

Ward: North Manor

Item 01

Applicant: Holcombe Brook Sports Club

Location: Land off Hazel Hall Lane, Bury

Proposal: Construction of 8 Tennis Courts (6 with floodlighting), club house, associated car parking, mini tennis area with practice wall and landscaping

Application Ref: 53247/Full

Target Date: 27/01/2011

Recommendation: Refuse

A site visit is requested by the Assistant Director of Planning, Environmental and Regulatory Services

Description

The site is currently used as grazing land and is located to the east of Longsight Road and the north of the unadopted Hazel Hall Lane. It is a greenfield site and is located within the Green Belt. The field is approximately level and rectangular in shape with a hedgerow to all boundaries. There is a small brook located in the south west corner of the site.

The site is bounded by Longsight Road to the east and is surrounded by open fields to all other boundaries. There are residential properties beyond the fields to the north.

The proposal is to develop the site for a tennis facility for Holcombe Brook Tennis Club, who wish to relocate from their current site at Longsight Road. This application is part of three applications, including an alternative location for the tennis club facility at Summerseat Lane (53246) and the redevelopment of the existing tennis club site for sheltered housing (53231).

The submitted details include 8 tennis courts, a outdoor mini tennis coaching area, a clubhouse and a car park. The clubhouse would be located centrally in the site. The L-shaped building would cover a gross external area of about 538 square metres. The narrower wing of the building would include toilets, showers, changing, an office and store-room facilities. The wider wing would incorporate a lounge/eating area with a bar, a kitchen and a multi-purpose room (approximately 172 square metres) to be used for table tennis, mini tennis, coaching and as a community room. The building would be finished in a mixture of stone, render and cedar cladding. The roof would be a 'green' roof and would have a varied ridge line height varying from 4.3 metres on the narrower wing to 8.2 metres on the wider one.

The tennis courts (8) would be located to the north east of the clubhouse and the outdoor mini tennis coaching area would be located to the west of the clubhouse. Both the courts and the coaching area would be surfaced in green porous tarmac and the enclosures would be bounded by 2.7 metre high powder coated wire mesh fencing.

There would be 15 floodlights, which would be positioned on 10 metre high columns. The floodlights would be positioned around 6 of the courts and the outdoor coaching area.

Access to the site would be taken from Hazel Hall Lane via Longsight Road and would lead to the car park. The car park is located to the south and east of the clubhouse and would contain 76 spaces including 5 disabled bays.

Relevant Planning History

42996 - Construction of 13 new tennis courts (9 with floodlights); new clubhouse; car park; 2 children's courts; practice wall and landscaping at land off Hazel Hall Lane, Summerseat.
Refused - 13 October 2004

This application was refused as the proposed development would harm the openness of the Green Belt and the access arrangements were inadequate.

45384 - Construction of 9 no. tennis courts (5 with floodlighting); new clubhouse; car park; 2 children's courts; practice wall and landscaping (resubmission) at land off Hazel Hall Lane, Summerseat. Refused - 20 December 2005

This application was refused as the proposed development would harm the openness of the Green Belt.

Surrounding sites

43054 - Three storey block of 55 sheltered flats for the elderly together with house managers accommodation, car parking and landscaping at Holcombe Brook Tennis Club, Longsight Road, Holcombe Brook. Refused - 13 October 2004

This application was refused as there was a loss of recreational space, a lack of provision for public art, no provision for affordable housing, the access arrangements were inadequate and the application and plans contained insufficient information.

45387 - Erection of 55 sheltered flats for the elderly together with house managers accommodation, car parking and landscaping at Holcombe Brook Tennis Club, Longsight Road, Holcombe Brook. Refused - 20 December 2005

This application was refused as there was a loss of recreational space, inadequate provision made for affordable housing and insufficient parking provision.

50418 - Erection of 55 category II sheltered flats for the elderly and house manager's accommodation; landscaping and car parking at Holcombe Brook Tennis Club, Longsight Road, Holcombe Brook. Withdrawn - 6 August 2009

This application was withdrawn as there were issues relating to the loss of recreational space, a lack of provision for affordable housing and public art, impact upon residential amenity, impact upon trees, insufficient information in relation to design and unsatisfactory arrangements for disabled people

53231 - Erection of 55 category II sheltered flats for the elderly, communal facilities, landscaping and car parking at Holcombe Brook Tennis Club, Longsight Road, Holcombe Brook. Received - 28 October 2010

50419 - Construction of 9 tennis courts (6 with floodlighting); new clubhouse; associated car parking; junior coaching area and landscaping at land off Summerseat Lane, Summerseat. Withdrawn - 31 July 2009

This application was withdrawn.

53246 - Construction of 8 tennis courts (6 with floodlighting), club house, associated car parking and landscaping at land to the north of Summerseat Lane, Summerseat. Received - 28 October 2010

Publicity

55 properties were notified by means of a letter on 1 November 2010 and a press notice was published in the Bury Times on 11 November. Site notices were posted on 5 November 2010.

84 letters have been received in support of the application, which has raised the following issues:

- Support the relocation of the club as existing facilities are poor.
- Club is a benefit to the local community.
- Proposed relocation would provide much needed, quality leisure facilities.
- Lawn Tennis Association strongly endorse the proposals.
- Relocation would enable the club to improve their already excellent junior programme and open access policy.
- Tennis club is one of the best in Lancashire in terms of community participation, but is hampered by the poor and wholly inadequate facilities.

199 letters have been received against the scheme, which has raised the following issues:

- Proposal will increase traffic.
- Impact from noise and light pollution.
- Loss of a working agricultural site.
- Impact upon ecology and wildlife, including bats.
- Motivation for relocating is entirely financial.
- Impact and loss of Green Belt.
- Congestion on Bass Lane.
- Lack of open space for children to play in.
- Loss of existing free of charge leisure facilities used by local families, ramblers.
- Increased wear and tear on existing road surfaces, which would be maintained at public expense.
- Site is located on a dangerous bend, where there has recently been an accident.
- No justification for 76 parking spaces.
- The new plans differ little from the previous application.
- Object to the scale of the development, which is more akin to an urban retail/leisure park.
- The club's inability to afford or find a site to their liking in Holcombe Brook does not create a right or need to build on Green Belt.
- Hazel Hall Lane suggests a nice place to live and not intended for large developments.
- Impact upon crime, vandalism and car crime.
- Impact upon flood risk.
- There is no guarantee that the development will be built as indicated in the application or that once built, it could be massively extended or used as a superstore.
- The proposers have not identified a need for the development.
- Close proximity of the proposed site to the 'Life for a Life' memorial garden.
- Removal of existing hedgerow to allow for widening of Hazel Hall Lane.
- The provision of 76 spaces suggest that most travel by car and therefore, the site could be located further away.
- There are other facilities for children in the local schools.
- The club should compromise on the scale of the proposal.
- Proposal conflicts with policies in the Regional Spatial Strategy.
- Removal of an ancient hedgerow.
- Insufficient information to justify the development of the Green Belt.
- The club has adequate facilities at it's current site.
- The site at Bolton Road West would be more suitable.
- The site at Oak Avenue is twice the size of the current club site and therefore, must be large enough.
- The site is too close to the existing memorial garden.

A full list of the addresses in support and against the application can be found in the working file.

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to highway works, pedestrian facilities, visibility splays and car parking.

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 response.

Landscape Practice - No objection in principle, but a number of issues to be resolved:

- Position of replacement hedgerow looks unnatural in form and layout. Need detail as to how this would be established.

- Prefer to see the use of drainage swales and a pond to address surface water issues
- No reference to a management plan or the proposed planting
- Prefer to see a permeable surfacing for the car park and bay marking with contrasting hard materials - National Trust have good examples as to how a car park should be laid out in rural area

Waste Management - No response.

Wildlife Officer - Accept the findings of the bat survey, but require a statement as to how the floodlighting would impact upon the local bat population.

Request conditions relating to vegetation clearance, common bird breeding survey, brown hare survey and landscaping.

Environmental Projects - The site makes a contribution to the Borough's green infrastructure and the proposal would impact upon landscape.

Planning Implementation - Potential to make a contribution to the Borough's green infrastructure.

Design for security - Concerns relating to the crime impact statement.

Environment Agency - No objections. subject to the inclusion of conditions relating to flood risk and storage, the provision of a landscape strategy and surface water drainage.

United Utilities - No response.

GM Ecology Unit - Scheme has the potential to result in a loss in biodiversity interest. As such:

- the streamcourse, hedgerows and trees should be protected from construction impacts by condition
- No site clearance during March to July
- A comprehensive landscape plan should be submitted
- Floodlighting should avoid the stream course to prevent adverse impact upon bats

GM Archaeological Unit - No comments

Baddac Access - Access Group generally feel the development is well thought out for inclusive access. Clarify access routes to the courts in relation to the position of the floodlighting columns.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/6	Public Art
EN1/7	Throughroutes and Gateways
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/4	Groundwater Protection
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL1/5	Mineral Extraction and Other Dev in the Green Belt
OL4	Agriculture
OL4/1	Agricultural Land Quality
OL4/3	Development Impact on Farming Areas
OL5/2	Development in River Valleys
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
RT3/5	Noisy Sport
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD3	DC Policy Guidance Note 3: Planning Out Crime

SPD4	DC Policy Guidance Note 4: Percent for Art
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
PPS1	PPS1 Delivering Sustainable Development
PPG2	PPG2 - Green Belts
PPS7	PPS 7 Sustainable Development in Rural Areas
PPG17	PPG17 - Planning for Open Space, Sport and Recreation
PPS23	PPS23 Planning and Pollution Control
PPG24	PPG24 - Planning and Noise
PPS25	PPS25 Development and Flood Risk

Issues and Analysis

Principle - The main issue to be considered in respect of the proposal is the impact of the development on the Green Belt. This can be broken down into the following areas:

A. Whether the proposed use as a tennis club (outdoor recreation) is an appropriate use within the Green Belt.

B. Whether the details of the scheme would make the proposal inappropriate development within the Green Belt.

C. Would the proposed development result in additional harm to the openness of the Green Belt.

D. Are there any very special circumstances, which would outweigh any inappropriateness or harm to the openness of the Green Belt.

A. Is the proposed use appropriate in the Green Belt?

The proposed development includes the provision of 8 tennis courts, 6 being floodlit, a new clubhouse, car parking and landscaping on a site within the Green Belt.

Whilst PPG 2 establishes a presumption against inappropriate development, including new buildings, within the Green Belt there are several exemptions, including development required for essential facilities for outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

There is a general presumption against inappropriate development. Such development should not be approved, except in very special circumstances. However, it should be noted that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The use of the site as a tennis club (outdoor recreational use) would be acceptable in principle and would comply with PPG2 and UDP Policy. The concept of essential recreation facilities being acceptable in the Green Belt is also referred to in PPG17, which relates to Open Space, Sport and Recreation.

B. Do the details of the proposal make it inappropriate development in the Green Belt?

Paragraph 3.5 of PPG2 states that essential facilities for outdoor sport or outdoor recreation should be genuinely required for uses of land that preserve the openness of the Green Belt and should not conflict with the purposes of including land within it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport.

This position is supported by Policy OL1/2, which seeks to ensure that the construction of new buildings for essential facilities for outdoor sport do not constitute inappropriate development. Proposals should be assessed against this policy to determine whether they would constitute inappropriate development.

Policy OL1/5 states that other development, not including buildings, will be inappropriate unless it maintains the openness of the Green Belt and does not conflict with the purposes of including land within it.

Paragraph 30 of PPG17 states that planning permission should be granted in Green Belts for proposals to establish essential facilities for outdoor sport and recreation where the openness of the Green Belt is maintained. Development should be the minimum necessary and non-essential facilities (eg additional function rooms or indoor leisure) should be treated as inappropriate development.

As such, the issue of whether the proposed club house includes facilities above and beyond what are genuinely required for playing tennis has to be considered. It is considered that the proposed clubhouse would include non-essential facilities, particularly the room which would be used for mini tennis, coaching and as a community room. The proposal involves the provision of 2.75 metre high boundary fencing, 15 floodlighting columns of 10 metres in height and the provision of car parking.

It is considered that the size of the clubhouse and the cumulative impact of the associated development would take it beyond the definition of being 'essential for outdoor sport' and as such the proposal **constitutes inappropriate development**.

C. Would the proposal have a detrimental impact on the openness of the Green Belt?

The site is located within a field set in a broad open space, which separates the settlements of Tottington and Holcombe from Bury. There are extensive views of open countryside from Walmersley across to Tottington and beyond. The site is in an isolated position, divorced from the urban area with the consequence that development may seriously harm the strategic purpose of Green Belt as set out in PPG2 namely to prevent neighbouring townships from merging into one another. Although each planning application is to be considered on the particular merits, it is legitimate to consider if it is appropriate to encourage infill development in the Green Belt along Longsight Road.

The proposed development would result in the raising of the site levels, predominantly along the north western boundary by up to 1.4 metres. The levels along the south eastern boundary would remain constant. The raising of the levels would result in the proposed clubhouse, fencing, floodlighting and car park being more visible and therefore, more conspicuous within the landscape. The existing and proposed landscaping would only minimally screen the proposed development from view, thereby increasing the adverse impact upon the openness and character of the Green Belt.

