve community facilities, recreation and housing with the Town Centre.

**Visual Amenity and Conservation Area** - EN1/2 relates to townscape and design and indicates that development will not be permitted where it would have a detrimental impact on the streetscape, particularly in areas of interest such as conservation areas. Conservation area policies EN2/1 and EN2/2 support EN1/1 in regulating proposals specifically within conservation areas.

The proposal, by enabling a new use within the building, would help retain the area's architectural and cultural heritage and improve the appearance of the conservation area in general. The installation of new hard wood sash and case windows with stone heads and cills and set within reveals, would mirror those windows within the neighbouring property and are considered to be in keeping with the character of the existing building and wider conservation area. The proposed new areas of brickwork to the rear would match the existing brickwork which would be cleaned and re-pointed and the existing slate would be reused for the roof. In terms of visual amenity, the proposal would comply with the conservation area policies listed.

**Trees** - The three existing self seeded trees along the side boundary and two trees to the rear would need to be removed to allow for the proposed access and parking area. The trees are poor quality are leaning to the degree that they have become a hazard to adjacent buildings. It is considered that these trees could be removed without harm to the character and amenity of the area.

**Residential Amenity** - Properties on Paradise Street - Overlooking to the upper floor of residential properties across Paradise Street would be overcome by obscure glazing to the windows of the converted building at first floor level. The one rooflight on the front elevation would be high level. Apart from one window, openings at ground floor level on the front would face commercial businesses at ground floor level. The one ground floor window that would face a residential window at No.10 Paradise Street would have a lift behind it and therefore would not cause undue harm the amenity of residents opposite.

Adderstone Mansion, situated to the south of the site, was previously a chapel which was converted after planning permission was granted in 1997 for 14 apartments. These apartments have windows along the elevation facing across the land to the rear of the sub-station. One of these windows (lounge), closest to Paradise Street, faces the rear part of the sub-station at a distance of approximately 6.6m. Raising the rear elevation by approximately 1.6m would raise the ridge line but would not have a significantly reduce the amount of daylight into this habitable room which is situated to the south of the site. As such the residential amenity of the occupier of this property would not be seriously affected. Subject to a condition requiring the upper floor windows on the Paradise Street frontage to be obscure glazed, there are no other residential amenity issues of concern. The proposal therefore complies with UDP Policy EC6/1 Assessing New Business, Industrial and Commercial Development which states that proposal should take account of neighbouring properties.

**Highways and Parking** - It is clear that there are existing parking problems experienced along Paradise Street which is narrow and has no restrictions. Many of the cars parked along the street tend to be from nearby residents and workers within the town centre. Given that the site is within the town centre, the parking requirement for new office space is more flexible than it would be on sites outside the town centre where 4-5 spaces would be required and as such the two spaces at the rear, together with the turning area are considered to be adequate in this instance. The applicant states that as the scale of development is small, it would suite a small local firm which would be aware of the parking issues and could minimize vehicular movements.

It is also relevant to note that the adjacent residential conversion to 14 apartments (22-48 Market St) was approved with only 6 parking spaces, fronting paradise Street, in 1997.

In respect of parking and access, the proposal is considered to comply with UDP policies HT2/4 Car Parking and New Development, EC4/1 Small Businesses and EC6/1 Assessing New Business, Industrial and Commercial Development.

**Ecology** - A bat survey was submitted with the application and concluded that there was no evidence of bats roosting on site. It is considered appropriate however to attach an informative to any approval, highlighting the applicant's duties in respect to the Wildlife and Countryside Act 1981 should any bats be found.

**Objections** - The concerns relating to parking and access, overlooking, trees have been addressed in the above report.

With regard to the impact on the stability of the boundary wall, prior to commencement of any works, a scheme would be required to ensure that the proposed driveway would not have a detrimental effect on the structural integrity of the wall. It is also noted that the tree closest to the boundary is pushing against the wall and therefore its removal may help its relative stability.

With regard to demand for offices, this is something the market determines and is not a planning issue.

In respect to electro-magnetic radiation, guidance suggests that evidence of any danger is inconclusive and in any case subject to general regulations relating to health and safety at work and reference to the International Commission on non-ionizing radiation Protection (ICNIRP) guidelines . As such an informative can be attached to any design notice if the proposal is approved requiring the applicant to take any precautionary measures necessary.

### **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 proposal would enable a new use for an existing building of local historical interest within the Town Centre Conservation Area without serious detriment to the visual amenity of the area or residential amenity of residents. There are no serious highway safety concerns and parking is considered adequate and given its town centre location, the provision of off-street parking and turning and the opportunity to retain an historic building within the conservation area, the proposal is on balance considered to be acceptable and complies with the UDP Policies listed.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered N292-01,02, 03-A, 04, 05-AB, 06AB, 07-AB and 08 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

3. Samples of the materials to be used in the external elevations and surfaces, including a sample panel of brickwork and mortar, demonstrating the colour, texture, face bond and pointing, not less than 1 sq.m in size, erected on site for inspection, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Full details showing the vertical and horizontal sections (1:20 scale) of new windows shall be submitted to and approved in writing by the Local Planning Authority. The sections shall indicated all windows set behind a minimum reveal of 75mm.  
Reason. To preserve the character of the building and surrounding conservation area pursuant to UDP Policies EN2/1 and EN2/2 relating to conservation areas.
6. 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.
7. Following the provisions of Condition 6 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.
8. Before the use hereby approved commences, the three windows at first floor level on the front elevation shall be fitted with obscure glazing and shall be permanently retained in that condition thereafter.  
Reason. To protect the privacy of adjoining occupiers and to accord with Policy EC4/1 Small Businesses and EN1/2 Townscape and Built Design.
9. 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 use hereby approved commencing and thereafter maintained at all times.  
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.
10. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.

11. Prior to commencement of development, a detailed scheme for the proposed regrading and construction of the proposed access, including any land stabilization works, shall be submitted to and approved in writing by the Local Planning Authority. The subsequently approved scheme shall be implemented to the written satisfaction of the Local Planning Authority and maintained thereafter for the duration of the approved use.

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

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

**Ward:** Prestwich - Holyrood

Item 02

**Applicant:** Turning Point Building Futures Ltd

**Location:** Leigh Bank, 4 Glebelands Road, Prestwich, Manchester, M25 1NE

**Proposal:** Partial demolition of single storey outbuilding and erection of new single storey extension to link to main house

**Application Ref:** 52762/Full

**Target Date:** 16/08/2010

**Recommendation:** Approve with Conditions

**The application was deferred for a site visit by the previous Planning Control Committee on 24th August.**

### **Description**

The application relates to a large detached red brick Victorian house known as Leigh Bank on a residential street of similarly styled properties and located within Poppythorn Conservation Area. There is a driveway to the side and a large garden to the rear.

The premises has been providing residential care services for adults with alcohol and drug problems since 1974. The average length of stay for residents, who will have completed a detoxification programme prior to their stay, would be 3-6 months.

Turning Point, the organisation that runs the service, was awarded a grant to carry out alterations to improve access, therapy and enable service users to build relationships with their families. This application is a consequence of this funding.

The proposed extension would utilise the side wall of the existing outbuilding/en-suite bedroom closest to the side boundary with No.6 Glebelands Road and project out to the side, away from the boundary. The extension would project no further along the boundary with the neighbour than the existing outbuilding (9.5m) and will have a pitched roof with materials to match the existing property (slate and facing brick).

The extension forms part of a wider scheme of alterations and refurbishment at Leigh Bank that would increase the number of bedspaces from 9 to 12 in total. The number of staff would increase from 4 to 5. The facility would be staffed Monday to Friday 9am - 8pm and on Saturday/Sunday from 12noon - 4pm.

The proposal follows a previously approved scheme, involving a single storey rear extension in 2008 which exceeded the budget available.

The centre is currently empty, and has been for about 2 years due to the general need to refurbish the centre and the desire to improve facilities.

Following concerns raised about parking at the previous Planning Control Committee, the applicant has submitted two alternative parking schemes. One scheme indicates a similar scheme to that previously proposed, end to end parking, but with new paving along the existing tarmac driveway. The second alternative indicates a parking and turning area within the rear garden area. Both these layouts can be seen attached to this report.

### **Relevant Planning History**

49591 - Proposed Detached Communal Rooms, Accessible Wc & Office - Withdrawn 08/05/2008

50461 - Single Storey Extension at Rear - Approved 26/11/2008

## **Publicity**

Immediate neighbours at Nos.1,3,5,6,7,8 and 8A and 10 Glebelands Road, 1, 1A and 3 Newlands Drive, 24,26, 28 and 30 Poppythorn Lane and Poppythorn Court were notified by letter dated 22/09/2008. Site notice posted 24/06/2010. Press advert in Bury Times and Prestwich and Whitefield Guide 02/10/2008.

Four neighbours have made representations. Three objections from Nos.1, 5 and 6 Glebelands Road and are summarised below:

- The increasing the size of an establishment (from 9 beds to 12) that is already anti-social is unacceptable.
- There is insufficient parking for the existing numbers and intensifying the use will make the situation worse.
- The increase in height of the ridge of the extension will cause a loss of light to No.4 Glebelands.
- The site's conservation area status should prevent any part of the property from being knocked down and any demolition is against the principal of conservation areas.
- The applicant, Turning Point have not considered local views and there is doubt about there ability to make long term decisions.
- The proposed roof lights in the extension, when open, would increase noise nuisance.
- A further neighbour at No.3 has commented that it would not be a good idea to convert the front room of the ground floor to a bedroom as passers-by may see drug taking.

The correspondents have been notified of the Planning Control Committee meeting.

## **Consultations**

**Traffic Section** - No objection.

**Drainage Section** - No objection.

**Environmental Health** - No objection.

**Conservation Officer** - No objection.

**Baddac** - No objection.

**Projects and Wildlife Officer** - No objection subject to an advisory on protected species.

## **Unitary Development Plan and Policies**

EN1/2	Townscape and Built Design
EN2/2	Conservation Area Control
EN2/1	Character of Conservation Areas
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
CF3/1	Residential Care Homes and Nursing Homes

## **Issues and Analysis**

**Policy** - UDP policies CF1, CF3 and CF3/1 relate to community and social care facilities. The policies support appropriate provision of new and improved care facilities where they do not conflict with the residential amenity of neighbouring residents and any other policies and guidance. As the proposal would improve facilities at the care home, the extension is considered to be acceptable in principle and accords with these policies.

Other UDP policies relate to the visual amenity of the street scene and character of the conservation area in which the site is located. EN1/2 Townscape and Built Design with conservation area policies EN1/2 and EN2/2 states that proposals with conservation areas should conserve and enhance the character of the area. Special regard should be given to the size, design and materials use and the relationship with surrounding properties.

**Character of Conservation Area** - The proposed extension follows the general design approach in the existing building and the traditional buildings forms and details in the area. The proposed finishing materials are acceptable in that they are consistent with the existing and surrounding buildings.

The design of the extension has been examined in detail by the Conservation Officer who



considers that the extension is well designed and would not affect the character of the Conservation Area. The part demolition of the existing outbuilding is not contrary to the principals of the Conservation Area.