On balance, despite the fact that the proposed use is acceptable in policy terms, the proposed clubhouse, fencing, floodlighting and car park would be a prominent feature within the landscape, given the isolation of the site from the urban area and the proposed levels of the site. Therefore, the proposed development would have a significant adverse impact upon the openness and character of the Green Belt.

D. Are there any very special circumstances, which would outweigh any inappropriateness or harm (if any) to the openness of the Green Belt

Notwithstanding the fact that the proposed use is acceptable in policy terms, the cumulative impact of the proposed clubhouse and the associated development constitute inappropriate development because of the facilities being proposed, which by definition is harmful to the openness and character of the Green Belt. It is for the applicant to demonstrate very special circumstances to justify why permission should be granted.

The applicant has provided 5 reasons/areas to justify the proposal and these broadly consist of:

1. Clear planning policy support as expressed through PPG17 and Policies RT1/2 and

- RT2/1 of the adopted Unitary Development Plan.
2. Holcombe Brook Sports Club is an important sporting and recreational facility in an area where there is a shortfall in the provision of sporting facilities. The club is widely used by the community and schools in particular.
 3. The constrained nature of the existing site means that the club will decline further and ultimately close due to the inability to raise funds through additional membership or grant funding to maintain and enhance its facilities.
 4. A comprehensive review of possible alternative sites has led the club to the conclusion that this and the alternative site on Hazel Hall Lane are the best opportunities in economic and planning terms.
 5. The application proposals will provide a new, modest sporting facility that will enable a sustainable future for the club and ensure that it is able to continue and expand its inclusive access policy to the benefit of the local community. All of the facilities proposed are considered to be essential to the sustainability and viability of the club.

Each of these will be covered in turn:

1. PLANNING POLICY

The relevant policies in the Unitary Development Plan and PPG17 do broadly support the principle of the provision of new and improved facilities for sport and recreation. However, the details of the proposal must comply with Green Belt Policy and in this instance, the proposals are inappropriate and will need to be justified by very special circumstances.

2. IMPORTANCE OF THE SPORTS CLUB

Holcombe Brook Tennis Club is an important sporting and recreational facility that is widely used by members, the community and local schools. The club has been recognised as a 'Mini Tennis Centre' and has been awarded the 'Club Mark', which means that a quality tennis development programme is being delivered and operated in line with best practice.

The club provides a valuable resource for the local area and local schools in terms of coaching and development, which is supported by letters from 6 local schools, Tennis Lancashire and the Principal Sports Development Officer at Bury Council.

The Greenspace Strategy indicates that within the Ramsbottom, Tottington and North Manor area, there is a slight deficiency in the quantity of outdoor sports when compared to the Borough-wide standard. As such, the net qualitative gain in provision by the provision of a new club would improve the situation in this respect. In addition the assessment has set an overall qualitative standard for achieving good quality tennis courts and the quality of tennis court provision in this area is average. The proposed tennis courts would meet with the Lawn Tennis Association (LTA) guidelines and as such would provide a better quality of court than existing.

3. CURRENT SITE CONSTRAINTS

It is accepted that the size constraints on the existing site would limit the future development of the club facilities. The club's position in this respect is recognised by Tennis Lancashire, who state that the club is 'hampered by its poor and wholly inadequate facilities'. The letter states that there are a limited number of courts and only two are floodlit, which severely hampers playing time. The courts on the current site do not comply with performance standards in terms of run off areas to the side and rear of the courts, which means the club cannot apply for grants to upgrade the surfacing, which is unfit for performance play.

The state of the facilities at the club is reflected in the membership fees, which can only fund minor repairs. It is accepted that the income from fees would not be sufficient to fund redevelopment proposals, especially as grant funding is not available due to the size constraints at the club.

Since the previous application, the current facilities have further deteriorated and court specifications still fall below recognised standards, with no realistic prospect of improvement.

4. ASSESSMENT OF ALTERNATIVE SITES

The Club has considered a number of alternative sites across the borough, but wishes to remain in the Holcombe Brook area for reasons, which will be discussed later.

More detailed information has been submitted on 5 sites across Bury, Hollins and Radcliffe, following the previous application (50419). This information gives specific reasons why the individual sites have been discounted and include :

- Potential traffic and access constraints
- Planning consent has been granted for a higher value use (eg residential development)
- The site provides a valuable playing field resource
- The site is too small
- Flood risk issues

The detailed information indicates that these sites are not available before the assumption that the club want to stay in Holcombe is considered.

The club has good links with the local schools, which it would like to continue and over 95% of its members live within North Bury. As such, the Club states that it would prefer to remain within the Holcombe area and 7 sites have been assessed.

The site at Bolton Road West in Ramsbottom is allocated as protected recreation space under Policy RT1/1 and would be preferable in principle, from a planning policy perspective. The applicant has discounted this site on the basis of concerns over achieving satisfactory access and due to contamination and ground conditions. A report has been submitted which highlights that the site is a former tip and a full geo-environmental assessment would be required to ascertain if the site would be suitable to be built on. If it is possible to build on the site, a ground stabilisation solution would have to be found, which would increase build costs at this site by some 25%. The applicant argues that this additional cost would render the project unviable. It should also be noted that the redevelopment of this site would result in a net loss of recreational facilities (i.e. the existing sports pitches, which are well used).

Three sites at Redisher Works, Broadhey playing fields and land adjacent to Brandlesholme Road have been discounted as the owners were not willing to sell. The land at Oak Avenue and Woodhey High School were discounted as there is insufficient land to accommodate the requirements of the club. The sites at Old Hall Primary School and the recreation ground on Summerseat Lane were discounted as there were concerns as to the size of the site and the impact upon residential amenity. In addition, the redevelopment of these sites would also result in a net loss of recreational facilities, which would have to be re-provided elsewhere.

The assessment of alternative sites has looked at sites across the Borough as well as those in the Holcombe area. As such, the site assessment is considered to be reasonably robust.

Of course, the applicant has considered another site, which they consider to be a reasonable alternative and this is also subject to a planning application (53246 - land at Summerseat Lane). It is considered that this is a more appropriate site as it has less of an impact upon the openness of the Green Belt.

5. SECURING A SUSTAINABLE FUTURE FOR THE CLUB

It is accepted that the club would benefit from relocation as this would allow the club to expand and improve the facilities on offer, thereby improving the overall viability and long term future of the club.

Green Belt Summary

A. The proposed use of a tennis club within the Green Belt is acceptable.

B. However, elements of the proposal (clubhouse, fencing, floodlighting and car park) constitute inappropriate development within the Green Belt by reason of scale and their cumulative impact.

C. The proposed development would be visually prominent due to the proposed levels and the isolation of the site from the urban area. The proposed landscaping would not be sufficient to screen the proposed development from view. Therefore, the proposed development would be a conspicuous feature in the landscape, which would be contrary to Green Belt objectives causing significant harm to the openness of the Green Belt.

D. On balance, the very special circumstances that have been set out would not outweigh the in-principle harm of inappropriateness in this case. Whilst there would be benefits in terms of a much improved community facility, which would help to secure a sustainable future for the tennis club, the impact upon the openness of the Green Belt would be too significant. The applicant has demonstrated that there is at least one alternative site that would be better suited for the club's relocation so the approval of this site cannot be justified.

As such, the proposed development would conflict with Policies OL1/2 and OL1/5 of the adopted Unitary Development Plan and PPG2.

If Committee decide to approve this application, any grant of planning consent should be a personal permission to Holcombe Brook Tennis Club.

Recreation Provision - This proposal represents an improvement to the existing tennis club facilities and, assuming that this proposal was to be delivered prior to the Longsight Road site being lost, the loss of the existing club site would not be in conflict with Policy RT1/1 of the adopted Unitary Development Plan.

Design and impact upon surrounding area - The layout of the proposed clubhouse is based on a traditional pavilion with a modern appearance. The roof has been revised to a sweeping green roof with two separate levels, which helps to integrate the proposed building with the landscape. The use of a variety of materials including cedar cladding, stone and render as well as the green roof would reduce the prominence of the building within the Green Belt.

The site would be made level, which would result in the levels along the north western boundary being increased by up to 1.4 metres and remain constant along the south eastern boundary. As such, the clubhouse would be sited on raised land, which would have a detrimental impact upon the openness of the Green Belt.

Although 50% of the proposed car park would be constructed from grasscrete, the remaining 50% would be constructed from tarmac. This coupled with the increase in levels would result in the proposed car park being visually prominent and conspicuous, which would have an adverse impact upon the openness of the Green Belt.

It is noted that additional planting is proposed on the boundaries of the site to strengthen the existing landscaping. However, this planting would not be sufficient to screen the proposed development from view, given the increase in levels.

Agricultural land - PPS7, PPS1 and the Regional Spatial Strategy recognise the importance of the most versatile agricultural land for rural enterprise and economic development reasons as well as its role in mitigating and adapting to climate change.

The Agricultural Land Classification grades land, with the best and most versatile being grades 1, 2, and 3a. There is no grade 1 or 2 agricultural land within the borough and there are small pockets of Grade 3a land in the Unsworth, Pilsworth and Simister area and

Grades 3b and 3c in the north west and south west parts of the borough. The site of the proposed club is not classified and as such would be of poor quality. Therefore, its loss would not be contrary to the requirements of Policies OL4, OL4/1 and OL4/3 of the adopted Unitary Development Plan and PPS7, PPS1 and the RSS.

Impact upon residential amenity/noise - The site is bounded by residential dwellings and there are four main elements of the proposed development, which may affect residential amenity:

- Noise directly associated with the use of the courts for the playing tennis;
- Light from the floodlighting units;
- Noise associated from the clubhouse;
- Noise from the car park.

A noise assessment report has been submitted as part of the application and has assessed the existing and proposed noise levels using guidance contained within PPG24. The report states that the noise levels generated by the proposed facilities lead to a worst case assessment conclusion of less than marginal significance.

The adjacent field would act as a buffer zone to the nearby residential properties. The site would be 145 metres and the proposed building would be 166 metres from the residential properties on Longsight Road. The dwellings on Hazel Hall Lane would be 125 metres from the site.

In addition to the distances involved, it is proposed to include conditions restricting the hours of use of the floodlights and the clubhouse and the direction and intensity of the floodlights. The applicant is willing to accept a condition restricting the use of the clubhouse to purposes incidental to the playing and coaching of tennis, social functions held by the tennis club and for use by local community groups. As such, there would be no public functions held at the clubhouse, which would allay some of the fears raised by some of the neighbouring residents.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring residents, subject to conditional control.

Ecology

GREAT CRESTED NEWTS - A survey to establish the presence of Great Crested Newts has been undertaken. No Great Crested Newts were found in any of the ponds and very low numbers of smooth and palmate newts were found in two of the ponds. Smooth and palmate newts are not protected and therefore, not a concern. These results are similar to those in the survey undertaken in 2004 and the Wildlife Officer concurs with the findings. As such, the proposed development would not have an adverse impact upon a protected species.

BATS

A bat survey has been undertaken and it concludes that no bats were observed emerging from roosts on or near the site. But it is possible that the cottage on Hazel Hall Lane is used by roosting bats. A number of bats were using the fringes of the site boundary and brook for feeding and commuting. It is recommended that the hedgerows around the field are retained.

The agent has provided a higher specification of lighting, which would reduce light spillage and would accept a condition that the lights would be turned off at 10pm. This would result in some disturbance over a maximum period of two hours in early spring and late summer. However, given that the site is some distance from suitable roosting habitat and the site is adjacent to a road, which is already lit, the impact upon the local bat population would be negligible. Therefore, the proposed development would not have a significant adverse impact upon a protected species.

PHASE 1 SURVEY

A phase 1 habitat survey has been undertaken and concludes that there are no habitats of notable ecological importance on site. The trees, scrub, hedgerows and grassland offer value to nesting birds and such areas of vegetation should be retained to minimise the loss of breeding birds. As the brook and most of the hedgerow would be unaffected by the proposal, there would be no significant ecological impact relating to the proposed development.

In conclusion, the proposed development would not have a significant adverse impact upon a protected species or the local ecology. GMEU has no objections, subject to the inclusion of condition relating to vegetation clearance, surveys relating to common bird breeding and a details of a comprehensive landscaping plan and protection of the streamcourse during construction. Therefore, the proposed development would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Flood Risk - A flood risk assessment was submitted as part of the application. The Environment Agency has confirmed that it has no objections to the proposal, subject to the inclusion of conditions relating to flood risk and storage, the provision of a landscape strategy and surface water drainage. The Landscape Practice state that the provision of ponds and drainage swales should be considered to reduce surface water run off. Therefore, the proposed development would not have an adverse impact upon flood risk and would be in accordance with Policy EN5/1 of the adopted Unitary Development Plan and PPS 25.

Highways Issues - A Transport Assessment has been submitted as part of the application. The report concludes that the traffic and importation implications of the proposal to relocate the club at Hazel Hall Lane as minimal. The site is located within 40 metres of a bus stop and has access to cyclist and pedestrian infrastructure. A travel plan has been submitted, which aims to promote walking, cycling and public transport and to reduce the number of vehicular trips by staff and members.