The main body of the extension would not be readily viewed from surrounding public roads. In terms of the size, siting, materials and design the extension is considered to be in keeping with the Conservation Area and complies with related policies EN2/1 and 2/2.

**Residential Amenity** - In respect to the extension, it is located on the shared side boundary with No.6 and uses the side wall of the existing outbuilding. It would have a depth of 9.5m and 7m width. The roof pitch would follow that of the existing extension with the new ridge 0.7m higher than the original ridge although set 1.5m further away from the side boundary. The extension would be over 23m from the rear of No.28 Poppythorn Lane. Given the size of the extension and the distances between properties, it is considered that there would be no significant impact on the residential amenity of the occupiers of the neighbouring properties due to overlooking or loss of light. As such the proposal would not conflict with UDP Policy CF3/1.

Although the application relates to the extension at the rear, given the neighbour concerns, the issue of the intensification of the existing use needs to be addressed. It is apparent from neighbour representations that there have been incidences of low level anti-social behaviour and noise nuisance from Leigh Bank over recent years. Although these appear to have been sporadic and limited in scope, it is understandable that the immediate neighbours are concerned about any intensification of the existing use.

Whilst the internal alterations to the existing property, including the creation of additional bedrooms, would not require planning permission, the extension is clearly an integral part of the programme of alterations. In response to concerns that the alterations would intensify the use and increase disturbance, it is considered that with an appropriate management structure in place, an additional three residents would not have such a negative impact to warrant refusing the application. If disturbance does arise, as with any other case, complaints would result in investigation under existing Environmental Health legislation.

**Traffic Generation and Parking** - The applicant argues in the supporting statement that the additional 3 bedrooms created would not significantly intensify the use of the site in terms of traffic generation as residents do not drive and this is generally accepted. Whilst it is acknowledged that the numbers of visitors would likely increase, the site has five parking spaces and is located close to Prestwich Town Centre with its Metro station and bus links. Whilst there would be a additional member of staff, it is considered that the proposed parking facilities are sufficient to cater for this. It is also noted that the site is only a short walk away from Prestwich Town Centre and the Metrolink. In this respect the proposal is considered to comply with UDP Policies CF3/1, HT2/4 and EN1/2

**Ecology** - The site is in an area where bats are known to roost. Whilst it is unlikely that they would inhabit the existing single storey extension, it is appropriate to attach an advisory note to any decision notice informing the applicant of their duties under the current protected species legislation.

**Neighbour Representations** - The site would have parking for 5 cars and given its location, this is considered that this is adequate. The increase in height of the ridge of the single storey extension by 0.75m would not have a seriously detrimental impact on No.6 to the extent as to warrant refusal and demolition of part of an 'extension' to a building within a Conservation Area is not contrary to the principals of this designation when it is part of an overall scheme. With respect to the ability of the applicant's to make long term plans, this is not a planning consideration.

**Revised Parking Layouts** - The layout indicating a larger car park and turning within the rear garden area, whilst improving vehicular manoeuvring within the site, would have a detrimental impact on the character of the Conservation Area and possibly cause

disturbance to the immediate neighbour. As such this option, which could not be approved under this application, would be unacceptable.

The other option, involving re-paving the existing driveway and marking out the four parking bays is considered less damaging to the Conservation Area and, given that the proposal has limited impact on traffic generation, would not significantly reduce highway safety. A condition would be attached to any approval that requires details of the surfacing to be appropriate in appearance and either be permeable or have adequate drainage.

### **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;-

In design terms the extension is in keeping with the existing building and conservation area. The additional space created would not lead to a significant intensification of the use of the premises where the residential amenity of neighbours is threatened. There are no other material considerations that outweigh this finding and as such the proposal is considered to be acceptable and complies with UDP policies listed.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 2301.001, 002, 003, 004, 005, 006A, 020H, 021C, 022C, 023, 024, 027D, 028C, 026C and 029A, as amended by condition 4 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. Samples of the materials to be used in the external elevations and hardsurfacing, including the proposed driveway, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The proposed new communal area within the extension shall not be used as a bedroom without the prior written consent of the Local Planning Authority.  
Reason. To control the intensity of the use of the site in the interests of residential amenity pursuant to UDP Policy CF3/1- Residential Care Homes.
5. The car parking indicated within the approved scheme shall be surfaced, demarcated and made available for use prior to the extension hereby approved being occupied and the parking shall thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety and residential amenity pursuant to policies HT2/4 - Car Parking and New Development and CF3/1 - Residential Care Homes and Nursing Homes of the Bury Unitary Development Plan.
6. Before the first occupation of the extension hereby permitted the rooflights on the east elevation of the extension shall be non-opening and shall be permanently retained in that condition thereafter.  
Reason. To reduce noise outbreak and protect the amenity of adjoining occupiers

pursuant to UDP Policy CF3/1 Residential Care Homes and Nursing Homes.

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

**Ward:** Prestwich - Holyrood

Item 03

**Applicant:** Mr & Mrs Hall

**Location:** Land off Poppythorn Lane, Prestwich, Manchester

**Proposal:** Outline - Demolition of existing buildings and erection of 12 no. dwellings and associated access and car parking

**Application Ref:** 52820/Full

**Target Date:** 04/10/2010

**Recommendation:** Minded to Approve

**The application is minded to approve, subject to the expiration of the period for advertising the application as a departure.**

### **Description**

The application site is a triangular piece of land, containing a number of garages, which are in a state of disrepair. The Metrolink line and Prestwich station are located to the southeast of the site and the land rises quite steeply from the garage site to the line. There are residential dwellings, of two storeys, to the north and east of the application site, with the rear gardens facing the site. There is a single track access road, leading to Prestwich Cricket ground, which is located between the residential properties and the application site. There is a pedestrian access to the town centre, which passes under the Metrolink line.

The application site is located within Prestwich town centre and is allocated within the UDP as a potential park and ride scheme for the Metrolink.

The applicant seeks outline permission for the demolition of the existing garages and the erection of 12 dwellings. Approval is sought for the siting, scale and means of access to the dwellings. The appearance and landscaping of the site are reserved matters.

The applicant has been in discussions with GMPTE and an alternative site for the car park has been identified on the embankment, adjacent to the Metrolink line. A proposed access road would be constructed from Poppythorn Lane and would continue to form access to the potential car park. Access to the dwellings would be taken from this road and would be located centrally within the site. The site plan indicates that the proposed dwellings would be three storey properties with a central parking area.

### **Relevant Planning History**

49236 - Demolition of existing garages and erection of 12 no. dwellings at land off Poppythorn Lane, Prestwich. Refused - 10 April 2008.

50140 - Demolition of existing garages and erection of 12 no. dwellings (resubmission) at land off Poppythorn Lane, Prestwich. Withdrawn - 1 September 2008.

The current application is the result of negotiations with the land owner following the withdrawal of the previous application.

### **Publicity**

51 neighbouring properties (2 - 20 (evens), Prestwich Cricket, Tennis and Bowling Club, The Heys; 1, 1A, 130 - 137, 186 - 191 Rectory Lane; 6 Poppythorn Lane; 1 - 13 (odds), 8 - 38 (evens) Heys Road) were notified by means of a letter on 6 July and a press notice was published in the Bury Times on 15 July. Site notices were posted on 15 July 2010. A press notice will be posted in the Bury Times on 9 September, advertising the application as a departure and site notices were posted on 3 September.

1 letter of support has been received from Prestwich Tennis & Bowling Club, which has

raised the following issues:

- Support the application for residential development
- the site is unsightly and attracts anti-social behaviour.

7 letters have been received from the occupiers of 8, 12 The Heys; 8, 10, 12, 26, 30 Heys Road, which have objected raised the following issues:

- Proposed 3 storey dwellings would be out of keeping with the surrounding two storey properties.
- Section plan does not indicate the difference in levels between the site and The Heys
- Impact of the retaining structure upon the streetscene.
- Impact of the proposal on traffic levels
- No objections to residential development, but object to size and scale of dwellings.
- Loss of privacy and sunlight

The supporter and objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objections in principle, subject to additional information relating to visibility splays within the application site; turning facilities within the site and details of the retaining structures along the proposed access road.

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

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

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

**Landscape Practice** - No objections.

**Waste Management** - No response.

**Design for security** - No objections.

**United Utilities** - No objections.

**Metrolink** - No response.

**GMPT** - No objection in principle, but have a number of concerns:

- GMPT is progressing a park and ride scheme, although no legal agreement has been entered into with the applicant at the moment.
- The proposed access would require a steep drop of approx 1.9metres to the proposed car park for the residential scheme.

**Baddac** - The development should be designed to Lifetime Homes standards, with the details to be submitted at reserved matters stage.

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT3/4	Schemes to Assist Metrolink
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
Area	The Longfield Centre/Bury New Road
PR1	
SPD1	DC Policy Guidance Note 1:Recreation Provision
SPD6	Supplementary Planning Document 6: Alterations & Extensions

SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
PPS3	PPS3 - Housing
PPS7	PPS 7 Sustainable Development in Rural Areas
PPS23	PPS23 Planning and Pollution Control
PPG24	PPG24 - Planning and Noise

### **Issues and Analysis**

**Principle (Residential)** - Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for housing development, including the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

There are residential developments to the north and east of the site and the proposed residential land use would not conflict with the surrounding land uses. There would be adequate infrastructure available. The site is currently occupied by garages and various buildings and would be previously developed land. Therefore, residential development would be acceptable in principle and would be in accordance with Policy H1/2 of the adopted Unitary Development Plan.

**Principle/Departure (Park and ride scheme)** - The site is allocated as a park and ride scheme in association with the adjacent Metrolink station. Policy HT3/4 states that the Council will support the provision of new or improved stations and car parks on the Metrolink system.

GMPTe has identified an alternative site for the proposed car park for the Metrolink, which would be located on the embankment to the south east of the station and within their own land. This site would also allow for level access to the station and platform to be achieved.

GMPTe's comments on the scheme are noted. However, the issues relating to land ownership are a private matter between GMPTe and the applicant. The issue of the levels between the proposed access and the proposed car park is a material planning consideration and shall be addressed by the revised plans, which the agent is preparing. The acceptability of these plans will be reported in the Supplementary Report.

The proposed development would involve the provision of an access road to the car park on top of the embankment. As alternative provision for the car park has been provided, it is considered that the proposed development would not conflict with Policy HT3/4 of the adopted Unitary Development Plan.

**Siting and scale** - Policy H2/1 states that all new residential development should make a positive contribution to the surrounding area and should have regard to the heights and roof types of adjacent buildings, the position and proximity of neighbouring dwellings and the density and character of the surrounding area.

Policy H2/2 states that the new residential development should demonstrate acceptable standards of layout including adequate parking available, suitable landscaping and open space.

The proposed dwellings would be three storeys in height, with a maximum ridge height of 10.4 metres. The surrounding residential dwellings are two storeys in height and the Radius development on the opposite side of the Metrolink, varies between five and eight storeys in height. The proposed dwellings would be at least 20 metres from the existing dwellings and would be viewed against the backdrop of the Radius, which is much taller. As such, the proposed development would be appropriate in terms of height and scale and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the adopted Unitary Development Plan.

**Impact upon residential amenity** - SPD6 provides guidance on aspect standards between residential properties and is relevant in this instance. There would be 25 metres between the proposed dwellings and the dwellings on Heys Road and 20 metres between the gable

of the proposed properties and 6 The Heys. There would be at least 25 metres between the proposed dwellings and 10 The Heys. The proposed development would comply with the Council's aspect standards set out in SPD6 and there would be no adverse impact upon residential amenity.

**Pollution** - A noise survey was submitted as part of the application, due to the proximity of the site to the Metrolink line. The noise survey concludes that there would be no adverse impact upon the amenity of the occupiers of the proposed dwellings from noise and that the proposed dwellings may screen the noise to the existing dwellings. The Pollution Control Section has no objections to the proposal. Therefore, the proposed development would be in accordance with Policy EN7/2 of the adopted Unitary Development Plan.

**Ecology** - A bat survey has been submitted as part of the application and concluded that 4 of the buildings can be demolished with minimal risk to roosting bats. However, the garages, which back onto The Heys have a low potential for roosting bats. There are no objections to their removal, providing the roofing tiles are removed under the supervision of a qualified bat worker. Therefore, subject to the inclusion of a condition relating to the recommendations of the bat survey, the proposed development would not cause harm to a protected species and would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

**Highways issues** - There is an existing access to the north and east of the site, which is single track. This forms the main access to the garages for the properties on Heys Road and Prestwich Cricket Club. The access narrows to 4.5 metres due to the boundary with No. 28 Heys Road. Additional information relating to visibility splays and turning facilities within the site and details of the retaining structures along the proposed access road will be provided and these will be reported on in the Supplementary Report.

**Parking** - The design and access statement indicates that the proposed development would incorporate 3 - 4 bedroom dwellings. SPD 11 states that the maximum parking standards for a 3 bed dwelling is 2 spaces per unit, which equates to 24 spaces.

The proposed development would provide 20 spaces and is located within a high access area. The site has good access to public transport, being within walking distance of the Metrolink and Prestwich town centre. On this basis, the level of parking provision is acceptable in this instance. The proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

**Access issues** - The proposed dwellings should be designed to lifetime homes standards and this would be secured by a condition, with details to be submitted at reserved matters stage. There was a concern relating to the difference in levels between the access road and the residential site. Clarification on the levels issue will be reported in the Supplementary Report.

**Response to objectors** - The proposed access road has been designed to accommodate traffic for the proposed development and the associated park and ride scheme for the Metrolink. As such, the level of traffic would be appropriate for the access proposed. The remaining issues raised by the objectors have been addressed within 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 development is acceptable in principle and would not have an adverse impact upon the amenity of the neighbouring properties. The proposed development would not unduly prominent in the street scene, subject to conditional control.

There are no other material considerations that outweigh this finding.

**Recommendation:** Minded to Approve

## Conditions/ Reasons

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

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the appearance thereto and the landscaping of the site.

Reason. To ensure the satisfactory development of the site and because this application is in outline only.

3. This decision relates to drawings numbered G38 (05) 01, G38 (05) 02, G38 (05) 03, G38 (05) 04 and the development shall not be carried out except in accordance with the drawings hereby approved.

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

4. No development shall commence unless and until:-

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

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

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

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

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



development being brought into use.

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

7. 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. Provision for lifetime homes shall be incorporated into the development in accordance with a scheme to be submitted at the reserved matters stage. The development shall then be carried out incorporating the measures in accordance with the approved scheme.  
Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.
9. The development hereby approved shall include an element of recreational provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development.  
Reason - To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development
10. No development shall commence unless or until details of foul and surface water drainage aspects have been submitted to and approved in writing by the Local Planning Authority.  
Reason. To ensure satisfactory arrangements for the disposal of foul and surface water pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
11. The development hereby approved shall only be carried out in accordance with the recommendations in the bat survey, dated 10 June 2010, unless otherwise agreed in writing with the Local Planning Authority.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.
12. The development hereby approved shall be a maximum height of 10.4 metres and shall only have three floors of residential accommodation within the building.  
Reason. In the interests of visual and residential amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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

**Ward:** Radcliffe - North

Item 04

**Applicant:** Mrs L Horrocks

**Location:** Sunny Bank, Arthur Lane, Ainsworth, Bolton, BL2 5PN

**Proposal:** Change of use of single storey domestic swimming pool to bungalow with single storey side extension

**Application Ref:** 52826/Full

**Target Date:** 17/09/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site comprises an existing single storey log cabin structure that houses a swimming pool within the residential curtilage of a large dwelling accessed off Arthur Lane in Ainsworth.

The main property has a private drive and substantial rear garden, which is screened from Arthur Lane by high hedging, with more open boundaries to the south and east. The land levels fall away from those surrounding the main house reflecting the topography of Arthur Lane.

To the south of the log cabin structure is a detached stable building, with its own dedicated access from Arthur Lane.

The application is seeking to convert the log cabin building into a separate dwelling with an area of garden curtilage to go with the proposed conversion that is currently garden of the main dwelling.

In addition to the conversion proposal, the application also seeks to extend the log cabin structure with an extension. The extension would also be single storey and would have a footprint of 5.25m x 7.65m with a height to the ridge of 3.89m.

The external elevation of the cabin building would remain as they are today in a log finish and this material would be used for the extension. The roofing material would remain as slate.

### **Relevant Planning History**

48715 - Formation Of gated access to agricultural land/stables - Approve with Conditions 23/01/2008

### **Publicity**

15 Letters were sent to neighbouring properties including: Davenport Farm, Arthur Lane Nurseries, Belmont House, Craigsides all on Arthur Lane and 15, 23, 25, 27, 29, 31, 33, 35, 37, 39 and 41 Delph Lane on 27/7/10.

As a result of this publicity, 9 objections have been received from:

Oaks Coppice, Meadowbank, 75 Church Street, 25C Green Side, calfhey33, 43A Bury Old Road, Ainsworth Community Association, Craigsides, 26C Green Side, 41 Delph Lane, J Readyhough (email).

- The swimming pool building was constructed as a facility for the adjoining property but does not lie within its curtilage and was built in an adjoining Greenbelt field.
- The proposals to retain the hedging along Arthur Lane to screen the proposal is an admission that the building is otherwise visually intrusive and thus has an adverse

impact upon the Green Belt.

- The change of use to residential is not a use permitted under Green Belt policy. It would not be used in association with forestry, agriculture or outdoor recreation provision.
- The development is inappropriate and special circumstances need to be demonstrated where there is a presumption against this type of proposal.
- The building appears too small for conversion thus needing significant extension of up to a third of the original building.
- If the building is now redundant, then it should be removed.
- The access to the site is to share one approved for stables/agricultural land. Conditions imposed on that permission have been ignored.
- The access is a concealed one and is in a dangerous position and unsuitable for the volume of traffic generated by a residential development. The access would be a hazard to other users.
- The improvements for the access would require a substantial development within Green Belt land.
- Residential paraphernalia such as washing lines etc would harm the openness of the Green Belt.
- The building may possibly be extended upwards which would block views and open up possibilities of land being developed in Ainsworth.

Objectors have been notified of the Planning Control Committee meeting.

### **Consultations**

**Greater Manchester Police** - designforsecurity - No objections. There should be clearly defined boundaries if the property is to be sold.

**Traffic Section** - No written response to date but verbally, the scheme is acceptable in principle subject to the need to implement visibility spays at the access point on to Arthur Lane.

**Drainage Section** - No objections.

**Environmental Health Contaminated Land** - No objections subject to conditions relating to prevention of gas ingress as a result of any works that break the ground.

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

OL1	Green Belt
OL1/4	Conversion and Re-use of Buildings in the Green Belt
OL7/2	West Pennine Moors
EN9/1	Special Landscape Areas
PPG2	PPG2 - Green Belts
PPS23	PPS23 Planning and Pollution Control
H2/2	The Layout of New Residential Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
H1/2	Further Housing Development
H2/6	Garden and Backland Development
SPD11	Parking Standards in Bury

### **Issues and Analysis**

**Principle** - The site is located within the Green Belt, West Pennine Moors and within an Area of Special Landscape Value.

The scheme consists the conversion and extension of an existing building within the Green Belt and as such the proposals need to be assessed against the criteria Planning Policy Guidance Note 2 - Green Belt, OL1/2 - New Buildings within the Green Belt, OL1/4 - The Conversion and Re-Use of Buildings Within the Green Belt, EN9/1 Special Landscape Areas and West Pennine Moors OL7/2.

PPG 2 establishes a presumption against inappropriate development, including new buildings. There are several exemptions, including development required for essential facilities for outdoor recreation, agriculture, forestry or for cemeteries, and for other uses of land that preserves the openness of the Green Belt and does not conflict with the purposes

of including land within it.

OL1/2 confirms that the construction of new buildings within the Green Belt is inappropriate development unless amongst other criteria a proposal involves the limited extension, alteration or replacement of existing dwellings; that proposals do not provide disproportionate additions over and above the size of the original dwelling or in the case of a replacement dwelling, is not materially larger than the one it replaces. Policy OL1/2 requires that new buildings within the Green Belt should be restricted to those needed for the purposes of agriculture or forestry, it also provides scope for other uses which are considered to be appropriate to the green belt. The re-use of existing buildings is preferred to the erection of new buildings.

Policy OL1/4 states that the conversion and re-use of buildings within the Green Belt is not inappropriate development and will be permitted providing that the proposal would not have a materially greater impact than the present use upon the openness or character; the extension of converted buildings does not conflict with the openness or character of Green Belt; the buildings are capable of conversion without major or complete reconstruction; the form, bulk and general design are in keeping with the surroundings and suitable access and the likely traffic can be accommodated without creating a hazard or the need for major road improvements, are serviceable and that a conversion does not have an impact upon protected species without inappropriate mitigation.

OL7/2 considers that proposals should consider relevant matters including landscape character, ecology and historic features.

OL1/5 - Mineral Extraction and Other Development in the Green Belt seeks to ensure amongst other matters that development maintains openness of Green Belt land and does not conflict with the purposes of Green Belt policy.

EN9/1 states that any development should be strictly controlled and required to be sympathetic to its surroundings. High standards of design are expected and unduly unobtrusive design will not be permitted.

Planning Policy Statement 3 - Housing- National and regional planning guidance provides Bury Council with the amount and type of land that should be released for housing. In particular Planning Policy Statement 3 (PPS 3) for the plan, monitor and manage approach relates to the release of land for housing and giving Brownfield land priority before Greenfield sites and the quantity of new housing to be delivered in the plan period.

The building is an existing building within the Green Belt, is of a substantial construction, in an ancillary residential use already. It is constructed as a log cabin structure and is in good order. The building sits on foundations and houses a swimming pool currently. The building can be converted to a residential dwelling use in its own right through the installation of internal walling and insulation without the need to change the extant appearance. This reflects the proposals submitted and as such qualifies as a building suitable for conversion.

The building is within the established residential curtilage of a dwelling. A study of aerial photography clearly shows that the building existed within cultivated residential curtilage in 1997 and as such the use of land and the building is established as residential use.