The Traffic Section has no objections, subject to the inclusion of conditions relating to highway works, visibility splays and car parking. Therefore, the proposed development would be in accordance with Policies EN1/2 and RT3/5 of the adopted Unitary Development Plan.

Parking - With regard to parking provision, there is no maximum standard with SPD11 and the parking provision should be determined on the individual merits of the proposal.

The proposed development would provide 76 spaces. This would reflect the likely maximum demand, based on a tournament with a number of teams playing on all courts. The proposed level of parking would also ensure that there would be no parking on Longsight Road. The site is located in a high access area and is located on a bus route. As such, the level of parking provision would be acceptable in this instance and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Access issues - The provision of the disabled parking bays, level access to the clubhouse and the disabled toilet/changing facilities is welcomed. The proposed courts at the lower level would be accessed by a ramp and the proposed floodlighting columns have been relocated from the path to allow full access. As such, the proposed development would be fully accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Planning Obligations - The scale of the proposal requires that public art is provided in accordance with Policy EN1/6 of the adopted Unitary Development Plan and SPD4 - Percent for art. This could provided on site and will be secured by a condition.

Summary of reasons for Recommendation

Recommendation: Refuse

Conditions/ Reasons

1. The proposed clubhouse, fencing, lighting and car park in conjunction with the site levels are an inappropriate form of development in this location as they adversely impact upon the openness and character of the Green Belt and the case for 'very special circumstances' to justify such development clearly does not clearly outweigh the harm so caused. The proposed development would therefore be contrary to the objectives of the following Unitary Development Plan and associated national/regional guidance:
 - OL1 - Green Belt
 - OL1/2 - New Buildings in the Green Belt
 - OL1/5 - Mineral Extraction and Other Development in the Green Belt
 - OL5/2 - Development in River Valleys
 - EN1/1 - Visual Amenity
 - PPG2 - Green Belts
 - Regional Spatial Strategy for the North West

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

Ward: North Manor

Item 02

Applicant: Holcombe Brook Sports Club

Location: Land to the North of Summerseat Lane, Bury

Proposal: Construction of 8 tennis courts (6 with floodlighting), club house, associated car parking and landscaping.

Application Ref: 53246/Full

Target Date: 27/01/2011

Recommendation: Approve with Conditions

A site visit is requested by the Assistant Director of Planning, Environmental and Regulatory Services

Description

The application site is currently used as grazing land and is located on the northern side of Summerseat Lane. Apart from the lane, where there is a hawthorn hedge, the site is bounded on the westerly side by detached houses and bungalows in Pinewood Crescent, Summerdale Drive and Summerseat Lane. The site generally slopes from the highest point near to Summerseat Lane down to the northerly and easterly edges. Beyond the boundary, there is a wooded valley to the north and similarly, there is a wooded slope beyond the site to Robin Road to the east. These areas are included in the Broadhey Wood and Woodhey Grade A SBI. To the south east there is a cluster of buildings on the same side of Summerseat Lane including two houses and Summerseat School, which is a grade II listed building. On the opposite side of Summerseat Lane, there are detached dwellings.

The proposal is to develop the site for a tennis facility for Holcombe Brook Tennis Club, who wish to relocate from their current site at Longsight Road. Although each application is to be treated on its own particular merits, it may be noted that this application is closely related to two other applications namely those for an alternative location for the tennis club facility at Hazel Hall Lane (53247) and the redevelopment of the existing tennis club site for sheltered housing (53231).

The submitted details include 8 tennis courts, a clubhouse and a car park. The clubhouse would be situated centrally in the site. The L-shaped single storey building would cover a gross external area of about 538 square metres. The narrower wing of the building would include toilets, showers, changing, an office and store-room facilities. The wider wing would incorporate a lounge/eating area with a bar, a kitchen and a multi-purpose room (approximately 172 square metres) to be used for table tennis, mini tennis, coaching and as a community room. The building would be finished in a mixture of stone, render and cedar cladding. The roof would be a 'green' roof and would have a varied ridge line height ranging from 4.3 metres on the narrower wing to 8.2 metres on the wider one.

The proposed tennis courts would be located on three sides of the clubhouse. There would be a single court to the west and four courts in an enclosure to the east of the clubhouse. To the north of the clubhouse, there are three courts. The tennis courts would be surfaced in green porous tarmac and the enclosures would be bounded by 2.7 metre high green powder coated wire mesh fencing.

There would be 15 floodlights, which would be positioned on 10m high columns. The floodlights would be positioned around the four courts to the east and two of the courts to the north.

Access to the site would be taken from Summerseat Lane and would lead to the car park at the south of the clubhouse. The car park would contain 76 spaces, including 5 disabled spaces. The submitted plans indicate that the 2 metre high hedgerow would be retained along the boundary of the site with Summerseat Lane and along the access road. There would be a 2 metre high acoustic fence and a 2 metre high hedgerow along the southern boundary of the car park.

Relevant Planning History

50419 - Construction of 9 tennis courts (6 with floodlighting), new clubhouse, associated car parking, junior coaching area and landscaping at land off Summerseat Lane, Holcombe Brook. Withdrawn - 31 July 2009

This application was withdrawn.

Since the previous application was withdrawn, the applicant has reduced the size and scale of the proposals by removing one court and the outdoor junior coaching area. The height of the clubhouse has increased by 0.4 metres but the volume of the clubhouse has been reduced by 570 cubic metres (18.6%).

Related applications on other sites

42996 - Construction of 13 new tennis courts (9 with floodlights); new clubhouse, car park, 2 children's courts, practice wall and landscaping on land off Hazel Hall Lane, Holcombe Brook. Refused - 13 October 2004

This application was refused as the proposed development would harm the openness of the Green Belt and the access arrangements were inadequate.

43054 - Three storey block of 55 sheltered flats for the elderly together with house manager's accommodation, car parking and landscaping at Holcombe Brook Tennis Club Longsight Road, Holcombe Brook. Refused - 13 October 2004

This application was refused as there was a loss of recreational space, a lack of provision for public art, no provision for affordable housing, the access arrangements were inadequate and the application and plans contained insufficient information.

45384 - Construction of 9 no. tennis courts (5 with floodlighting), new clubhouse, car park, 2 children's courts, practice wall and landscaping (resubmission) on land off Hazel Hall Lane, Summerseat, Ramsbottom. Refused - 21 December 2005

This application was refused as the proposed development would harm the openness of the Green Belt.

45387 - Erection of 55 sheltered flats for the elderly, house manager's accommodation, car parking and landscaping at Holcombe Brook Tennis Club, Longsight Road, Holcombe Brook. Refused - 21 December 2005

This application was refused as there was a loss of recreational space, inadequate provision made for affordable housing and insufficient parking provision.

50418 - Erection of 55 category II sheltered flats for the elderly and house manager's accommodation at Holcombe Brook Tennis Club, Longsight Road, Holcombe Brook. Withdrawn - 6 August 2009.

This application was withdrawn as there were issues relating to the loss of recreational space, a lack of provision for affordable housing and public art, impact upon residential amenity, impact upon trees, insufficient information in relation to design and unsatisfactory arrangements for disabled people.

53231 - Erection of 55 category II sheltered flats for the elderly, communal facilities, landscaping and car parking at Holcombe Brook Tennis Club, Longsight Road, Holcombe Brook. Received - 28 October 2010

53247 - Construction of 8 tennis courts (6 with floodlighting), clubhouse, associated car parking, mini tennis area with practice wall and landscaping at land off Hazel Hall Lane, Summerseat. Received - 28 October 2010.

Publicity

425 properties were notified by means of a letter on 1 November and full lists of the addresses can be found in the working file. A press notice was published in the Bury Times on 11 November and site notices were posted on 5 November 2010.

93 letters have been received in support of the application, which has raised the following issues:

- Support the relocation of the club, as existing facilities are poor.
- Club is a benefit to the local community.
- Proposed relocation would provide much needed, quality leisure facilities.
- Lawn Tennis Association strongly endorse the proposals.
- Relocation would enable the club to improve their already excellent junior programme and open access policy.
- Tennis club is one of the best in Lancashire in terms of community participation, but is hampered by the poor and wholly inadequate facilities.
- Young people need things to do in their spare time and this facility should be supported.

225 letters have been received against the scheme, which has raised the following issues:

- Proposal will increase traffic.
- Impact from noise and light pollution.
- Loss of a working agricultural site.
- Impact upon ecology and wildlife.
- Motivation for relocating is entirely financial.
- Impact and loss of Green Belt.
- Congestion on Bass Lane.
- Lack of open space for children to play in.
- Impact upon existing parking problems.
- Increased wear and tear on existing road surfaces, which would be maintained at public expense.
- Site is located on a dangerous bend, where there has recently been an accident.
- No justification for 76 parking spaces.
- There is a lack of parking at the site.
- Impact of floodlighting on residential amenity.
- A brownfield site has been offered and this should be built on.
- The addition of a clubhouse and bar would cause disturbance to local residents.
- Object to the scale of the development, which is more akin to an urban retail/leisure park.
- The club's inability to afford or find a site to their liking in Holcombe Brook does not create a right or need to build on Green Belt.
- Impact upon property prices.
- Deer can be seen grazing on this land and the land should be retained.
- The Council should listen to tax payers and not a commercial tennis club.
- Impact upon flood risk.
- Proposal will only benefit members of the club and not local people.
- The site is difficult to find, resulting in coaches and cars driving around the residential estate.
- The site on Hazel Hall Lane is much more suitable in terms of impact on amenity.
- Impact upon the Conservation Area.
- The proposal would lead to an increase in crime, vandalism and car crime
- There is no guarantee that the development will be built as indicated in the application or that once built, it could be massively extended or used as a superstore.
- The proposers have not identified a need for the development.
- Summerseat should remain green.
- The club have not provided sufficient justification for the development on Green Belt

land.

- Very little has changed since the previous application.
- Site is adjacent to a site of biological interest (Grade A).
- The majority of club members reside outside the area.
- The club should compromise on the scale of the proposal.
- Proposal conflicts with policies in the Regional Spatial Strategy.
- No provision for coaches is made within the parking.
- Why have the Club not applied for funding to upgrade the existing club?
- The club has adequate facilities at it's current site.
- The site at Bolton Road West would be more suitable.
- Prefer to see the redevelopment of the Hazel Hall Lane site.
- The redevelopment of the site would prevent the use of the farm for agricultural purposes and would curtail operations at the farm.

A full list of the addresses in support and against the application can be found in the working file.

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to traffic calming measures, visibility splays, turning facilities and car parking.

Drainage Section - No objections, subject to the inclusion of conditions 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 - Comment on noise issue and recommend conditions relating to hours of use of the floodlighting, courts and clubhouse and the direction and intensity of the lights.

Public Rights of Way Officer - No response.

Conservation Officer - No objections

Waste Management - No response.

Wildlife Officer - No objections, subject to the inclusion of conditions relating to floodlighting, nesting birds, method statement for Himalayan Balsam and a scheme for the management of semi-improved grassland.

Environmental Projects - Site has potential to contribute towards the green infrastructure

Environment Agency - No objections, subject to the inclusion of conditions relating to flood risk assessment and a buffer zone to the woodland

Designforsecurity - Concerns about the crime impact statement.

United Utilities - No response.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to a buffer zone to the woodland and floodlighting.

GM Archaeological Unit - No objections, subject to the inclusion of a condition relating to archaeological recording

Sport England - No objections.

The National Trust - Concerned about the impact upon the landscape, particularly from high vantage points.

Baddac Access - Welcome disabled parking provision and disabled toilet/changing facilities. Clarify access routes to the courts and seek details of the stepped and ramped access to the lower courts.

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

EN1/5 Crime Prevention

EN1/6 Public Art

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

EN3/1 Impact of Development on Archaeological Sites

EN3/2 Development Affecting Archaeological Sites

EN3/3	Ancient Monuments
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/4	Groundwater Protection
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
EN9	Landscape
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL1/5	Mineral Extraction and Other Dev in the Green Belt
OL4	Agriculture
OL4/1	Agricultural Land Quality
RT3/2	Additional Provision for Recreation in the Countryside
OL4/3	Development Impact on Farming Areas
RT1/2	Improvement of Recreation Facilities
RT2	New Provision for Recreation in the Urban Area
RT2/2	Recreation Provision in New Housing Development
RT3/5	Noisy Sport
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
PPS1	PPS1 Delivering Sustainable Development
PPG2	PPG2 - Green Belts
PPS5	PPS5 Planning for the Historic Environment
PPS7	PPS 7 Sustainable Development in Rural Areas
PPS9	PPS9 Biodiversity and Geological Conservation
PPG17	PPG17 - Planning for Open Space, Sport and Recreation
PPS23	PPS23 Planning and Pollution Control
PPG24	PPG24 - Planning and Noise
PPS25	PPS25 Development and Flood Risk
RSS 13	Regional Spatial Strategy for the North West

Issues and Analysis

Principle - The main issue to be considered in respect of the proposal is the impact of the development on the Green Belt. This can be broken down into the following areas:

A. Whether the proposed use as a tennis club (outdoor recreation) is an appropriate use within the Green Belt.

B. Whether the details of the scheme would make the proposal inappropriate development within the Green Belt.

C. Would the proposed development result in additional harm to the openness of the Green Belt.

D. Are there any very special circumstances, which would outweigh any inappropriateness or harm to the openness of the Green Belt.