The Strategic Housing Land Availability Assessment of Bury Council has identified sufficient sites for current housing requirements, however, the number of sites identified has only just been met and as such if a identified sites were not to come forwards then the SHLA could be questioned.

The scheme seeks permission for an additional single house within residential curtilage of an existing house. In this instance the release of the site for a dwelling would not have any significant material impact on the need to ensure that over 80% of the Borough's housing will be built on previously developed land. Given the fact that it is for a single house, it is

considered that there would be no significant material impact on the ability of the Council to deliver over 80% of its housing land on previously developed sites. Even if repeated elsewhere, it is unlikely that the housing numbers being proposed (e.g. individual plots) would harm the overall aim of the local plan to deliver the majority of housing on brownfield land. The release of appropriate infill sites can also help to meet specific local housing needs. As such it can be considered that the release of this land would not be contrary to PPS 3 or UDP Policy H1/2 - Further Housing Development.

The land within residential use can already be used for a general domestic purpose and as such, the conversion of the building to a separate residence is acceptable in principle.

**Design, Appearance and Character** - The proposals seek to retain the external materials of the existing building and these would be used in the proposed extension to the side of the existing structure.

SPD6 considers that where dwellings are located within the Green Belt, additions should not exceed 30% of the original volume of a building thus provides a yardstick by which extensions maintain an appropriate relationship to the original structure. The scheme proposes an extension that would amount to 26% of the original volume. Its external materials would match those of the existing building, would be sited set back from the front plane of the building so as to appear subservient and on this basis the extension is considered to apply with the policy. To ensure that the development would have no further uncontrolled impact from extensions and other alterations, a planning condition should be imposed to remove any permitted development rights with respect to extensions and alterations to the building, garden buildings, fences, satellite dishes, painting of the exterior and swimming pools.

The scheme includes the additions of 7 roof lights four on the front and three on the rear. They would sit within the roof slope and would be circa 500mm x 500mm square. These are not large and would be spaces along the roof slope. On this basis, the changes to the external appearance are minor and are not considered to conflict with Policy OL1/4.

In terms of the delineation of curtilage and character of the land, the scheme seeks to use land that is already within the curtilage of Sunnybank and would not extend beyond already identified boundaries. Boundaries to the south and east currently consist of post and rail fencing and this is proposed to be retained. For the purposes of the character of the land, this should be conditioned to be retained as such.

The land is already a residential curtilage and concerns about the addition of residential paraphernalia are relevant. However, the land can be used as such now without planning intervention. This can include swings, slides, washing lines, hard standings planting areas, rockeries and so on. Of consideration is that the site is already well screened from public views and is separated from established other residential properties by either gardens or open land. Given the lawful use of the site and the relationship of the site to its surroundings, it is considered that the character of the land would not change nor would it be in conflict with OL1/4.

**Residential Amenity** - Policies H2/2 and H2/6 seek sufficient amenity space, good layout, parking and aspect relationships within new residential developments. In this instance, the site would have its own access discussed in detail below, curtilage (whilst ensuring sufficient curtilage for the remaining dwelling) and an aspect distance between Sunny Bank of some 32m. The building is single storey with its main outlook east and west and as such the scheme would exceed minimum aspect requirements.

In terms of parking the scheme would make provision for 3 spaces, in an area to the immediate south of the property. The Council's SPD11 considers that a maximum of three spaces should be provided for a dwelling of this type. As such the scheme would comply with this policy.

**Access** - The development is seeking to utilise a partially implemented access to the south of the site that was given to facilitate access to a detached stable block and paddock belonging to the applicant. The access is gated but the gate is set back from the back of carriageway by some 5.5m which enables a vehicle to stand clear of the highway whilst the gate is being opened or closed. The scheme proposes to install an area of crush and run in front of the stable block continuing to the proposed dwelling conversion such that vehicular access can be achieved without conflicting with the unloading or loading of horses and associated equine materials. The choice of this material maintains a low level of intervention within the Green Belt and would through conditional controls ensure that the rural feel is maintained.

The access itself has already in part been formed and a tarmac surface installed at the point of joining Arthur Lane. However, the kerb has yet to be lowered and some clearance of a 10m stretch of hedging from the access point to the north, with replanting set back to replace the hedge. These matters are currently with the Planning Enforcement Team. This arrangement is required to ensure that visibility splays of 2m x 90m are achieved and are equally required for the current scheme. This detail and requirement is accepted by the applicant and is to be incorporated into the proposals and shall be further reported to the Committee within the supplementary agenda. Irrespective of the current scheme, the access works should be completed and would suitably double up for access to the scheme currently under consideration. The Traffic Section have no objections to the proposals on this basis and the scheme would not conflict with OL1/4 or H2/2.

**Response to Objections** - These have been dealt with within the main report.

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

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

The building is an existing one and is capable of conversion without significant alteration. The extension would be minimal and subservient, match existing materials and the development can be safely accessed. The development would not unduly impact upon the character and setting of the area, would comply with Unitary Development Plan Policies and there are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 23 July 2010 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations and the formation of hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved materials only shall be implemented.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies OL1/2 - New Buildings within the Green Belt and OL1/4 - The Conversion and Re-Use of Buildings Within the Green Belt of Bury Unitary Development Plan.

4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 of Schedule 2; and Classes A to C of Part 2 Minor Operations of Schedule 2 of the Order, without the prior written approval of the Local Planning Authority.  
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
5. The fencing to the boundaries of the site (north, east and south) shall be of a post and rail design not to exceed 1.2m in height and shall remain as such whilst these boundaries serve the development. No other means of enclosure shall be erected without the prior written consent of the Local Planning Authority.  
Reason - To maintain the openness and character of the Green Belt and its setting in relation to the development pursuant to OL1/4 - Conversion and Re-Use of Buildings in the Green Belt and OL1/5 - Mineral Extraction and Other Development in the Green Belt.
6. A visibility splay measuring 2 metres by 90 metres shall be provided at the junction of the site with Arthur Lane to the written satisfaction of the Local Planning Authority before the development is brought into use and shall subsequently be maintained free of obstruction above the height of 0.6m  
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Unitary Development Plan Policy H2/2 - The Layout of New Residential Development.
7. No development shall commence unless and until a replacement landscaping hedge replanting scheme has been submitted to and approved in writing by the Local Planning Authority. It shall be implemented not later than 12 months from the date the 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 pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
8. No development shall commence unless and until a Preliminary Risk Assessment report to assess the actual/potential ground gas / landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.
  - Where actual/potential ground gas/landfill gas risks have been identified, a detailed site investigation(s), ground gas monitoring and suitable risk assessment(s) shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation / protection measures are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.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.
9. Following the provisions of condition 8 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 **Dave Marno** on **0161 253 5291**



**Ward:** Prestwich - St Mary's

Item 05

**Applicant:** Mr Andrew Booth

**Location:** 48 Gardner Road, Prestwich, Manchester, M25 3HU

**Proposal:** Demolition of existing dwelling; Provision of associated landscaping and fencing

**Application Ref:** 52881/Full

**Target Date:** 17/09/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site comprises a double bay fronted semi detached house fronting on to Gardner Road and Mellor Street within a predominantly residential area. There is a shallow garden to the front and side of the property bounded by a low brick wall.

To the rear of the property is a mill currently occupied by FD Kitchens, who also owns the application property and an access to this mill runs along the back of the property.

The property has recently been made inhabitable by the removal of roofing materials and the property appears to have been subject to subsidence.

The application seeks planning permission for the demolition of the dwelling and following its clearance, the making good of the former adjoining property and the landscaping of the site.

### **Relevant Planning History**

43111 - Change of use from dwelling to offices - Refused - 15/9/2004 due to the impact of a non conforming use and insufficient car parking provision.

### **Publicity**

23 letters were sent to properties including Mellor Street and Gardner Road, on 17/8/2010. As a result of this publicity, 18 letters have been received (including 13 standard photocopied letters). Individual letters have been received from 50, 51, 68, 71, 81 Gardner Road and one letter from Ivan Lewis MP asking for resident comments to be considered in full.

Issues raised include:

- The proposed action would result in the loss of a dwelling house. Bury Council's own Housing Strategy action plan states the councils support for the provision of affordable housing within the Borough. The action plan also details support available should repairs be necessary. Supporting the demolition would appear to be in direct contradiction to this plan.
- The property is in a residential area and should be kept as a house for residential use only. The roof should be put back on to prevent any further damage to it and the adjoining property.
- The property is part of a late Victorian historic street, is fundamentally sound, fits in with the environment and should be retained. To this end the owners should be made to face up to their responsibilities in maintaining the property.
- Further details of the site's finish should be provided if the house is allowed to be removed.

50 Gardner Road have made a representation through a surveyor (DPP) working for them under the Part Wall Act. On behalf of their client, the surveyor considers that the owners of the proposed demolished property have operated disingenuously to render the property

inhabitable deliberately to strengthen the case for demolition and to ease the issues surrounding access for the redevelopment of their mill site immediately next door. As there is no approved permission or current application for the redevelopment of the mill site or access proposals, there is uncertainty on whether access would be sufficient or indeed acceptable following the removal of the property. They feel that proposals should be in place first. Should the site remain vacant and proposals are refused in the future for the mill's redevelopment, the site of the former house could become neglected and a negative feature within the environment. The demolition should form part of a more strategic scheme, is premature and should be refused.

Standard Letter comments received from the following addresses - 8, 34, 40 Mellor Street; 33, 42, 45, 47, 49, 50, 51, 53, 62 Gardner Road

- Details of fencing should be provided and should be of a suitable locally seen material.
- The site should be landscaped if allowed to be cleared.
- The site should not become used for general parking once it has been cleared.
- The future of the site should be for a residential use.

Objectors have been notified of the Planning Control Committee meeting.

### **Consultations**

**Traffic Section** - No objections.

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

**Wildlife Officer** - No objections subject to a condition to ensure that all reasonable steps are taken to mitigate if necessary against any potential impact upon bats.

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

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

PPS9 PPS9 Biodiversity and Geological Conservation

EN6 Conservation of the Natural Environment

### **Issues and Analysis**

**Principle** - Where a site benefits from a planning permission for redevelopment, the demolition of a dwelling does not require planning permission in its own right.

If a separable act of demolition is to be carried out to remove a dwelling, if that dwelling is in a fit state and not a Listed Building or in a Conservation Area, this would be permitted development and not require planning permission but a procedure called 'prior approval' is required. The regulations assume that the principle of demolition is accepted and that demolition can go ahead subject to conditions that can be imposed such as how the demolition is carried out and how the site is left following completion of the operation.

It is therefore due to the lack of a wider planning permission and the uninhabitable vacant state of the dwelling that planning permission for its demolition is required.

The property is not a Statutory Listed Building, on a historic local list nor is it within or adjoining a Conservation Area. As such the principle of demolition of the dwelling is acceptable.

**Legal Planning and Building Control Process** - The proposals indicate that the property is subsiding to the point that its repair would be extensive and economically unviable. This is supported by two structural survey reports. In addition to this, the Council's Building Control Service have served a demolition order under sections 81 and 82 under the Building Act upon the owners of the property to seek the removal of the building due to it being unsound.