A. Is the proposed use appropriate in the Green Belt?

The proposed development includes the provision of 8 tennis courts, 6 being floodlit, a new clubhouse, car parking and landscaping on a site within the Green Belt.

Whilst PPG 2 establishes a presumption against inappropriate development, including new buildings, within the Green Belt there are several exemptions, including development

required for essential facilities for outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

There is a general presumption against inappropriate development. Such development should not be approved, except in very special circumstances. However, it should be noted that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The use of the site as a tennis club (outdoor recreational use) would be acceptable in principle and would comply with PPG2 and UDP Policy. The concept of essential recreation facilities being acceptable in the Green Belt is also referred to in PPG17, which relates to Open Space, Sport and Recreation.

B. Do the details of the proposal make it inappropriate development in the Green Belt?

Paragraph 3.5 of PPG2 states that essential facilities for outdoor sport or outdoor recreation should be genuinely required for uses of land that preserve the openness of the Green Belt and should not conflict with the purposes of including land within it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport.

This position is supported by Policy OL1/2, which seeks to ensure that the construction of new buildings for essential facilities for outdoor sport do not constitute inappropriate development. Proposals should be assessed against this policy to determine whether they would constitute inappropriate development.

Policy OL1/5 states that other development, not including buildings, will be inappropriate unless it maintains the openness of the Green Belt and does not conflict with the purposes of including land within it.

Paragraph 30 of PPG17 states that planning permission should be granted in Green Belts for proposals to establish essential facilities for outdoor sport and recreation where the openness of the Green Belt is maintained. Development should be the minimum necessary and non-essential facilities (eg additional function rooms or indoor leisure) should be treated as inappropriate development.

As such, the issue of whether the proposed club house includes facilities above and beyond what are genuinely required for playing tennis has to be considered. It is considered that the proposed clubhouse would include non-essential facilities, particularly the room which would be used for mini tennis, coaching and as a community room. The proposal involves the provision of 2.75 metre high boundary fencing, 15 floodlighting columns of 10 metres in height and the provision of car parking.

It is considered that the size of the clubhouse and the cumulative impact of the associated development would take it beyond the definition of being 'essential for outdoor sport' and as such the proposal **constitutes inappropriate development**.

C. Would the proposal have a detrimental impact on the openness of the Green Belt?

The site is located on the edge of the urban area and relates well to the existing development along Summerseat Lane. The site is bounded by ancient woodland to the north and east boundaries and as such, would have the effect of forming a small extension to the urban area.

Two bunds would be formed along the western and southern boundaries, which with the additional planting proposed, would screen the proposed development. These bunds would

be formed by levelling off the existing site, which would result in the courts and the clubhouse being at a lower level. As such, the proposed fencing around the courts would not be visible when viewed from the surrounding properties. The proposed fencing would be a chainlink fence and would be green in colour, which would blend satisfactorily into the landscape.

The proposed clubhouse is a low profile building, while still maintaining a useable space for mini tennis coaching. As such, the majority of the clubhouse would not be visible, when viewed from the west and the overall bulk and massing of the building is acceptable. It is worth noting that the volume of the proposed clubhouse has been reduced by 18.6% when compared to the previous application.

On balance, the provision of the bunds with additional landscaping and planting and the reduction in levels on the site would screen the proposed development from view and would result in the least visual intrusion into the landscape, thereby minimising the impact on the openness of the Green Belt. The screening and landscaping proposals would still give a feel of openness when viewed from Summerseat Lane and surrounding areas. The site itself is well related to the existing urban area and there is a natural boundary to the north of the site, which drops down into the wooded area. It is considered that the proposed development would not have a significant adverse impact upon the openness of the Green Belt.

D. Are there any very special circumstances, which would outweigh any inappropriateness or harm (if any) to the openness of the Green Belt

Notwithstanding the fact that the proposed use is acceptable in policy terms, the cumulative impact of the proposed clubhouse and the associated development constitute inappropriate development because of the facilities being proposed, which by definition is harmful to the openness and character of the Green Belt. It is for the applicant to demonstrate very special circumstances to justify why permission should be granted.

The applicant has provided 5 reasons/areas to justify the proposal and these broadly consist of:

1. Clear planning policy support as expressed through PPG17 and Policies RT1/2 and RT2/1 of the adopted Unitary Development Plan.
2. Holcombe Brook Sports Club is an important sporting and recreational facility in an area where there is a shortfall in the provision of sporting facilities. The club is widely used by the community and schools in particular.
3. The constrained nature of the existing site means that the club will decline further and ultimately close due to the inability to raise funds through additional membership or grant funding to maintain and enhance its facilities.
4. A comprehensive review of possible alternative sites has led the club to the conclusion that this and the alternative site on Hazel Hall Lane are the best opportunities in economic and planning terms.
5. The application proposals will provide a new, modest sporting facility that will enable a sustainable future for the club and ensure that it is able to continue and expand its inclusive access policy to the benefit of the local community. All of the facilities proposed are considered to be essential to the sustainability and viability of the club.

Each of these will be covered in turn:

1. PLANNING POLICY

The relevant policies in the Unitary Development Plan and PPG17 do broadly support the principle of the provision of new and improved facilities for sport and recreation. However, the details of the proposal must comply with Green Belt Policy and in this instance, the proposals are inappropriate and will need to be justified by very special circumstances.

2. IMPORTANCE OF THE SPORTS CLUB

Holcombe Brook Tennis Club is an important sporting and recreational facility that is widely used by members, the community and local schools. The club has been recognised as a 'Mini Tennis Centre' and has been awarded the 'Club Mark', which means that a quality tennis development programme is being delivered and operated in line with best practice.

The club provides a valuable resource for the local area and local schools in terms of coaching and development, which is supported by letters from 6 local schools, Tennis Lancashire and the Principal Sports Development Officer at Bury Council.

The Greenspace Strategy indicates that within the Ramsbottom, Tottington and North Manor area, there is a slight deficiency in the quantity of outdoor sports when compared to the Borough-wide standard. As such, the net qualitative gain in provision by the provision of a new club would improve the situation in this respect. In addition the assessment has set an overall qualitative standard for achieving good quality tennis courts and the quality of tennis court provision in this area is average. The proposed tennis courts would meet with the Lawn Tennis Association (LTA) guidelines and as such would provide a better quality of court than existing.

3. CURRENT SITE CONSTRAINTS

It is accepted that the size constraints on the existing site would limit the future development of the club facilities. The club's position in this respect is recognised by Tennis Lancashire, who state that the club is 'hampered by its poor and wholly inadequate facilities'. The letter states that there are a limited number of courts and only two are floodlit, which severely hampers playing time. The courts on the current site do not comply with performance standards in terms of run off areas to the side and rear of the courts, which means the club cannot apply for grants to upgrade the surfacing, which is unfit for performance play.

The state of the facilities at the club is reflected in the membership fees, which can only fund minor repairs. It is accepted that the income from fees would not be sufficient to fund redevelopment proposals, especially as grant funding is not available due to the size constraints at the club.

Since the previous application, the current facilities have further deteriorated and court specifications still fall below recognised standards, with no realistic prospect of improvement.

4. ASSESSMENT OF ALTERNATIVE SITES

The Club has considered a number of alternative sites across the borough, but wishes to remain in the Holcombe Brook area for reasons, which will be discussed later.

More detailed information has been submitted on 5 sites across Bury, Hollins and Radcliffe, following the previous application (50419). This information gives specific reasons why the individual sites have been discounted and include :

- Potential traffic and access constraints
- Planning consent has been granted for a higher value use (eg residential development)
- The site provides a valuable playing field resource
- The site is too small
- Flood risk issues

The detailed information indicates that these sites are not available before the assumption that the club want to stay in Holcombe is considered.

The club has good links with the local schools, which it would like to continue and over 95% of its members live within North Bury. As such, the Club states that it would prefer to remain within the Holcombe area and 7 sites have been assessed.

The site at Bolton Road West in Ramsbottom is allocated as protected recreation space under Policy RT1/1 and would be preferable in principle, from a planning policy perspective. The applicant has discounted this site on the basis of concerns over achieving satisfactory access and due to contamination and ground conditions. A report has been submitted which highlights that the site is a former tip and a full geo-environmental assessment would be required to ascertain if the site would be suitable to be built on. If it is possible to build on the site, a ground stabilisation solution would have to be found, which would increase build costs at this site by some 25%. The applicant argues that this additional cost would render the project unviable. It should also be noted that the redevelopment of this site would result in a net loss of recreational facilities (i.e. the existing sports pitches, which are well used).

Three sites at Redisher Works, Broadhey playing fields and land adjacent to Brandlesholme Road have been discounted as the owners were not willing to sell. The land at Oak Avenue and Woodhey High School were discounted as there is insufficient land to accommodate the requirements of the club. The sites at Old Hall Primary School and the recreation ground on Summerseat Lane were discounted as there were concerns as to the size of the site and the impact upon residential amenity. In addition, the redevelopment of these sites would also result in a net loss of recreational facilities, which would have to be re-provided elsewhere.

The assessment of alternative sites has looked at sites across the Borough as well as those in the Holcombe area. As such, the site assessment is considered to be reasonably robust.

Of course, the applicant has considered another site, which they consider to be a reasonable alternative and this is also subject to a planning application (53247 - land at Hazel Hall Lane)

5. SECURING A SUSTAINABLE FUTURE FOR THE CLUB

It is accepted that the club would benefit from relocation as this would allow the club to expand and improve the facilities on offer, thereby improving the overall viability and long term future of the club.

Green Belt Summary

A. The proposed use of a tennis club within the Green Belt is acceptable.

B. However, elements of the proposal (clubhouse, fencing, floodlighting and car park) constitute inappropriate development within the Green Belt by reason of scale and their cumulative impact.

C. Whilst the proposal would have an impact on the openness of the Green Belt, this has been minimised by the provision of bund's, additional landscaping and the setting down of the courts and clubhouse. This site is also well related to the existing urban area and is not considered to have a significant detrimental effect to the openness of the Green Belt.

D. On balance, the very special circumstances are broadly accepted as it is clear that the proposal would allow for a much improved community facility that will help to secure a sustainable future for the tennis club. It is clear that the current facilities are not fit for purpose and the club has been looking for a site for many years now. The club has demonstrated that they have considered reasonable alternatives and that the relocation in the Green Belt is the only likely option available to them.

On balance, the case for very special circumstances put forward by the applicant would outweigh the in-principle harm of inappropriateness in this case. The case for very special circumstances is based upon the individual circumstances of Holcombe Brook Tennis Club and as such, any grant of planning consent would be a personal permission to Holcombe Brook Tennis Club.

Recreational Provision - This proposal represents an improvement to the existing tennis club facilities and, assuming that this proposal was to be delivered prior to the Longsight

Road site being lost, the loss of the existing club site would not be in conflict with Policy RT1/1 of the adopted Unitary Development Plan.

Design of the building - The layout of the proposed clubhouse is based on a traditional pavilion with a modern appearance. The roof has been revised to a sweeping green roof with two separate levels, which helps to integrate the proposed building with the landscape. The use of a variety of materials including cedar cladding, stone and render as well as the green roof would reduce the prominence of the building within the Green Belt.

The proposed clubhouse has been located next to the car park and would be at a lower level. As such, the majority of the building (changing rooms, store and office) would not be visible to the neighbouring properties. Only the cedar cladding on the roof would be visible and this coupled with the green roof would reduce the impact upon the openness of the Green Belt.

The proposed car park would provide 76 spaces and 49% of these spaces would be constructed from grasscrete and as such would maintain a 'green' appearance. This, coupled with the reduction in the levels and the additional landscaping would ensure that the proposed car park would not have a significant adverse impact upon the openness and character of the Green Belt.

Agricultural land - PPS7, PPS1 and the Regional Spatial Strategy recognise the importance of the most versatile agricultural land for rural enterprise and economic development reasons as well as its role in mitigating and adapting to climate change.

The Agricultural Land Classification grades land, with the best and most versatile being grades 1, 2, and 3a. There is no grade 1 or 2 agricultural land within the borough and there are small pockets of Grade 3a land in the Unsworth, Pilsworth and Simister area and Grades 3b and 3c in the north west and south west parts of the borough. The site of the proposed club is not classified and as such is of poor quality. Therefore, its loss would not be contrary to the requirements of Policies OL4, OL4/1 and OL4/3 of the adopted Unitary Development Plan and PPS7, PPS1 and the RSS.

Conservation Area/Archaeology - The site would be visible from the Summerseat Conservation Area and the proposed development would change the setting of the Conservation Area and views and vistas from it. However, the combination of the existing planting, the valley shape and the proposed planting and earth mounding would limit any direct impact on the character within the Conservation Area. In addition, the proposed lighting would be designed to limit any light spill away from the site and this would be controlled by a condition. The Conservation Officer has no objections to the proposal, which would not harm the character of the conservation area. Therefore, the proposed development would be in accordance with Policies EN2/1 and EN2/2 of the adopted Unitary Development Plan.