It was under this process that works commenced to strip the roofing materials. However this does not preclude the need to comply with planning procedures. The property is not imminently in danger thus a prior approval procedure was required. Works needed to cease until either planning permission is granted or prior approval confirmed.

The property is evidently subsiding with structural failures readily visible. There is an inevitability of collapse at some point in time. However, the readiness to remove the roofing pushed the developer into the need for planning permission rather than a prior approval process. As such, it is considered in this instance that the works to remove the building are justified.

Given this situation, this planning procedure is a strict formality to ensure that the site is appropriately cleared and finished in a state not to render any significant disamenity to the area.

**Proposed Details** - Following the demolition of the property, underpinning works and making good of the exposed gable would have to be carried out. As these works affect the Party Wall, agreement between the developer and existing house occupant has to be reached. This is not a matter for planning to be involved in. The proposals can be conditioned to ensure that a full specification is provided for the refacing of the exposed gable and is implemented within a prescribed period of time.

The site, once cleared, would be grassed and five areas of low shrub planting would be carried out. The site would be bounded to Gardner Road by a 600mm wall and gate, with a 1.8m high wall at the rear of the site to maintain some protection to the rear of the neighbouring property No.50.

Planning conditions should be imposed to ensure that this work is carried out to the specifications proposed and thus to ensure compliance with UDP Policy EN1/2.

**Ecology** - The building has been expected in respect of bats and none were found. There is no need for any other consideration other than a condition imposed on any planning permission that if any were found appropriate measures must be taken including cessation of works, the appointment of a licensed ecologist and the implementation of appropriate mitigation measures.

**Objections** - The state of the property, partly due to roof stripping but mainly due to subsidence is considered to be a liability within the immediate area and to the adjoining property. In the event of an application coming forward for the redevelopment of the mill, access would have to be considered at that time and may or may not be acceptable. However, possible future proposals should not hinder the need to consider this application and proposal in its own right.

In line with the comments from residents, a more detailed after care plan has been submitted and residents informed of this. Planning conditions can be imposed to secure the implementation of these proposals.

The site if allowed to become derelict can be subject to other planning notices such as a s215 notice to deal with untidy land. As such the fear of this issue is resolvable should it need to be.

### **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 approval of the application would permit the development to proceed in a controlled manner with the afteruse of the site ensured such that the proposals would comply with Unitary Development Plan Policies and there are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. 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 and reports submitted 26 July 2010, underpinning proposals and methodology dated 25 August 2010 plan ref 0422-01, PA Dust Landscaping Plan ref: FDK04/0810/01 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 demolition shall commence unless and until full details of the demolition methodology and re-construction works including facing materials to the exposed gable have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details only and in any event, the rebuilding of the exposed side gable shall be commenced and completed within 4 months of the date of demolition.  
Reason - To ensure that the method of demolition does not affect the amenities of nearby and neighbouring occupants and to ensure that the exposed side gable harmonises with the remaining property of 50 Gardner Road pursuant to Unitary Development plan Policy EN1/2 - Townscape and Built Design.
4. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 3 months from the date that the facing works to the exposed gable has been carried out and substantially completed. 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 pursuant to Policies EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
5. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
6. The demolition shall be carried out in accordance with the recommendations of the Ecology Services Protected Species Investigation report. In the event of bats being found, works shall cease immediately and a programme of mitigation shall be submitted to and approved in writing by the Local Planning authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS9 - Biodiversity and Geological Conservation.

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

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 06

**Applicant:** Mr B Bardsley

**Location:** Land adjacent to 22 Manchester Road, Ramsbottom, Bury, BL0 0DH

**Proposal:** Proposed 3-storey dwelling-house with integral double garage and new vehicular access onto Manchester Road

**Application Ref:** 52884/Full

**Target Date:** 13/09/2010

**Recommendation:** Approve with Conditions

### **Description**

The site is a steeply sloping, rectangular shaped vacant plot of land on the hillside to the west of Manchester Road. Directly to the north are modern town houses that front onto Manchester Road and to the south is a row of stone 'Victorian' houses. To the east across Manchester Road is a MOT garage/car repair business and to the west, lower down the hillside are allotments.

The proposal is for a three storey house and new vehicular access onto Manchester Road. The house has an integral double garage and play room and bedroom at the ground level, living accommodation and balcony areas area at first floor level (approximately the same height as the frontage with Manchester Road) and bedroom accommodation at 2nd floor level.

The property uses traditional and modern materials with a large obscure glazed full height panel on the western side that allows views across the valley but stops overlooking of the allotment gardens and properties on Peel Brow, stone walls to the remaining sides including the main road frontage on the eastern side which includes a feature larch clad panel to mark the pedestrian access from Manchester Road. The stone wall fronting onto Manchester Road is to be retained.

### **Relevant Planning History**

51547 - New three-storey dwelling house with double garage and new vehicular access onto Manchester - Refused 18/09/2009

This application is as a result of negotiations will the applicant and their agents since this decision.

### **Publicity**

30 neighbours at Fletcher Bank Garage, 22 to 32 (evens) Manchester Road, 1 to 4 South Street, 160 to 190 (evens) Peel Brow were written to on the 22nd July 2010. Two objections has been received from No. 22 Manchester Road and further objections from 23 Manchester Road as well as 190 and 192, Peel Brow. They can be summarised as follows:

- Shuttleworth is a historic village and a modern house will; detract from the area and not fit in.
- The building will not be in-keeping with the area as it will have wood cladding, will use different stone, will have a drive and a front door at first floor.
- The retaining wall may be damaged.
- Access onto Manchester Road would be dangerous.
- Land is Green Belt and should not be built on.
- Land has never had a building and should not have one.
- Due to the only access being from Manchester Road there will be highway problems during building.
- Construction could cause drainage problems.

- The land was a small holding and the owner has let it become dilapidated.
- The building will overlook rented gardens which will affect their amenity.
- The house will block the only view of Ramsbottom and Holcombe Hill.
- The site is used by a large amount of wildlife and if it is developed this will be lost.
- The tree on the site affords privacy to No. 22.
- The site is shown as being rented allotments and gardens and should not be built on as it is Protected Land in terms of Policy RT1/1 and no alternative provision has been made.
- Bats live in the area and a bat survey should be undertaken.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objections subject to conditions.

**Drainage Section** - No objections

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

**Baddac** - No objections

**Projects and Wildlife Officer** - No objections subject to condition.

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

H1	Housing Land Provision
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN6	Conservation of the Natural Environment
PPS3	PPS3 - Housing
PPS23	PPS23 Planning and Pollution Control
PPS9	PPS9 Biodiversity and Geological Conservation

### **Issues and Analysis**

**Principle** – Release of site for housing; National and regional planning guidance provides Bury Council with the amount and type of land that should be released for housing. In particular Planning Policy Statement 3 (PPS 3) for the plan, monitor and manage approach relates to the release of land for housing and giving Brownfield land priority before Greenfield sites and the quantity of new housing to be delivered in the plan period.

The application includes a Design and Access Statement (D&A) which states the land is ‘a vacant plot situated between a ribbon of two existing rows of terrace properties’ but the status of the land in planning terms is not referred to. Ordnance Survey mapping does show the outline of a building but there is no physical evidence on the land of any previous structures. The land is overgrown with mature trees on part of it and even if there were any buildings on the land previously the land is now considered to have reverted back to a Greenfield site.

The land is not within the Green Belt, a designated River Valley or an Area of Special Landscape. However the Strategic Housing Land Availability Assessment of Bury Council has identified sufficient sites for current housing requirements, however, the number of sites identified has only just been met and as such if a identified sites were not to come forwards then the SHLA could be questioned.

The applicant has argued that an additional single house will not have any significant material impact on the need to ensure that over 80% of the Borough's housing will be built on previously developed land. They argue that the Council can just about demonstrate a five year supply of land and that the release of this site would help to maintain a ready supply of housing land to meet local housing needs.

Given the fact that it is for a single house, it is considered that there would be no significant material impact on the ability of the Council to deliver over 80% of its housing land on

previously developed sites. Even if repeated elsewhere, it is unlikely that the housing numbers being proposed (e.g. individual plots) would harm the overall aim of the local plan to deliver the majority of housing on brownfield land. The release of appropriate infill sites can also help to meet specific local housing needs, particularly where there are opportunities to provide larger family type accommodation (as in this case). In addition, the release of this site will help to tidy up the immediate environment in this location as it generally has an unkempt appearance and there has been evidence of flytipping in the past. As such it can be considered that the release of this land would not be contrary to PPS 3 or UDP Policy H1/2 - Further Housing Development.

Protected Recreational Land - the land to the west of the application area includes land in the ownership of the applicant. However, this is excluded from the application site and as such the proposal will not involve development on that site and no rights will be given other than those that it currently has as allotment garden. As such the proposal is not contrary to UDP Policy RT1/1.

In terms of relationship, siting and design the application needs to be assessed against policies H2/1 and H2/2.

**Siting** – The row of terrace properties to the north are set back from the pavement on Manchester Road by 5m whilst the row to the south are directly at the back of the pavement. The position of the footprint of the house is mid way between and does not project further back than either of the rows. Therefore the position of the proposed house is considered acceptable in terms of siting and in accord with UDP Policy H2/1.

**Design and Appearance** – The site has a number of opportunities and constraints in how it can be developed due to its topography and the architect has had a number of design issues to overcome. This has resulted in a 3 storey building of traditional massing with modern detailing in the way that timber and glazing has been used on the elevations. The siting of the proposed house is in close proximity to the main road and therefore will be seen as an integral part of the street scene of that part of Manchester Road. A front door of the proposed house is located on this elevation and it has a modern feel to its appearance whilst retaining the massing of a traditional stone built property.

The rear elevation is very modern in appearance as it has a number of constraints due to the garden areas of the properties fronting Peel Brow being adjacent to the site. As a result a large obscure glazed glass panel is added to the main structure and this allows balconies to the main habitable rooms with views to the south west without overlooking of the garden areas.

The elevation facing 22 Manchester Road, which as a blank gable, has 2 balconies that allow open views to the south and are set 22m distant from this gable.

The terraced row to the north are modern town houses with a ridge height of approximately 6m above street level. The properties on the terraced row to the south are of a more traditional scale with a ridge height of over 9m above street level. The height of the ridge for the proposed house is 8m. Therefore the scale and massing of the proposed house in relation to the two adjacent terraced rows and streetscene on Manchester Road and when viewed from the west is considered acceptable.

It is considered that its modern design interpretation of a traditional building is acceptable in this location and it will add to the variety and character of buildings in the area. However, given the size of the property and the constrained nature of the site it is recommended that permitted development rights be removed and the applicant has agreed to this.

**Residential amenity and layout** – The position of the windows and balconies have been carefully chosen to ensure that they comply with the Councils adopted aspect standards and prevent immediate overlooking of the garden areas of neighbouring dwellings. In relation to 22 Manchester Road, the building is located over 20m from the blank gable wall

and the elevation adjacent to 4 South Street has no main habitable room windows. The windows overlook the allotments to the south are screened by the large obscure glazed panel and as such the layout has been designed so that the existing residential amenities of the surrounding properties are protected.