The site is currently a grassed field, which has been undeveloped since the 18th century. Howber, aerial photography and historic mapping suggests that the site was a prehistoric settlement and there may be remains of medieval agriculture. GM Archaeological Unit has no objections, subject to the inclusion of a condition relating to a programme of archaeological works. Therefore, the proposed development would not have an adverse impact upon archaeological site and would be in accordance with Policies EN3/1 and EN3/2 of the adopted Unitary Development Plan and PPS5 - Planning for the Historic Environment.

Impact upon residential amenity/noise - The site is bounded by residential dwellings and there are four main elements of the proposed development, which may affect residential amenity:

- Noise directly associated with the use of the courts for the playing tennis;
- Light from the floodlighting units;
- Noise associated from the clubhouse;
- Noise from the car park.

A noise assessment report has been submitted as part of the application and has assessed the existing and proposed noise levels using guidance contained within PPG24. The report states that the noise levels generated by the proposed facilities lead to a worst case assessment conclusion of less than marginal significance.

The layout of the club has been designed so as to minimise the impact of noise upon the amenity of the neighbouring properties as far as possible. Buffer zones, including the creation of bunds would be provided along the western and southern boundaries. An acoustic fence would be provided to the car park. The club house would be at least 80 metres from the nearest dwelling.

In addition to these measures, it is proposed to include conditions restricting the hours of use of the floodlights and the clubhouse and the direction and intensity of the floodlights. The applicant is willing to accept a condition restricting the use of the clubhouse to purposes incidental to the playing and coaching of tennis, social functions held by the tennis club and for use by local community groups. As such, there would be no public functions held at the clubhouse, which would allay some of the fears raised by some of the residents.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring residents, subject to conditional control.

Ecology - The site is adjacent to Broadhey Wood, which is a Grade A Site of Biological Interest and a Phase 1 Habitat survey was submitted as part of the application. The report concludes that the site itself contains habitats which are relatively common and species poor and the woodland adjacent to the site offers the most significant nature conservation interest with potential for bat roosts, badgers and nesting birds. This would be mitigated by the provision of a buffer zone between the proposed development and the SBI, which would be secured by a condition.

The use of floodlighting may impact upon bats, which roost or 'commute' near the woodland. It is not possible to undertake a survey to assess the impact of the floodlighting upon the bats as they are currently in hibernation. The applicant has agreed to a condition, which would prevent the use of the floodlighting in the months of May to August inclusive. As such, the proposed floodlighting would not impact upon bats during the months they are active.

Therefore, the proposed development would not have an adverse impact upon the adjacent SBI and a protected species and would be in accordance with Policies EN6/1 and EN6/3 of the adopted Unitary Development Plan.

Landscape Quality - An appraisal of the proposed landscape treatment and of the impact of the development on the landscape quality of the area are particularly important. The site is not only within the Green Belt and a designated River Valley but is also within a Special Landscape Area designated under Policy EN9/1. The policy requires that development to be permitted "...will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas".

A landscaping plan has been submitted with the proposed development that indicates a significant level of planting around the site. The proposed development would be partially screened by the existing woodland, which wraps itself around the site. The proposed development would also be viewed from Holcombe Hill. The proposed clubhouse is of a modern design and would incorporate more natural materials, including a green roof. As such, the proposed clubhouse would not be conspicuous within the landscape when viewed from higher land. The number of courts within the proposed development has been reduced from the previous application, which creates open space around the development. This combined with the provision of the additional planting and the high standard of design for the clubhouse would reduce the impact upon the landscape to an

acceptable level. Therefore, the proposed development would not be a visually obtrusive element within the landscape and would be in accordance to Policy EN9/1 of the adopted Unitary Development Plan.

Flood Risk - A flood risk assessment was submitted as part of the application. The Environment Agency has confirmed that it has no objections to the proposal, subject to the inclusion of conditions relating to surface water run off and the provision of a buffer zone from the woodland edge. Therefore, the proposed development would not have an adverse impact upon flood risk and would be in accordance with Policy EN5/1 of the adopted Unitary Development Plan and PPS 25.

Highways Issues - A Transport Assessment and Travel Plan has been submitted as part of the application. These documents state that the greatest impact would be at weekday evenings and Saturday lunchtime periods. However, this can be easily accommodated within the site and surrounding roads and as such, concludes that the implications of relocating the club at Summerseat Lane would be minimal. The site has good access to bus services and there is adequate facilities for cyclists and pedestrians in the area.

The Travel Plan aims to promote walking, cycling and public transport to reduce the number of vehicular trips by staff and members of the club. The implementation of the travel plan would be a condition of any grant of planning consent.

The Traffic Section has no objections, subject to the inclusion of conditions relating to parking, turning facilities, visibility splays and traffic calming measures along Summerseat Lane and Redland Road. However, it should be noted that the provision of traffic calming measures would be dependent upon the outcome of prior publicity.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2 and RT3/5 of the adopted Unitary Development Plan.

Parking - With regard to parking provision, there is no maximum standard with SPD11 and the parking provision should be determined on the individual merits of the proposal.

The proposed development would provide 76 spaces. This would reflect the likely maximum demand, based on a tournament with a number of teams playing on all courts. The proposed level of parking would also ensure that there would be no parking on Summerseat Lane. The site is located in a high access area and is located on a bus route. As such, the level of parking provision would be acceptable in this instance and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Access issues - The provision of the disabled parking bays, level access to the clubhouse and the disabled toilet/changing facilities is welcomed. The proposed courts at the lower level would be accessed by a ramp and the proposed floodlighting columns have been relocated from the path to allow full access. As such, the proposed development would be fully accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Planning Obligations - The scale of the proposal requires that public art is provided in accordance with Policy EN1/6 of the adopted Unitary Development Plan and SPD4 - Percent for art. This will be provided on site and will be secured by a condition.

Response to objectors - The majority of the issues raised by the objectors have been addressed within the report above.

However, the following issues are not material planning considerations and as such, cannot be taken into consideration:

- The motivation of relocating is entirely financial
- The impact upon property prices
- Summerseat Lane is an adopted road and as such, the maintenance and upkeep of it would be a public expense regardless of whether the proposed tennis club is relocated

here.

- A letter has stated that the Council should listen to the tax payers. Every letter and comment has been taken into consideration during the determination of the application.

Summary of reasons for Recommendation

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

The use is acceptable in policy terms. Although the application involves inappropriate development, the applicant has demonstrated 'very special circumstances' to justify the degree of harm to the openness and character of the Green Belt. It is judged that the proposed development would not have a significant adverse impact upon the amenity of the neighbouring residents. Furthermore, the proposed development would not be detrimental to highway safety nor the character of the conservation area.

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. The development hereby approved shall only be occupied by Holcombe Brook Sports Club or successors in title and no other body without the prior written agreement of the Local Planning Authority.
Reason. The proposed use is not in accordance with the character of the area and permission has only been granted given the particular circumstances of the applicant pursuant to policies of the Unitary Development Plan listed below:
OL1 - Green Belt
OL1/2 - New Buildings in the Green Belt
OL1/5 - Mineral Extraction and Other Development in the Green Belt
OL5/2 - Development in River Valleys
EN1/1 - Visual Amenity
PPG2 - Green Belts
Regional Spatial Strategy for the North West
3. This decision relates to drawings numbered 1221-TC2-01, 1221-TC2-02A, 1221-TC2-03, 1221-TC2-04, 1221-TC2-05, 1221-TC2-06, 1221-TC2-07, 1221-TC2-08, 12261 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. Samples of the materials to be used in the external elevations and the hard landscaping 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.
5. 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.

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

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

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

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

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

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

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

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

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

10. No development approved shall commence unless or until a scheme for the disposal of foul and surface water drainage aspects has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Unitary Development Plan.

11. The floodlighting hereby approved shall not be illuminated later than 22:00 hours on any day.

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to the following Policy(ies) of the Bury Unitary Development Plan:

Policy EN7 - Pollution Control
Policy RT3/5 - Noise sport

12. The tennis courts hereby permitted shall not be in use later than 22:00 hours on any day.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to the following Policy(ies) of the Bury Unitary Development Plan:

Policy EN7 - Pollution Control
Policy RT3/5 - Noise sport

13. The clubhouse hereby permitted shall not be open to members outside the following times on any day:

08.00 to 00.30

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to the following Policy(ies) of the Bury Unitary Development Plan:

Policy EN7 - Pollution Control
Policy EN7/2 - Noise Pollution
Policy RT3/5 - Noise sport

14. No development shall commence unless or until full details of the direction and fixing of the floodlighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the tennis courts are brought into use.

Reason: To protect the amenity of adjoining occupiers pursuant to Policy EN7 - Pollution Control of the Bury Unitary Development Plan.

15. Before the building hereby approved is first occupied it shall be insulated in accordance with a scheme submitted to and approved in writing by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the property.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.

16. The Clubhouse hereby approved shall only be used for purposes incidental to the playing and coaching of tennis, for social functions held by Holcombe Brook Sports Club, and for use by local community groups.

Reason. In the interests of residential amenity pursuant to Policy EN7/2 - Noise Pollution at the Bury Unitary Development Plan.

17. No development shall commence until a Community Use Scheme for the new

tennis club hereby approved has been submitted to and approved in writing by the Local Planning Authority. No part of the new tennis club should be brought into use until the approved scheme has been implemented. Those parts of the approved scheme that are identified as not being capable of implementation until after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the tennis club is in use.
Reason. In the interests of residential amenity pursuant to Policy EN7/2 - Noise Pollution at the Bury Unitary Development Plan.

18. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year unless otherwise agreed in writing with the Local Planning Authority.

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

19. The floodlights hereby approved shall not be used between the months of May – August inclusive.

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.

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

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

21. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

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

22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated March 2010 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 2 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

Reason. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure safe access and egress from the site pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan.

23. No development shall commence unless or until a scheme for the provision and

management of a buffer zone, a minimum of at least 10 metres from the woodland edge, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:

- Plans showing the extent and layout of the buffer zone, and details of temporary fencing provided during construction works.
- Details of any new soft landscaping scheme including planting schedule, based on native plant species that integrates with adjoining woodland Site of Biological Interest, and that preferably enhances the biodiversity of the Holcombe Brook valley, as stated in D&A (Walsingham Planning, Oct 2010, & RPS, Feb 2008).
- Based on the Flood Risk Assessment for the site (RPS, March 2010) identifying the need for surface water attenuation in the form of swales or attenuation ponds. Detailed proposals of the overall surface water drainage strategy for the development should be provided, which minimises impacts on adjoining Holcombe Brook wildlife corridor, whilst also maximises the opportunity to actively enhance the overall site's biodiversity value, and deal with flood risk issues in a sustainable way.
- Details of any new lighting that minimises light pollution and ecological impacts on the important Holcombe Brook wildlife corridor.
- Any relocated earth from the development activities are not deposited in this buffer zone.

Reason: In order to ensure that no harm is caused to the Site of Biological Interest pursuant to Policies EN6 - Conservation of the Natural Environment and EN6/1 - Sites of Nature Conservation Interest of the Bury Unitary Development Plan.

24. No development shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the site investigation has been completed in accordance with the programme set out in the approved WSI and provision made for the analysis, publication and dissemination of results and the archive deposition has been secured. The WSI shall cover the following:

- A phased programme and methodology of site investigation and recording to include:
 - an archaeological earthwork survey and desk-based assessment
 - an archaeological evaluation through geophysical survey, targeted trial trenching and test-pitting
 - (where merited by the evaluation results) area excavation and recording
- A programme for post investigation assessment to include:
 - analysis of the site investigation records and finds
 - production of a final report on the significance of the archaeological interest represented.
- Provision for dissemination of the analysis and report on the site investigation.
- Provision for archive deposition of the report, finds and records of the site investigation.
- Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with Policy HE12, to record and advance the understanding of the significance of any earthwork features or buried archaeological remains for archival and research purposes, and to present that understanding to the community of PPS5 - Planning for the Historic Environment.

25. No development shall commence unless and until a scheme of traffic calming measures on Mayfield Road and Summerseat Lane between its junctions with Mayfield Road and Newcombe Road and a programme for their implementation, including the necessary public consultation to be carried out by the Council at the expense of the applicant, have been submitted to and agreed in writing with the Local Planning Authority. The scheme subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority before the development is brought into use, unless otherwise agreed in writing with the Local Planning Authority.
Reason. To ensure good highway design in the interests of road safety pursuant to Policy EN1/2 - Townscape and Built Design and RT3/5 - Noisy Sports of the Bury Unitary Development Plan.
26. Visibility splays measuring 2.4 metres by 70 metres shall be provided at the junctions of the site access with Summerseat 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 Policy EN1/2 - Townscape and Built Design and RT3/5 - Noisy Sports of the Bury Unitary Development Plan.
27. 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 pursuant to Policy EN1/2 - Townscape and Built Design and RT3/5 - Noisy Sports of the Bury Unitary Development Plan.
28. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan and SPD11.

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

Ward: North Manor

Item 03

Applicant: McCarthy & Stone Retirement Lifestyles Ltd

Location: Holcombe Brook Tennis Club, Longsight Road, Ramsbottom, Bury, BL0 9TD

Proposal: Erection of 55 category II sheltered flats for the elderly, communal facilities, landscaping and car parking

Application Ref: 53231/Full

Target Date: 27/01/2011

Recommendation: Minded to Approve

A site visit is requested by the Assistant Director of Planning, Environmental and Regulatory Services

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for affordable housing in accordance with Policy H4/1 of the adopted Unitary Development Plan and SPD5. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Assistant Director of Planning, Environmental and Regulatory Services under delegated powers.

Description

The application concerns the site of Holcombe Brook Tennis Club, which is situated on the westerly side of Longsight Road. The site is located a short distance from the Local Centre at Holcombe Brook.

The club is an active facility and has six hard surfaced tennis courts and a small single storey timber clubhouse towards the rear of the site. The car park is located on the frontage of the site and the vehicular access is close to the centre of the site, directly off Longsight Road.

The area immediately surrounding the site is wholly residential and made up of detached and semi-detached dwellings.

The proposal involves the redevelopment of the whole site following the removal of the tennis courts and the demolition of the clubhouse and its replacement with a single building containing 55 category II sheltered flats for the elderly.

The flats would be located in a two and three storey 'T shaped' building. The building would occupy the frontage along Longsight Road with an element at right angles towards the rear of the site. The building includes a variety of heights and roof lines varying from full three storey sections to two storey and three storeys with the second floor in the roofspace. The building would have a pitched roof of concrete roof tiles and would be constructed from buff reconstituted stone and sand/cement render.

Vehicular access would be provided toward the southern end of the site and would provide access to a 24 space car park alongside the southern boundary.

There have been several previous applications on the site, which are detailed in the section below. This application is closely linked with the two extant planning applications 50246 and 50247 for a new tennis club facility on land at Summerseat Lane and land off Hazel Hall Lane.

Relevant Planning History

43054 - Three storey block of 55 sheltered flats for the elderly together with house manager's accommodation, car parking and landscaping at Holcombe Brook Tennis Club, Longsight Road, Holcombe Brook. Refused - 13 October 2004

This application was refused as there was a loss of recreational space, a lack of provision for public art, no provision for affordable housing, the access arrangements were inadequate and the application and plans contained insufficient information.

45387 - Erection of 55 sheltered flats for the elderly, house manager's accommodation, car parking and landscaping at Holcombe Brook Tennis Club, Longsight Road, Holcombe Brook. Refused - 20 December 2005

This application was refused as there was a loss of recreational space, inadequate provision made for affordable housing and insufficient parking provision.

50418 - Erection of 55 category II sheltered flats for the elderly and house manager's accommodation at Holcombe Brook Tennis Club, Longsight Road, Holcombe Brook. Withdrawn - 6 August 2009.

This application was withdrawn as there were issues relating to the loss of recreational space, a lack of provision for affordable housing and public art, impact upon residential amenity, impact upon trees, insufficient information in relation to design and unsatisfactory arrangements for disabled people.

Related applications on other sites

42996 - Construction of 13 new tennis courts (9 with floodlights); new clubhouse, car park, 2 children's courts, practice wall and landscaping at land off Hazel Hall Lane, Summerseat. Refused - 13 October 2004.

This application was refused as the proposed development would harm the openness of the Green Belt and the access arrangements were inadequate.

45384 - Construction of 9 no. tennis courts (5 with floodlighting), new clubhouse, car park, 2 children's courts, practice wall and landscaping (Resubmission) at land off Hazel Hall Lane, Summerseat. Refused - 20 December 2005

This application was refused as the proposed development would harm the openness of the Green Belt.

50419 - Construction of 9 tennis courts (6 with floodlighting), new clubhouse, associated car parking, junior coaching area and landscaping at land off Summerseat Lane, Holcombe Brook. Withdrawn - 31 July 2009

This application was withdrawn.

53246 - Construction of 8 tennis courts (6 with floodlighting), clubhouse, associated car parking and landscaping at land to the north of Summerseat Lane, Summerseat. Received - 28 October 2010.

53247 - Construction of 8 tennis courts (6 with floodlighting), clubhouse, associated car parking, mini tennis area with practice wall and landscaping at land off Hazel Hall Lane, Summerseat. Received - 28 October 2010.

Publicity

353 properties were notified by means of a letter on 1 November and full lists of the addresses can be found in the working file. A press notice was posted in the Bury Times on 11 November and site notices were posted on 5 November 2010.

48 letters have been received in support of the application, which has raised the following issues:

- Support the redevelopment to ensure the continued existence of the tennis club, but prefer two storeys to three.
- There is a need for this type of accommodation in the area.
- Other developments of this kind are a benefit to the local community .

- Support the proposal, as it may keep more of the local shops open.
- Site is near to local shops and amenities.

166 letters have been received against the scheme, which has raised the following issues:

- Three storey building would be incongruous within the streetscene.
- Proposal would result in traffic congestion.
- Parking provision is too low.
- Area is overdeveloped and puts an increased demand on public services.
- Impact upon privacy.
- Proposal represents overdevelopment.
- Proposed development would set a precedent.
- Proposed building is much taller than the surrounding properties.
- There are already far too many apartments in the area, many of which are unoccupied.
- Impact in overlooking from the proposed building.
- Proposed building would dominate the surrounding properties.
- Insufficient parking provision for visitors and carers.
- Increased pressure on existing services – dentist and post office.
- No consideration for starter or affordable homes.
- Developer states that there is sufficient alternative local open spaces. Two of these are being considered for the development of the tennis club.
- Flood risk concerns.
- Lack of parking will impact upon local businesses.
- Proposal conflicts with policies in the Regional Spatial Strategy.
- There are existing empty apartment blocks in Bury.
- Concern about the design of the building.
- On the previous application, an agreement of £250,000 was reached for affordable housing. The current application states a contribution of £50,000 is laughable.

A full list of the addresses in support and against the application can be found in the working file.

Consultations

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

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 response.

Landscape Practice - No response.

Waste Management - No response.

Wildlife Officer - No objections, subject to the inclusion of a conditions relating to nesting birds and requiring hand removal of potential roosting sites within the building.

Environment Agency - No objections.

Designforsecurity - Crime Impact Statement is weak as specific risks to the proposal are not addressed in terms of design and specification; the CIS has been prepared on behalf of the agent, who would naturally support the application. There are additional concerns relating to parking supply.

United Utilities - No response.

Sport England - No objections, subject to the inclusion of a obligation to ensure the tennis club redevelopment is completed prior to the redevelopment of the existing tennis club site.

Baddac Access - Access group welcome the proposal, but aspects need further clarification:

- Car parking provision appears to be low - numbers of spaces and more disabled bays required
- The footway to Longsight Road should be wider for more effective wheelchair access (1500 - 1800mm)

- Internally the corridors do not appear wide enough to allow wheelchairs to pass
- Require details and gradients of the internal ramps
- Layout of the apartments appear very tight. Require clarification as to how lifetime homes standards would be met

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
H4/1	Affordable Housing
H4/2	Special Needs Housing
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/6	Public Art
EN1/7	Throughroutes and Gateways
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
RT1/1	Protection of Recreation Provision in the Urban Area
RT2/1	Provision of New Recreation Sites
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1:Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD11	Parking Standards in Bury
PPS3	PPS3 - Housing
PPG17	PPG17 - Planning for Open Space, Sport and Recreation
RSS 13	Regional Spatial Strategy for the North West

Issues and Analysis

Loss of sports/recreation facility - The existing tennis club facility is protected as a recreation facility under Policy RT1/1.

Policy RT1/1 states that development will not be allowed where it would result in the loss of existing outdoor public or private recreation facilities, unless one of the following exceptions is met:

- Sports facilities can best be retained and enhanced through the redevelopment of a small part of the site
- Alternative provision of equivalent community benefit is made available
- It can be demonstrated that there is an excess of sports pitch provision and public open space in the area.

Two applications have been submitted to provide a new tennis club facility at either land off Summerseat Lane (53247) or land off Hazel Hall Lane (53246). The proposed sites for the replacement facility are in the Green Belt and consideration of the proposals concluded that it constituted inappropriate development in the Green Belt. The outcome of these applications depends on, amongst other things, whether the case being put forward for 'very special circumstances' to justify the new club proposals are sufficient to overcome the harm to the Green Belt.

Therefore, if either of these applications are not approved and there is no alternative club facility, then the proposed development would lead to the loss of an existing recreation provision, which would be contrary to Policy RT1/1 of the adopted Unitary Development Plan.

Should both of the applications for the replacement tennis club be refused and the Committee are minded to granting planning permission to this scheme, the application

would need to be referred to Government Office as it involves a departure from the development plan and conditions would need to be drafted.

Timing - The proposed development cannot commence until the tennis club has been relocated to an alternative site. Due to the complexities of relocating the tennis club, the applicant has requested a longer time period of 5 years to commence the development. In this instance, this is considered acceptable.

Residential development - On 10 November 2010, the High Court found that the Communities Secretary acted unlawfully in unilaterally revoking of the system of Regional Spatial Strategies in England. Therefore, the Regional Spatial Strategy (RSS) still forms part of the statutory development plan.

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 and other policies and proposals of the plan.

The site is located within the urban area and is surrounded by residential properties. As such, the proposal would not conflict with the surrounding land uses. The site consists of previously developed land and there would be adequate infrastructure available. Therefore, the principle of residential is acceptable, subject to conformity with Policy RT1/1 of the adopted Unitary Development Plan.

Policy H4/2 states that the Council will encourage the provision of special needs housing and it will be assessed with regard to the location of the site in relation to local shops, public transport, health facilities and community facilities; the gradient on site; car parking; amenity space and the design, layout and landscaping of the site.

The site is located within walking distance of the local shopping centre and is located on a main bus route. The gradient of the site, car parking and the design/layout of the site will be assessed later in the report. Therefore, the proposed development is acceptable in principle and would be in accordance with Policy H4/2 of the adopted Unitary Development Plan.

Affordable housing - The Council's affordable housing policy seeks to secure 25% of units on large sites to be affordable. On this proposal, with 55 units, the target would be to secure 13/14 units as affordable units. Negotiations have taken place on the basis of providing discounted market housing units, whereby there would be a 25% discount on the open market value of the affordable housing provision. If the applicant was to meet the full affordable housing target, this would equate to an overall discount of around £595,000.

However, the applicant has argued that the full affordable housing target cannot be met in this instance because the landowner (tennis club) needs to secure a certain land value (circa £1.4m) in order to help fund the relocation of their facilities. As discussed, the application site is a protected recreation site and therefore the relocation of the facilities is a pre-requisite for any alternative development on this site. On balance, it is considered appropriate to allow the landowner to secure the land value that they are requesting on the basis that the Borough will get significant investment leading to improved recreation facilities. It should be noted that the costs that the landowner is trying to secure through the sale of the land would only cover the actual build costs of the new facilities and the club would still need to finance other costs to enable the proposal to proceed (e.g. costs of purchasing/leasing land, professional fees etc).

The applicant has submitted a range of different viability assessments and costs relating to the proposals. These figures demonstrate that the proposal would not be viable if the full provision for affordable housing were to be met. The scheme only becomes marginally viable with a reduced number of affordable housing units, equating to 8 units. This is equitant to an overall discount of £346,000, which represents around 60% of the affordable housing target. The evidence submitted through the viability assessments justifies this

reduced provision and the reduction in provision is acceptable and in line with the affordable housing Policy. An overage clause will form part of the s106 legal agreement to enable the Council to 'clawback' the reduced provision, should the scheme achieve a greater return than indicated in the submitted viability assessments.

The applicant has indicated that they wish to provide the affordable housing contribution via a commuted sum payment, rather than on site provision. They have submitted information on the difficulties that they have experienced with mixed-tenures in other sheltered schemes, including appeal decisions where Planning Inspectors have attached weight to these difficulties. It is not accepted that mixed-tenured schemes incorporating discounted market housing would result in similar difficulties for the scheme. However, there is some concern as to the on-going costs associated with this type of living accommodation. Residents will be required to pay on-going management and maintenance costs throughout the period that they occupy the properties. Given the fact that this type of accommodation relates to those that are retired or entering retirement, there may be affordability issues if residents are unable to fund these costs in the longer term if they are not receiving a steady income. Whilst this can be said of all the residents, it is likely to affect those households who are in need of affordable housing more so than those that are not.

The applicant has also argued that sales rates on mixed tenure schemes are slower than purely market housing and that requiring on-site provision in the current housing market could put the scheme at risk. Whilst it is difficult to ascertain whether this argument has any real basis, it is possible that a mixed use scheme in this untested market in the Borough could have an effect on the schemes saleability.

For the reasons above, it is considered appropriate to accept an off-site contribution given the current market conditions and the fact that this type of accommodation has not been tested in the Borough. Any future schemes of this nature would be considered on their own merits and the acceptance of an off-site contribution in this instance would not necessarily mean that it would be appropriate in other schemes of this nature.