**Access** – The proposal includes a vehicular access with 75m visibility splays to the north and south onto Manchester Road and a driveway that enables a car can enter and leave the site in forward gear. There is no objection from the Traffic section subject to a condition regarding the providing the turning facilities within the site prior to occupation of the house. As such the proposal is considered acceptable and safe in terms of access.

**Retaining wall** - The frontage to Manchester Road is formed by a retaining wall. A structural survey has been included with the application and any impact the development may have on the integrity of the Highway is covered by Section 167 of the Highways Act 1980. As such the development cannot impact adversely on the retaining wall and measures will be put in place by the applicant to the instruction of the Highways Section to ensure this is the case.

**Boundary Treatment** – The application shows the existing wall fronting Manchester Road being retained and has no details of the other boundaries. As such a condition is recommended requiring these details to be submitted to ensure that they are in keeping with the character of the area.

**Ecology** - The site has been examined by the Councils Ecologist and other than the fact that the site has a number of shrubs and bushes, that act as a habitat for wild birds, no signs of other protected species has been found. As such it is recommended that a condition be imposed if the application is approved requiring these to be cleared when birds will not be nesting. There are no other known species that are protected and as such it is considered that with this condition the application will accord with UPD Policy EN6 and PPS 9.

**Comments on Representations** – The issues raised in the objections have been covered in the report above with the exception of the loss of a view across to Holcombe Hill and the Moors. The new building will take up less than 30% of the current open space on this frontage and this fact, compounded by the fact that a loss of a view is not a planning consideration, means that this is not a reason for refusal.

### **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;-  
Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the proposed development is acceptable as it will not be contrary to PPS 3 - Housing or the relevant Policies of the Bury Unitary Development Plan regarding the release of new residential land and the design of new residential properties. 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 09/099.02, 08E, 09F and 10E and the



development shall not be carried out except in accordance with the drawings hereby approved.

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

3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. No development shall commence unless and until:-
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.  
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
7. No development shall commence unless and until details relating to the proposed 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 as part of the approved development and thereafter maintained while the site is occupied by the property approved.  
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
8. No vegetation clearance shall be carried out on site between 1st March and 31st August inclusive in any year unless otherwise approved in writing by the local planning authority.  
Reason. To comply with adopted Bury Unitary Development Plan Policy EN6 - Conservation of the Natural Environment and the Wildlife and Countryside Act 1981.

9. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.
  
10. Before the first occupation of the dwelling hereby permitted the obscure glazed screen on the western elevation shall be fitted and shall be permanently retained with obscure glazing thereafter.  
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/1 - The Form of New Residential Development.

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

**Ward:** Ramsbottom + Tottington - Tottington

Item 07

**Applicant:** Vic Graham Ltd

**Location:** Vic Graham Potato Merchants, South Royd Street, Tottington, Bury, BL8 3NA

**Proposal:** Single storey detached building (storage/repair)

**Application Ref:** 52908/Full

**Target Date:** 21/09/2010

**Recommendation:** Approve with Conditions

### **Description**

Vic Graham Ltd is well established potato merchant. The main warehouse building occupies about half of the site at its southern end whilst the remainder is an outside yard used for parking and servicing. The yard area is bounded by mixed conifer and deciduous trees and has an access point onto South Royd Street.

To the west of the site on South Royd Street is a row of 5 two storey houses. There are residential properties to the north on Kirklees Street and, further east, houses that front onto Rhine Close.

The proposed building, situated in the north west corner of the yard, would enable vehicles associated with the business to be repaired without affecting day to day operations. It would also allow for some additional storage. The building would have a total floor space of 106sqm, the footprint measuring 18.3m by 6.1m and a roof height of 5.54m. It would be constructed of similar materials to the main warehouse, pvc coated profile steel sheeting with a green finish.

### **Relevant Planning History**

None relevant.

### **Publicity**

26 neighbours were notified by letter dated 28/7/2010 at 17-43 (odd) Rhine Close, 2-10 (evens) South Royd Street, 9, 11, 11a, 11b, 11c Kirklees Street, Whitefield Fabrications Kirklees Street and 47 Royd Street.

One objection has been received from the occupier of No.27 Rhine Close. Concerns are summarised:

- There is already noise pollution in the area.
- It would be better for the business to move to a more suitable industrial site.

The objector has been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objection.

**Drainage Section** - No objection.

**Environmental Health** - No objection subject to noise insulation and restricted hours conditions.

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

EC2/2 Employment Land and Premises

EC4/1 Small Businesses

EN1/2 Townscape and Built Design

EN6/4 Wildlife Links and Corridors

H3/1 Assessing Non-Conforming Uses

## **Issues and Analysis**

**Use** - The business is well established and the proposed new building would be within the existing yard area and used for purposes ancillary to the warehouse operations. The use is therefore acceptable and complies with UDP Policies EC2/2 and EC4/1 relating to industrial land and small businesses.

**Visual Amenity** - The new building is in effect a smaller version of the existing warehouse, constructed of similar materials and in a colour to match. The existing conifer planting (4.5m high) along the western boundary and the mixed planting around the north and eastern edges would effectively screen the building from surrounding streets and properties. The proposal therefore complies with UDP Policy EN1/2 relating to design and appearance on the streetscape.

**Residential Amenity** - The proposed building, as already stated, is well screened on all sides and particularly on the side closest to residential properties on South Royd Street by conifer trees that would form a visual barrier. Given that the use would be ancillary to the main operations and conditions that would restrict hours of working to 6pm and require noise insulation to be fitted, it is considered that these will protect the residential amenity of the neighbours and as such the proposal complies with UDP Policies EC4/1 Small Businesses, EN7/2 Noise Pollution and H3/1 Assessing Non-conforming Uses.

**Traffic** - Given its use, the building would not generate increased traffic and given its location, the building would not reduce the existing parking, turning and servicing facilities with the existing yard area. As such the proposal would not cause harm to highway safety. In this respect the proposal complies with UDP Policy HT2/4 Car Parking New Development.

**Objection** - Vic Graham Ltd is a well established business that does not appear cause concern within the locality with regard to traffic or noise and disturbance. The boundary screening and conditions restricting hours of working and excessive noise would mitigate any concerns raised by the neighbour who is almost 100m away to the east on Rhine Close.

## **Summary of reasons for Recommendation**

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

The proposed building would be ancillary to the main warehouse operations. It would be well screened behind existing boundary planting and not have a significant impact on the visual amenity of the area or residential amenity of neighbours. There are no serious concerns with regard to parking and 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 VGL/1A and 2A 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 external finishing materials for the proposal hereby approved shall match those of the existing warehouse building.

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

4. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.

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

5. Before the use of the building commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a scheme of acoustic treatment that has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the local planning authority.

Reason. To safeguard the amenities of the occupiers of nearby properties pursuant to UDP Policy EN7/2 Noise Pollution.

6. No work or other activity shall take place within the building approved on Sundays or Bank Holidays and all work and other activity on other days shall be confined to the following hours:-

0800 hrs to 1800 hrs, Monday to Saturdays.

Reason. To safeguard the amenities of the neighbours pursuant to Policies EC2/2 Employment Land and Premises, EC4/1 – Small Businesses and H3/1 – Assessing Non-Conforming Uses of the Bury Unitary Development Plan.

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

**Ward:** Prestwich - Sedgley

Item 08

**Applicant:** Jewish Telegraph Ltd

**Location:** Land to rear of 11 Park Hill, Bury Old Road, Prestwich, Manchester, M25 0HH

**Proposal:** Retention of storage container (retrospective)

**Application Ref:** 52955/Full

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

**Recommendation:** Approve with Conditions

### **Description**

The container is located on an unkempt area of land adjacent to a brick built outbuilding at the rear of the parade of shops and offices known as Park Hill in the Bury Old Road / Kings Road Local Shopping Centre. The land to the rear is allotment garden and the site can be seen from the properties on Albert Avenue. The container is one of several located on the site that are the subject of investigation by our Enforcement Team.

The application is for the retention of the container which is used to store material owned by the Jewish Telegraph who are located in one of the properties that make up Park Hill precinct. The applicant has indicated that he is willing to paint the container dark green and to accept a time limited consent for 2 years for its siting.

### **Relevant Planning History**

Enforcement Case re: unauthorised containers and storage - ongoing.

52547 - Retention of storage containers (retrospective) - Withdrawn - Invalid 02/07/2010

This application is as a result of discussions following this application.

### **Publicity**

22 neighbours at have been consulted at 1 to 9a Park Hill, 19 Bury Old Road and 174 to 180 (evens) Albert Road and one objection has been received from 1 Park Hill.

The objection can be summarised as follows:

- The site is untidy and the container should be removed as should the others adjacent to it.

The objector has been informed of the Planning Control Committee.

### **Consultations**

**Environmental Health** - No objections

**Baddac** - No comments

**Highways Section** - No objections

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

EN1/2 Townscape and Built Design

EC4 Small and Growing Businesses

EC4/1 Small Businesses

S1/5 Neighbourhood Centres and Local Shops

### **Issues and Analysis**

**Principal** - The site is on an area of land that is not designated for any use in the Unitary Development Plan. It has been used for ad hoc storage and there are a number of small buildings and containers on the site. It is immediately adjacent to the Local Shopping Centre and access to it is obtained from the service road for the shops and offices in Park Hill. The site is adjacent to a large brick built 'lock up' garage. Given its location and the commercial use of the site for over 10 years it is considered that the retention of the sue of the land for

storage is acceptable and accords with Unitary Development Plan Policy EC4 - Small and Growing Businesses.

**Visual Amenity** - The container is immediately adjacent to an existing building and only partially visible from the surrounding area. Given the offer of the applicant to paint the container dark green and the limited nature of the consent, it is considered that it will not impact so adversely on the visual amenity of the area and as such is acceptable in terms of Unitary Development Plan Policy EN1/2.

**Objection** - The site upon which the container is located has been used for storage for a number of years. The Enforcement Team have been investigating this and other containers on the site with the aim of regularising the situation. This is the first application that has come forwards for consideration. Each application will then be viewed on their merits.

### **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 application is for a temporary period and as such it is acceptable for a limited period given its commercial location pending the applicant finding alternative storage facilities in accordance with Policies EN/2 - Townscape and Built Design and EC4 - Small and Growing Businesses.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. Permission is hereby granted for a limited period only, namely for a period expiring on 14th September 2012, and the container, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its retention.  
Reason. The development is of a temporary nature only and to protect the visual amenity of the area in accordance with the adopted Bury Unitary Development Plan Policy EN/2 - Townscape and Built Design.
2. The container shall be painted a dark green colour to the written satisfaction of the Local Planning Authority by the 14th November 2010. The container shall be maintained that colour whilst is located on site.  
Reason - To protect the visual amenity of the area pursuant to the adopted Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

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

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

Item 09

**Applicant:** Mrs Janet Goodman

**Location:** 3 The Hollows, 9 Ringley Road, Whitefield, Manchester, M45 7XQ

**Proposal:** Variation of condition no. 13 of planning permission 37140 to allow opening obscure glazed windows on side elevation of flat, facing no. 11 Ringley Road (resubmission)

**Application Ref:** 52986/Full

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

**Recommendation:** Approve with Conditions

### **Description**

The property is a flat contained within a block of eight flats.