Recreation provision - Policy RT2/2 states that developers of new housing for 10 or more dwellings will be expected to provide for the recreational needs of the prospective residents, by providing and laying out recreational open space within the development. For larger developments (50 or more), such provision should be provided on site, where possible in a single plot.

The proposed development includes an area of amenity space of 0.2 hectares with a single seating area located centrally. The applicant has agreed to provide a second path, so the seating area would be accessible from both ends of the development. The landscaping plan indicates that there would be a substantial amount of planting and patio areas would be provided to the ground floor apartments. Therefore, the proposed development would comply with Policy RT2/2 of the adopted Unitary Development Plan and SPD1.

Design, siting and layout - The proposed building is traditional in character and uses render, stone and brick for the external finishes. The buildings in the locality are traditional in style but there is no prevailing type or design. The design of the proposed building has incorporated some of the detail from No. 16 Longsight Road. The provision of recessed areas and the variety of materials breaks up the elevations. As such, the proposed building would be appropriate in terms of bulk and massing and would not be a prominent feature in the streetscene.

The proposed building would be 0.3 metres higher than No. 20 Longsight Road and would be 0.2 metres lower than No. 16 Longsight Road. The proposed three storey element of the building would be 3.23 metres higher than No. 20, but would be some 23 metres away. As such, a three storey building would not dominate the surrounding buildings or the streetscene and would be appropriate in terms of height.

Residential amenity - SPD6 provides guidance on aspect standards between residential

properties and is relevant in this case.

There would be over 28 metres between the proposed building and the residential properties on Longsight Road and there would be between 24 metres and 39 metres between the proposed building and the properties on Avondale Drive. There would be at least 17 metres between a blank two storey elevation of the proposed building and 15 Avondale Drive. As such, the proposed development would comply with the aspect standards set out in SPD6.

Therefore, the proposed development would not impact upon residential amenity of the neighbouring properties.

Wildlife/Bats - A bat survey has been submitted with the application and it concludes that no bat roosts were identified within the buildings. No bats were observed emerging or entering the buildings. The Wildlife Officer has no objections to the proposal, subject to the inclusion of conditions relating to the removal by hand of the potential roosting sites within the building and nesting birds. Therefore, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Highways issues - The access to the site would be relocated towards the southern boundary of the site and would have acceptable visibility splays. The width of the proposed access road has been increased to 5.5 metres and the width of the pavement has been increased to meet Council requirements. The Traffic Section has no objections, subject to the inclusion of conditions relating to visibility splays, turning facilities and car parking being implemented and maintained in accordance with UDP policies. Therefore, the proposed development would not be detrimental to highway safety.

Car parking - SPD11 states that the **maximum** parking provision for sheltered housing is much lower than that for residential dwellings and is 1 space per 3 units. This equates to 19 spaces.

The proposed development would provide 24 spaces, which is a slight over provision. As the site is located on Longsight Road, where on-street parking would have implications for traffic flow, the slight overprovision of parking would provide parking for visitors, staff and health visitors. Therefore, the proposed development would have an acceptable level of parking and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Access issues - The proposed development would have level access and the provision of a lift within the building is welcomed. Two disabled parking bays would be provided in close proximity to the main entrance. The applicant has confirmed that 1500mm turning circles could be accommodated within each apartment and wheelchair passing places would be provided on the corridors. The internal ramps would be of an acceptable gradient and would not restrict access. Therefore, the proposed development would be fully accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Planning Obligations - The scale of the proposal requires that public art is provided in accordance with Policy EN1/6 of the adopted Unitary Development Plan and SPD4 - Percent for art. This could be provided on site and in that case, would be secured by a condition.

A financial contribution of £346,000 is payable in lieu of providing affordable housing on-site in accordance with Policy H4/1 and SPD5. This would be secured through a Section 106 agreement.

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 be unduly prominent within the streetscene nor would it be detrimental to highway safety. The proposed development would be accessible for all.
There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than five years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 1221-4-01, 1221-4-02 B, 1221-4-03, 1221-4-04, 1221-4-05, 1221-4-06, 1221-4-091, M/0593, S452-1A, S452-2A 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. Samples of the materials to be used in the external elevations, hard landscaping and roadways shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved details shall be implemented as part of the development.
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. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to

any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

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

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

8. No development approved shall commence unless or until a scheme for the disposal of foul and surface water drainage aspects has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason. To ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Unitary Development Plan.

9. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year unless otherwise agreed in writing with the Local Planning Authority.

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

10. If the development hereby approved is delayed beyond August 2011, a survey shall be conducted prior to the demolition of the building(s) and the survey results established as to whether the buildings are utilised by bats or owls. A programme of mitigation shall be submitted to and approved in writing by the Local Planning authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.

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

11. No development shall commence unless or until the tennis club facility has been re-provided and is available for use.

Reason. To ensure there is no loss of recreation facilities pursuant to Policy RT1/1 - Protection of Recreation Provision in the Urban Area of the Bury Unitary Development Plan.

12. The development hereby approved shall not be first occupied unless and until the

highway improvements indicated on approved plan reference 1221-4-02 Revision A have been implemented and redundant vehicular access onto Longsight Road has been reinstated to adjacent footway levels to the written satisfaction of the Local Planning Authority.

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

13. The visibility splays indicated on approved plan reference 1221-4-02 Revision A shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m.
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Policy H2/1 - The Form of New Residential Development and Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
14. The turning and servicing facilities indicated on the approved plans shall be provided before the development is brought into use. The service areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policy H2/1 - The Form of New Residential Development and Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
15. The car parking indicated on approved plan reference 1221-4-02 Revision A shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
16. Prior to the commencement of development, 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.
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.
17. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
18. The development hereby approved shall include an element of public art that would be sufficient to be in accordance with Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art. Details of the element of public art shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved
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.

19. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

20. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction unless otherwise agreed in writing by the Local Planning Authority.
Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development and H2/2 - The Layout of New Residential Development.

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

Ward: Ramsbottom + Tottington - Tottington

Item 04

Applicant: Miss Charlotte Southwell

Location: Land adjacent to 305 Turton Road, Tottington, Bury, BL8 3QF

Proposal: Erection of outbuildings

Application Ref: 53349/Full

Target Date: 16/02/2011

Recommendation: Approve with Conditions

Description

The application site comprises agricultural land off Turton Road Tottington, which is located in the Green Belt and West Pennine Moors. Opposite the site to the north, is a row of 3 residential houses fronting Turton Road. Adjacent to the site and accessed via an unmade track is a row of 5 terrace stone cottages to the west. The surrounding area is a mix of open and agricultural land that is elevated above the main road towards the south.

The site itself is a smallholding, which is bounded by a dry stone wall to the western and southern boundaries, tree planting and hedging along the northern elevation facing Turton Road, and timber posts along the eastern boundary. There is an unmade track along the eastern boundary that is used to access the field. There are a collection of storage sheds, feed stores and livestock housing located in the eastern part of the field, and wooden chicken coops in the south western corner.

The application is part retrospective (in that it seeks to retain some of the structures on site to be modified in size and appearance) and a resubmission and seeks the retention of 4 shed structures in total, which have been erected without planning permission to provide accommodation and storage/feed facilities for animals kept on the small holding.

Three sheds would be retained in the eastern part of the field. They would be 2.3m high and 6.2m in total length with a uniform mono pitched roof. The structures would be re-clad in a uniform horizontal timber panels and painted brown. The fourth structure, the pig sty would be located behind the sheds to the south. It is proposed to re-clad the rear elevation in horizontal panels and re-paint to match the other structures. It is also intended to introduce some planting to the elevation facing Turton Road.

The other structures in the south western part of the site are small poultry pens and hutches and are considered not to be classed as development, as they are small in size and scale.

The applicant uses the smallholding as a hobby and the site is part of an established smallholding with DEFRA certification.

Relevant Planning History

52081 - Erection of livestock housing and storage facilities (Retrospective) - Withdrawn 15/4/2010.

51803 - Erection of livestock housing and storage facilities (Retrospective) - Withdrawn due to lack of information submitted - 03/12/2009

09/0151 - Enforcement Case - complaint made about the erection of structures. The first shed was erected in January 2008 and a further two others were erected by April 2009 when the complaint was made.

Publicity

18 letters sent to properties at Reynards Bank; Reynards Bank Farm; Reynolds House; Old Bates farm; Nos 316, 316a, 318, 318a, 320, 301, 303, 305, 307, 309, 311, 313; Windmill

farm; Windmill Cottage, all Turton Road.

Three letters of objection received from No 301, 303, 307 Turton Road which raises the following issues:

- The proposed development is not in keeping with surrounding residential properties;
- The application is an enforced retrospective one;
- The site has encouraged rats to the area and the nearby houses;
- The appearance and smell of the area is not pleasant;
- There will be a negative impact on local property value;
- The buildings would become permanent;
- This may encourage more buildings on adjacent land;
- Detrimental impact on the Green Belt and area of natural beauty.

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

Consultations

Drainage Section - No objection.

Environmental Health Contaminated Land - No comments to make.

Public Rights of Way Officer - No objection.

Baddac Access - No objection.

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
OL4/5	Agricultural Development
EN9/1	Special Landscape Areas
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
PPS7	PPS 7 Sustainable Development in Rural Areas

Issues and Analysis

Policies - PPG2 - stipulates that the visual amenities of the Green Belt should not be injured by proposals which may be visually detrimental by reason of their siting, materials or design.

Unitary Development Plan Policy OL1/2 - New Building in the Green Belt states that new buildings are inappropriate unless it is related to agriculture and forestry, outdoor sport and recreation, limited extension, alteration or replacement dwellings, limited infilling in existing villages.

OL7/2 - West Pennine Moors seeks to control development and manage recreational activity and public access, so as to reduce any possible detrimental effects these may have on the important character of the area.

Development Control Policy Guidance Note 8 - New buildings and Associated Development in the Green Belt offers supplementary guidance on siting and visual design, scale and form, materials and colour and surroundings.

OL4/5 - Agricultural Development - Buildings or structures which require planning permission will be permitted providing they are sited and designed in such a manner as to:

- minimise their visual impact on the landscape with regard to height, materials, landform and landscaping;
- relate well to existing farm buildings;
- do not have an unacceptable impact on the amenity of any neighbouring dwellings.

Principle - Use - The use of the land is an agricultural holding and is registered and certified with DEFRA. It has been inspected by the Council's Environmental Health Section and proved to be a competently run site. It is inspected on a continued 3 yearly basis, the

maximum timescale permitted for a use of this type. As such in principle, its use as a smallholding to keep animals is acceptable.

Buildings - The structures have been erected to securely house livestock, feed, bedding and equipment for the small holding and relate to development within an agricultural setting which is acceptable in principle. Although the buildings have been erected without planning permission, this application seeks to remedy this through rationalisation of the scale, appearance and design of the buildings to provide uniformity within the site.

New buildings in the Green Belt which relate to agriculture are acceptable in principle subject to their visual impact on the landscape and impact on nearby residential properties.

Siting and Appearance - The site rises from Turton Road towards the south west and the structures are located towards the eastern boundary of the field, approximately half way down the field and comprise a cluster of 4 buildings. They occupy a small area of land in relation to the whole site and their position is less conspicuous than if positioned elsewhere. As such, their impact on the Green Belt and West Pennine Moors is considered to be insignificant.

When viewed from Turton Road, the appearance of the sheds are largely what would be expected on a smallholding. Built of timber, stained dark brown, and regularised in height, this elevation would have a uniformity in terms of design and materials. The remaining elevations would also be re-clad in timber and painted brown which would minimise their impact on the appearance of the landscape.

In terms of long range views, the structures would be most visible from the houses on Turton Road opposite the site. There is some boundary treatment along Turton Road and low level planting proposed along the front of the sheds which would provide some screening. Notwithstanding this low level planting, a condition has been added requiring a tree specimen to grow sufficiently high to reach the eaves level of the sheds, thereby reducing their visibility from the main vantage points.

It is considered the proposed changes would rectify the current situation on site satisfactorily and improve the appearance of the structures and the site as a whole and would therefore comply with UDP Policies OL1/2, OL7/2, OL4/5 and DCPG Note 8.

Residential amenity - The nearest residential properties to the site boundary are the cottages on Eccles Row to the west and the houses on Turton Road opposite.

The land is registered as an agricultural holding and therefore acceptable to keep livestock in principle. The development has not intensified the activity on the site to a degree which would be problematic to nearby residences, given the distance of the sheds to the houses. The Environmental Health Section is satisfied the site is properly managed and that there are a low number of animals to land ratio. The section has not received any complaints with regard to the use of the site.

The field is divided in half by a wooden post and wire fence with the buildings being sited within the southern half of the site. Whilst the whole of the field is a small holding and could be used for more intensive agricultural activities, it would be controlled and monitored through Environmental Health Legislation. Planning Legislation would control the number of buildings on site.

The houses on Eccles Row are in an elevated position located to the west of the site more than 40m away. The sheds are viewed from an oblique angle and there is intervening parking and planting. As such, the location of the sheds is considered not to adversely impact on the outlook from these properties.