The application is for a modification to a condition imposed on the original planning consent that required all the windows on the side elevation to be obscure glazed and fixed. The application involves the removal of the existing glazing of glass block panels in 4 locations and their replacement by obscure glazed windows with top opening lights in order to improve the ventilation to these rooms, a total of 4 windows.

### **Relevant Planning History**

52268 - Variation of condition No. 13 of planning permission 37140 to allow opening clear glazed windows on side elevation of flat 3, facing No.11 Ringley Road. - Withdrawn by Applicant 27/04/2010

This application is as a result of negotiations following this application.

### **Publicity**

Immediate neighbours at 6 to 11 Ringley Road, 21 to 31 Ringley Chase and 1 to 8 The Hollows have been consulted and an objection has been received from 11 Ringley Road and their objections can be summarised as follows:

- The original consent required all windows on the side to be obscure glazed and un-openable
- The proposal will create a precedent for further such applications
- The proposal will allow overlooking of neighbouring properties.

The objector has been informed of the Planning Control Committee.

### **Consultations**

None

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

EN1/2 Townscape and Built Design

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

### **Issues and Analysis**

**Residential Amenity** - The application is as a result of a condition imposed on the original consent on the site that required all the glazing on the side elevation of the block of flats to be obscure glazed and 'un-openable'. The applicant wishes to retain the obscure glazing but to have high level openings (above 1.7m ffl) to allow natural ventilation to the rooms that are lit by these windows. This will prevent overlooking of neighbouring gardens and properties but may allow some noise from the property to be heard. The flats are set 9m from the boundary of the neighbours and this is formed by a high fence and planting. Whilst the windows are clearly visible, the fact that they will be obscure glazed and the only opening will be above 1.7m above internal floor level it is considered that there will not be a loss of



amenity to the neighbours and as such it is acceptable. The property has balconies at the front and rear and as such there will be some noise from time to time that the neighbours may hear. The high level opening lights may add to this noise but it is not considered that this would be such as to result in a loss of amenity to warrant refusal especially as the application will allow the removal of an air conditioning unit that has been fixed to the flat to provide forced ventilation. As such it is considered that the proposal will accord with UDP Policy 2/1 and a variation of the condition can be allowed.

**Visual Amenity** - The proposal is to replace glass blocks set within an existing opening. The applicant has indicated that the glazing will mirror the size of the blocks and will be in a timber or metal frame. As such they will be similar in appearance to the existing openings. As the detail of this frame is important it is recommended that a condition be imposed requiring a sample of the frame to be submitted and agreed before the windows are replaced.

**Objection** - The objector is concerned about a loss of privacy and this has been dealt with 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 replacement of the existing obscure glazed panels with obscure glazed windows with opening lights above 1.7m is considered to be in accordance with Policy H2/1 - The Form of New Residential development and as such acceptable.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 10th August 2010 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the window frame and glazing to be used 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 Policies H2/1 - The Form of New Residential Development and EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Upon completion of the installation of the new windows the air conditioning unit of the side elevation of the flat shall be removed and the brick/plaster work shall be made good to the written satisfaction of the Local Planning Authority.  
Reason. In the interests of visual and residential amenity pursuant to adopted Bury Unitary development Plan Policies EN/2 - Townscape and Built design and H2/1 - The Form of New Residential Development.

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

**Ward:** Radcliffe - North

Item 10

**Applicant:** Six Town Housing

**Location:** Red Bank House, Lowe Street, Radcliffe, Manchester, M26 3PD

**Proposal:** Demolition of the existing Red Bank House care home and subsequent new development of a residential care home consisting of 40 extra care flats with communal facilities plus associated landscaping and car parking

**Application Ref:** 53002/Full

**Target Date:** 09/11/2010

**Recommendation:** Approve with Conditions

### **Description**

The application site consists of an existing 2 storey care home for the elderly. The site fronts onto Lowe Street to the south, beyond which are playing fields. To the east are semi-detached residential properties on Lever Street, and to the north and west are semi-detached bungalows predominantly occupied by elderly persons. The site includes an area of waste ground, previously a garage colony, which has become derelict and overgrown although there is still access to it via a short passage off Lever Street. The rear of houses on Mosley Street back onto this area.

The proposal is for the demolition of the existing Red Bank House care home and the erection of a new residential care home to provide 40 extra care flats with communal facilities and associated car parking, servicing and landscaping. The development aims to provide high quality and affordable extra care apartments in one building which are self contained and designed to 'Lifetime Homes' principles.

The proposed building would be 3 storeys in height and be split into 2 residential wings in the form of an 'L' shape, with ground floor communal facilities which include a lounge, bistro, laundry and health and beauty suite, located at the shared corner and along the wing fronting Lowe Street. The footprint partially encloses a sheltered sensory garden at the centre of the development and there would be additional outdoor amenity space which consists of pathways, seating areas and grassed areas to the north and east of the building. The development would include land to the north which was formally used as a garage colony. Existing access to this at the rear would be blocked off by a 2.1m high fence.

It is proposed to provide 21 parking spaces including 2 disabled spaces, which would be located to the west of the building and accessed from Lowe Street through a widened entrance. The car park would be securely enclosed and accessed by electronic gates. There would be 8 members of staff on site at any one time.

Background - The need for the scheme was identified as part of a review of residential care services in the Borough and through the development of the Housing Strategy for Older People. There is an identified shortfall of this type of accommodation in the Borough which the Council forecasts to require up to 500 places in the next 10 years. The site is currently occupied by an obsolete council-owned residential care home and its closure was approved in 2009 in order to provide an Extra Care Facility in this part of the Borough.

The scheme will provide 24 hour staffing and a range of communal support facilities. It is intended that the care services provided by the scheme will be available to the neighbouring residents of older person's bungalows in accordance with the Council's Housing Strategy for Older People, with the scheme being part of a 'hub and spoke' model of care delivery, meaning ready access to care. The provision of the scheme will provide an alternative accommodation choice to residential care homes for older residents in the Borough. The

principle is to offer escalating levels of 'extra care' support as residents require without having to move accommodation at a time in their life when moving is often a very stressful experience. While the care is available to the residents, the self-contained apartments in the scheme allow the residents to maintain as much independence as possible.

Overall, the development seeks to address the acute need for accommodation of this type in this area of the Borough in particular and in the Borough as a whole.

### **Relevant Planning History**

No relevant history

### **Publicity**

87 properties were notified at Lever Street, Ainsworth Road, Lowe Street, Redbank Road, Mosley Street and Hampson Fold on 13/8/2010. An amended neighbour notification letter to inform residents of revised plans sent on 24/8/2010.

Press advert in The Bury Times on 19/8/2010.

Site notice posted on 16/8/2010.

Six letters have been received as a result of the publicity.

One letter of support received from No. 1 Hampson Fold with the following comment:

- As co-ordinator of the Redbank homewatch most of the 38 residents in the homewatch approve the application.

Five letters of objection received from Nos 39, 45, 49, 102 Lever Street and No 21 Hardman Close which raise the following issues:

- The project is unnecessary as there is no need to close 4 such sites which should be re-opened and the money allocated to repairing roads and tackling crime in Radcliffe;
- The proposed building is too tall and would overshadow adjacent properties;
- Transport links are limited to the 98 bus route which on occasion is dilatory. Such development should be located nearer to the centre of Radcliffe or other central location for better access to transport and other facilities, and when finances are improved;
- The current access to spare land behind Redbank House is very narrow with poor turning onto Back Redbank Road which is in a poor state of repair and unlit. There is a lack of specific detail of the boundary fence and how it is to be located to provide security, as there is still relatively easy potential for unauthorised access to the site;
- There should not be any access allowed at the rear, particularly construction traffic during any proposed works;
- The room allocated for the buggy store is a health and safety hazard on the basis there will be likely crowding;
- There has been noted some bat activity which has not been pinned down to a precise location. Clarification should be sought and householders notified and the consultation period suspended. Bat activity has been seen in the area although no roost yet located.
- Although the building appears to have adequate natural lighting, this would be at the expense of properties on Lever Street which would be overlooked which is unreasonable and would impact on resale values;
- There has been a delay over the consultation time period;
- The application has been submitted at a time when local MP's are not readily available;
- There is a more urgent need for funding than this development which is in an unsuitable location.
- The plans have changed numerous times and its re-siting is not acceptable;
- There is little if any sun due to the position of the Sycamore trees and the retention of these trees and height of the building will result in the loss of all sunlight to the houses on Lever Street;
- There has been no thought into the design of the build and no consultation with local residents;
- Their house will be overlooked and devalue their property;
- The building work will be noisy;

- There is confusion from internal communication - residents were asked their opinion for future plans to the land adjacent to Hampson Fold. The site now forms part of the scheme.

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

### **Consultations**

**Traffic Section** - No objection subject to conditions.

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

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

**Waste Management** - No objection.

**Designforsecurity team** - No comments received to date.

**Chief Fire Officer** - No objection.

**GMPTE** - No objection.

**BADDAC** - The gradients of up to 1:20 on this flat site could make access for older people more difficult; there appears to be no vehicular drop off point to the main entrance; internally welcome the layout but are concerned that lifetime homes and wheelchair access are not achievable.

**Wildlife Officer** - Condition the recommendations of the bat survey.

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

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/6	Public Art
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN8/2	Woodland and Tree Planting
CF1/1	Location of New Community Facilities
CF3/1	Residential Care Homes and Nursing Homes
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
RT2/2	Recreation Provision in New Housing Development
H4/2	Special Needs Housing
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD11	Parking Standards in Bury
PPS23	PPS23 Planning and Pollution Control
H4/1	Affordable Housing
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H1/2	Further Housing Development
EN1/5	Crime Prevention
SPD3	DC Policy Guidance Note 3: Planning Out Crime
PPS9	PPS9 Biodiversity and Geological Conservation
SPD5	DC Policy Guidance Note 5: Affordable Housing

### **Issues and Analysis**

**Policies** - Unitary Development Plan Policy CF1/1 - Location of New Community Facilities states that proposals for new and improved facilities will have regard to impact on residential development, traffic generation and parking, scale and size of development, access to shops and services, suitability of the chosen location, and the needs and requirements of the disabled.

UDP Policy CF3/1 states that residential care homes will be located in residential areas and will be permitted where they do not conflict with the amenity of adjoining areas.

UDP Policy H1/2 - Further Housing Development has regard to factors relating to the need

to direct development towards the urban area, availability of infrastructure, the need to avoid the release of open land, sustainability of the site in land use terms with regard to amenity, the nature of the local environment and surrounding land uses and other policies and proposals of the Plan.

UDP Policy H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development seek to ensure proposals make a positive contribution to the form and surrounding area and demonstrate acceptable standards of layout.

Policy H4/2 - Special Housing Needs states that the Council will encourage the provision of special needs housing and would be assessed with regard to location for facilities, gradient of the site, and the provision of parking and amenity space.

**Principle** - The land is a previously developed site within the urban area and is close to a range of services and public transport and is generally a sustainable location. The scheme would significantly contribute to the identified shortfall of this type of accommodation in the Borough. In addition, services and the facilities of the scheme will also be available to the neighbouring residents of older persons bungalows in the nearby area.

As such, the principle of residential development is acceptable subject to details and would comply with policies H1/2, CF1/1, CF3/1 and H4/2 of the Unitary Development Plan.

**Impact on surrounding residential amenity** - The building line continues the existing line of the adjacent residential properties on Lowe Street and an assessment of its relationship to the houses on Lowe Street, Lever Street and Hampson Fold needs to be considered.

#### Aspect Standards

There are no aspect standards for this type of development. However, Supplementary Planning Document 6 does provide guidance on aspect relationships. Using this as a reference, the guidance states that a minimal distance of 20m between two principal windows to a habitable room should be maintained. In this regard, there should be an additional 3m of separation to allow for the additional one storey of height to the proposed building.

Lever Street - There would be a minimum distance of 23m to the houses on Lever Street. As such the separation distance complies with the Council's aspect standards.

Hampson Fold - There would be a distance of 23m to the rear elevation of Nos 2 and 4 and 19m from the rear of Nos 22 and 24. The rear elevation of the proposed building which faces Nos 22 and 24 are non-habitable room windows and secondary windows and would be part obscure glazed. As such, the council's aspect standards have been met.

Nos 2 and 2C Lowe Street - There would be a distance of 16.2m and 9.3m respectively to the side elevation of these properties, both of which are blank.

As such the separation distance complies with the Council's required aspect standards.

#### Access to the north of the site

The existing access to land at the rear of the site from Back Red Bank Road would be fenced off by a 2.1m high boundary fence. Concern was initially raised by the Police and local residents that access to this area and its potential use as a car park could increase the risk to vehicles and staff and encourage anti-social behaviour activities. The scheme was therefore revised and it is proposed to provide a single car park accessed from Lowe Street which has now addressed the concerns raised by the Police and local residents.

**Boundary treatment** - The site would be bounded by a 2.1m high timber fence which would provide screening and privacy, particularly from the rear of the bungalows that back onto the site. An indicative tree planting scheme has been shown on the layout which would further screen parts of the development and this will require further approval through a condition to

secure species and densities.

Whilst the new building would be an additional storey higher than the existing, the proposal complies with the Council's aspect standards. There would be sufficient screening along the rear boundaries of houses that back onto the site and the proposal to block off the northern part of the site from Mosley Street would increase security to the area. As such, the proposal is considered acceptable and would comply with UDP Policies CF1/1, CF3/1, EN1/2 and Supplementary Planning Document 6.

**Design and layout of the building** - The applicant considered a number of design proposals before submission of the final scheme. The design, height, scale and massing of the building was in part determined by the fixed no. of 40 apartments, external spaces for residents and by taking into account the surrounding environment.

As such, a three storey solution resolved the density requirement to ensure there was sufficient external provision for residents of the facility, whilst maintaining an acceptable relationship to the adjacent residential properties.

The resulting building is one of a contemporary appearance which has been designed so as not to appear "institutional", yet reflects the domestic nature of the proposed scheme. This has been achieved through a simple palette of materials of buff facing brick with contrasting render infill, terracotta tile infill panels and artificial slate roof. The building mass would be broken down with projecting bays and design features whilst maintaining the vertical emphasis of fenestration and rhythm along the frontage.

The main entrance would be defined by a simple porch structure and there would be level access into the building.

Private landscaped amenity space would be provided at the sides and to the rear of the site and would include seating areas, sensory garden, greenhouses connected via accessible footpaths.

As such, the proposed design and layout of the building is considered to reflect the needs of the future occupants and relates well to the surrounding environment and therefore complies with UDP Policies H2/1, H2/2, EN1/2 and CF1/1.

**Parking** - There are no specific parking standards for this type of development. However, Development Control Policy Guidance Note 11 - Parking Standards in Bury - states that for sheltered housing, 1 space per 3 units be provided. This would equate to 13 spaces. In terms of care/nursing homes, standards for staff and visitors are considered on their own merits together with the nature and location of the proposal.

There are 21 parking spaces proposed. This equates to 13 residents spaces plus 8 staff spaces. The scheme is aimed at the elderly population who will require an increasing level of care, which means that a proportion of the residents of this scheme are less likely to be car drivers. It is anticipated that some of the staff will live locally or use public transport.

The applicant cites a similar extra care scheme in Congleton, where 18 spaces for staff and residents for a 45 apartment development has proved to be adequate.

There is no proposed formal drop off area to the front entrance of the building and there may be occasions when a vehicle will need to drop off or pick up directly from the main entrance. However, there is no restricted parking on Lowe Street and the road is wide enough for cars to safely pass a parked vehicle.

The highways team have raised no objection to the scheme and the proposal would comply with HT2/4 - Car Parking and New Development.

**Access** - The site is relatively flat with a minor gradient difference of 1m around the site.

Ramped access of a 1:20 gradient would be provided where necessary within the external areas and there would be a lift to the 1st and 2nd floors. All doorways have flush thresholds and the routes through the building and communal areas have generous circulation space, wide doors and accessible toilet facilities. The Access Statement confirms the flats are fully accessible and to Lifetime Homes Standards and this would be secured via condition. Therefore, the proposed development would be fully accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

**Servicing** - The car park is arranged to incorporate a turning head large enough to facilitate service deliveries and refuse collection. There would be a path which would run directly from the loading bay area to the east of the car park to the service access entrance to the building. There would be a limited number of deliveries to the care home and as such the car park area would be sufficient in area to accommodate the servicing requirements. The proposal complies with CF1/1 - Location of New Community Facilities.

**Trees** - The proposal would result in the removal of some of the trees on the western and northern boundaries of the site and the tree in front of the existing building. None of the trees are under a Tree Preservation Order and are not considered to be of such value to warrant TPO status. An indicative landscape scheme has been submitted which shows replacement planting to the north and eastern boundaries, as well as the area around the building being landscaped. A condition to submit a landscaping scheme would be conditioned as part of any approval.

**Protected Species** - The bat survey found no evidence of bats and assessed the buildings and trees potential as low. The Wildlife Officer recommends the conclusions of the bat report be conditioned which includes the need to carry out a re - survey should demolition of the building be delayed beyond Spring 2011.

**Affordable Housing** - New residential developments above 15 units should seek to provide affordable housing in line with UDP Policy H4/1 - Affordable Housing. However, the proposals are for 100% affordable housing units and it is expected that the scheme will be funded by grants from the Homes and Community Agency on the basis that it would deliver 40 extra care units at affordable rents. As such, there is no need to impose further occupancy controls through a S106 or Planning Condition as would normally be required for affordable housing secured through Policy H4/1. The proposals satisfy the requirements of Policy H4/1 by the nature of the scheme.

**Recreation Provision** - Given the nature of the proposal it is considered it would be sufficient to provide less formal provision on site as indicated in paragraph 2.20 of Development Control Policy Guidance Note 1 - Recreation Provision in New Housing Development. Accordingly, whilst no commuted sum payment would be required as part of this proposal, it should be ensured that informal provision is implemented as part of the scheme to ensure that residents have good access to outside facilities within the grounds of the development. The layout of the proposal does indicate that seating and footpaths are being proposed throughout the site, along with landscaping proposals. Any approval should be conditioned to ensure that these come forward as part of the scheme and that the exact details are agreed in writing with the Council before commencement and implemented before first occupation.

**Percent for Art** - The applicant proposes to integrate public art within the scheme but details have not been included as part of the planning application. As such, any approval should be conditioned to ensure that public art is included as part of the development and that this is agreed with the Council in writing and implemented as part of the scheme.

**Response to objectors -**

- The funding is specifically allocated for this particular site and development;
- Access to the rear will be fenced off;
- The retention of trees on site would be the responsibility of the landowner;
- The Council's normal requirements for notification and publicity have been carried out;

- All other issues raised regarding relationship of the building to residential properties, design and position of the building, wildlife issues have been covered in the above report.
- Devaluation of property is not a material planning consideration.

### 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 adverse impact on the amenity of the neighbouring properties or be detrimental to the visual amenity of the area. The scheme includes adequate parking provision and will not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### Conditions/ Reasons

1. 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 P2936-001 Rev A; P2936-002 Rev E; P2936-003 Rev D; P2936-004 Rev C; P2936-005 Rev C; P2936-006 Rev C; P2936-007 Rev C; 05299-T-01 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. No development should commence unless and until full details of the proposed boundary walls and railings on the Lowe Street frontage and the proposed metal railings adjacent to the adopted rear access to Nos 7-21 Red Bank Road have been submitted to and approved in writing by the Local Planning Authority.  
Reason. To ensure good highway design and maintain the integrity of the adopted highway pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
4. The development hereby approved shall not be first occupied unless and until the highway improvements indicated on the approved plans, incorporating the widening of the existing westerly access and reinstatement of the redundant easterly access to adjacent footway levels, have been implemented to the written satisfaction of the Local Planning Authority.  
Reason. To ensure good highway design in the interests of road and pedestrian safety pursuant to Unitary Development Plan Policy HT6/2 - Pedestrian/Vehicular Conflict.
5. The turning and servicing facilities indicated on the approved plans shall be provided before the development is first occupied and shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
6. 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 occupied.  
Reason. To ensure adequate off street car parking provision in the interests of



road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

7. No development shall commence unless and until:-
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
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. 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.
10. Prior to commencement of development, a landscaping scheme shall be submitted to, and approved in writing by the Local Planning Authority. The approved scheme only shall be implemented not later than 12 months from the date the building 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.
11. Prior to commencement of development, a scheme for the provision of Public Art, that would be sufficient to be in accordance with Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme only shall be implemented as part of the development and completed prior to first occupation of the building.

Reason - To ensure that the development would contribute to satisfying the need for Public Art pursuant Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.

12. Provision for lifetime homes shall be incorporated into the development in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved commencing. The development shall then be carried out incorporating the measures in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.

13. No development shall take place until the recommendations and conclusions of the bat survey report dated 13/8/2010 specifying the scope of the resurvey and method of demolition shall be fully implemented. Prior to any demolition, a dusk survey shall be conducted before the end of September 2010 to determine the presence of territorial male bats. In the event of evidence of bats being found, a programme of mitigation shall be submitted to and approved in writing by the local Planning Authority prior to any demolition. The approved mitigation measures shall be full implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS9 – Biodiversity and Geological Conservation.

14. Should the demolition hereby approved be delayed beyond February 2011, a resurvey shall be conducted and the survey results established as to whether the buildings are habited by bats. In the event of bats being found, a programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition. The mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS9 - Biodiversity and Geological Conservation.

15. No vegetation clearance or demolition shall be carried out on site between 1st March and 31st August inclusive in any year unless otherwise approved in writing by the local authority.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and for the Protection of Nesting Birds, Wildlife Officer and Countryside, Act 2010.

16. 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.

17. No development shall commence until details of foul and surface water drainage aspects have been submitted to and approved in writing by the Local Planning Authority. The approved scheme only shall be implemented prior to occupation of the building.

Reason. To control the environmental impact of pollution and to ensure satisfactory disposal of foul and surface water drainage pursuant to Unitary Development Plan Policy EN7 - Pollution Control.

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