The houses on Turton Road are directly opposite the structures and 30m away. They are screened to some degree by the hedging and planting along the northern boundary

adjacent to the road and would be further screened by the proposed planting in front of the sheds. Given the distance away and the physical separation of Turton Road, the sheds are considered not to have any adverse impact on the outlook from these houses. There have been no objections raised from these residences.

Notwithstanding the acceptability of the proposals, it is considered prudent that a personal consent be granted which ties the permission to the applicant only, and on the proviso that the structures be removed once the land has been vacated by the applicant.

Response to objectors - Proposals for other buildings on this or adjacent sites, would be assessed against the appropriate policies at the time, should any development come forward.

In terms of the number of animals on the land, this would be controlled by the Environmental Health, Public Health Section and is not a planning matter. The buildings however are, and their acceptability is discussed above.

The objections which relate to smells and rats are bi-products associated with a farm business and such matters are dealt within the Environmental Pollution Acts.

Property prices are not a material planning consideration.

Summary of reasons for Recommendation

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

The proposed structures would not have a detrimental impact on the visual amenity of the Green Belt nor the character of the surrounding area. It would not affect the amenities of nearby residential residents or impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Within 3 months of the date of this planning permission, the works to the structures hereby approved shall be implemented and carried out in accordance with approved on Plan No. 10/158.02 and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason. In the interests of visual amenity pursuant to Unitary Development Plan Policies OL1/2 - New Buildings in the Green Belt, OL7/2 - West Pennine Moors and Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.

2. This decision relates to drawings numbered 10/158.SLP; 10/158.01; 10/158.02 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 sheds hereby approved shall be for the benefit of the applicant only and in connection with the use of the land as a smallholding. The sheds shall not be used in connection with any other activity or other person. Should the use of the land as a smallholding cease to operate or cease to be used by the applicant, the sheds hereby approved shall be removed and the land reinstated to its former condition within 3 months of the date the land is vacated, to the written satisfaction of the Local Planning Authority.

Reason. To protect the visual amenity of the Green Belt and Area of Special Landscape pursuant to Unitary Development Plan Policies OL1/2 - New Buildings in the Green Belt and OL7/2 - West Pennine Moors and Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.

4. Notwithstanding the provisions of the proposed low level planting as shown on drawing 10/158.SLP and 10/158.02, a specification and detail of planting to grow sufficiently high enough to reach the eaves level of the sheds shall be submitted to and approved in writing by the Local Planning Authority within 28 days from the date of this permission.

The approved details and specification shall be implemented on the site within 3 months of the date of this permission and the planting shall remain in position whilst the sheds and use remains on the land. Any species dying or becoming severely diseased shall be replaced by other similar species within 5 years of planting.

Reason. To protect the visual amenity of the Green Belt and Area of Special Landscape pursuant to Unitary Development Plan Policies OL1/2 - New Buildings in the Green Belt and OL7/2 - West Pennine Moors and Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.

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

Ward: Bury East - Redvales

Item 05

Applicant: The Swift Group

Location: 6 Albany Drive, Bury, BL9 9RD

Proposal: Remedial and completion works

Application Ref: 53351/Full

Target Date: 13/01/2011

Recommendation: Approve with Conditions

This Householder application is presented to the Planning Control Committee on the specific request of Cllr J Smith as a member of the Committee.

Description

The application site is a detached property on a cul de sac of a mix of detached house and bungalows, many of which have been extended.

The application is to regularise building works that have taken place on the site and include a two storey side extension, a part single and part two storey rear extension, a dormer on the front elevation and various cosmetic changes to the property. The application has come about following lengthy Enforcement action and the re-possession of the property by the bank.

Relevant Planning History

40806 - Rear extension and enlargement of dormer on front. Approved conditionally June 2003.

41475 - Two storey extension at rear; side extension and extension to existing front dormer. Approved conditionally 17th December 2003.

51798 - Two / Single storey extension at rear; Two storey extension at side and new front dormer - Withdrawn - Invalid 12/11/2009

Enforcement - 04/0306 - Rubble and builders waste at the front of dwelling house - 13/12/2004

Enforcement - 07/0266 - Untidy Land and Property - 30/05/2007

Enforcement - 09/0154 - Building erected without planning permission - 08/04/2009

It is as a result of the action of the Enforcement Team that this application is being considered.

Publicity

5 immediate neighbours at 3 to 8 Albany Drive were written to on the 19th November 2010 and 2 objections have been received from 3 and 10 Albany Drive and a petition has also been received signed by 20 residents. The objections can be summarised as follows:

- The alterations are too large and contrary to Council policy
- The extensions are over bearing in a cul de sac of largely bungalows
- The rear extension is built over a sewer and is unlike to conform to building regulations
- Parking is inadequate for a house of this size
- Request that the house be reduced in size to that of the original house

The objectors have been informed of the Planning Control Committee.

Consultations

None

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

Issues and Analysis

History - In 2003 two planning permissions were granted for alterations and extensions to the existing property. These approvals included the works that have now been substantially completed and involved a side extension, a new larger dormer on the front and two as well as single storey extensions at the rear. In 2003 the Council did not have policy guidance as exists now in the form of Supplementary Planning Document 6 and the assessment of the acceptability of a scheme was done on a more individual basis. The first application had no objections from the neighbours and as such was dealt with under delegated powers. The second had two objections and was presented to the Planning Control Committee in December 2003 and was approved conditionally.

In 2007, complaints were received from neighbours about the condition of the site and since that time the Enforcement Team have been trying to get either the building works completed and finished and the site tidied up, or the extensions removed and the site restored to its previous condition. The issue has been complicated by the land owner being absent for long periods of time and the issue as to whether or not the original consents were correctly started before the expire of the 5 years within which they should have been started.

The previous owner of the site has now had the property re-possessed and the company responsible for this now want to complete the works that have been started as quickly as possible.

The fact that substantially similar alterations were approved on the site by application reference 41475 is a material consideration in the determination of this application. However, the Council has SPD 6 as a policy statement the analysis below is based on that and where the previous approval is at variance from that policy, comment is made to that extent.

Visual amenity - The street has a number of different sizes of properties, some single storey, some single storey with roof extensions and some two storey properties. They are all built with traditional materials and there is a commonality in terms of the set back of the properties from the highway of around 8m. Whilst this property presents a 'double' gable type frontage to the road it is not so out of place as to warrant refusal especially as it uses brick and tile finish. Consequently it accords with SPD 6 with regards to visual amenity.

Residential amenity - The application has a number of amendments to that approved in 2003 and the applicant has agreed to further alterations to ensure that it accords with current guidance on the impact on residential amenity.

Aspect standards - In terms of aspects, the front windows on the extension are over 20m from those on the properties opposite and a such accord with these standards. The windows on the rear all look down the garden and their are no habitable room windows on the side. There are no properties to the rear and a such the proposal accords with that requirement.

Massing and impact on light and outlook of neighbouring properties - In terms of the size of the extension the relationship to No. 8 to the north of the property fully complies with both the standards for the single storey element of the extension as this is less than 3m to the rear of the property and the 1m and 45 degree rule for two storey extensions. In terms of the relationship to No. 4 the building is on the northern side. The previous approval was for a two and single storey extension that is the same size as that built. However, this is at odds with the Councils Policy in terms of SPD 6. This would limit the size of the two storey element and the applicant has proposed that this should be reduced by 1.3m at first floor level which is the same size as previously approved. On checking the plans we believe that it should be reduced by 3.3m to fully comply with the Councils current standards. The applicant's agent has been contacted and this has been agreed. The single storey element

of the extension is 8m to the rear of the neighbour at No. 4. This is over 3m that we have as a standard but due to its orientation to the north and the fact that the main habitable room window is set 4m to its centre point away from the boundary, a 25 degree line drawn from the window would miss the extension. As such it is considered that the single storey element will accord with the SPD 6 and is acceptable.

Parking - A driveway of a minimum of 6.3 m length will remain and the site can accommodate up to 3 cars. As such it complies with the requirements of SPD 11 - Parking and SPD 6.

Objections - The issues of how the property fits in the street, its impact on the neighbours and parking have been dealt with in the report above. The issue over the building over a sewer and compliance with building regulations is not a planning consideration in this context and Compliance with the Enforcement Notice is something that will be pursued if consent is not granted. It is intended that a limit be placed on any consent granted to ensure that the building works are completed on site to remove the considerable disturbance that has occurred to the residents.

Summary of reasons for Recommendation

This application was determined having regard to Policy H2/3 "Alterations and Extensions" of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties. Planning permission has been granted because the proposals accord with the policy and guidance in that the design is of an acceptable standard which would not adversely affect the character of the area nor the amenity of nearby residents, and would not adversely impact on highway safety issues. There are no other material planning considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered 6AD/1 Rev 1A 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.
2. The alterations and building works shown on the approved plans shall be completed to the written satisfaction of the Local Planning Authority within 6 months of the date of this consent unless any further period of time agreed in writing before this date.
Reason. To ensure the satisfactory completion of the development in accordance with Unitary development Plan Policy H2/3 - Extensions and Alterations and SPD 6 - Alterations and Extension to Residential Properties.

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

Ward: Prestwich - Holyrood

Item 06

Applicant: Kids Planet Day Nurseries

Location: Land between 69 & 71 Bury Old Road, Whitefield, Manchester, M45 6TB

Proposal: Construction of 120 place day nursery with landscaping and external works to existing junction

Application Ref: 53368/Full

Target Date: 28/01/2011

Recommendation: Approve with Conditions

Description

The application site comprises an undeveloped piece of land to the south of the Coach and Horses public house fronting on to Bury Old Road. To the south of the site is Nursery Road and directly to the west is an access road leading to a garage colony, with Lilac Grove beyond.

The land is currently overgrown and in the ownership of Holts Brewery. It is enclosed mostly by a brick wall except the westerly boundary which is formed by a natural vegetation and odd fencing panels.

The application is for the erection of a modern part single/part two storey building to be located on the southerly end of the site with the access to the site being for pedestrians, off Nursery Road and for vehicles off the junction of Nursery Road and Lilac Grove. The land is relatively uniform in terms of land levels and as such there would be no need for any major earth works to accommodate the development.

To the north of the building would be parking spaces for 25 vehicles including turning space for vehicles. There would also be an outdoor play area. There would also be a second outdoor play area on the roof of the single storey part of the nursery building. The proposed hours of opening would be 0700hrs to 1900hrs Monday to Friday inclusive and there would be 32 staff employed at the premises.

Relevant Planning History

None

Publicity

60 letters were sent to 60, 60A, 57-69 Bury Old Road, 2-16, 1-7 Lilac Grove, 35-41, 42, 44 Nursery Road on 7 December 2010. As a result of this publicity, 3 letters have been received from 69 Bury Old Road, 2 Lilac Grove and 11 Elm Grove. Points raised include:

- No objections to the proposal but disputes the indicated resultant width of the access to the garages. They consider that the access should be 5.5m (18 ft) wide and not 3m (10ft) as indicated.
- They consider that there is a gas main in the vicinity, which the developers need to determine where it is located.
- There are parking problems experienced on Lilac Grove currently with people parking in an ad hoc and abandoned fashion to use the nearby shops. They feel that the proposals would not add to this problem as it is providing parking and servicing facilities, but there should be consideration given to resident parking only.
- Nursery Road is already used as a rat run in morning and evening rush hours. Additionally there is significant congestion around Willow Road from 'OLOG' parents around 9.00am and 3.30pm.
- The additional traffic caused by such a large nursery will result in significant vehicle

movement, making an already bad and dangerous situation unbearably worse. The application details a number of parking space, but no doubt many of these will be taken by staff. Parking and traffic volumes are already a serious issue in this part of Prestwich. Refuse the application, or insist on adequate traffic management and sufficient parking as a condition of planning.

- This proposal will make my house overlooked (69 Bury Old Road).
- There would be an increase noise levels, that of traffic and that of children playing (120 children will make a lot of noise when playing outside), which as a shift worker, this is highly unacceptable.
- Also, the fact that this nursery will be open as early as 7am and as late as 7pm will make for increased traffic, traffic noise and parking issues; not to speak of the noise and inconvenience whilst the nursery is being built.

Objectors have been notified of the Planning Control Committee meeting.

Consultations

Traffic Section - No objections subject to conditions.

Drainage Section - No response.

Environmental Health Contaminated Land Section - No objections subject to standard conditions to deal with land contamination.

Environmental Health Pollution Control - No objections. Hours controls should be imposed on the use.

Greater Manchester Police - designforsecurity - No objections in principle. The designforsecurity team request that boundary treatments be secure to resist anti social behaviour. Other guidance on CCTV, alarms, locks and glazing is provided which has been passed on to the applicant's agent for inclusion in any Building Regulations application that is made.

Baddac -No objections.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
S1/4	Local Shopping Centres
S1/5	Neighbourhood Centres and Local Shops
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
CF1/1	Location of New Community Facilities
CF5	Childcare Facilities
SPD11	Parking Standards in Bury

Issues and Analysis

Principle - The land has remained an undeveloped within this neighbourhood shopping centre for many years. The site is unallocated but is within an identified as a Neighbourhood Shopping area under S1/4.

Policy S1/5 - Neighbourhood and Local Centres states that the Council will seek to retain retailing as the predominant use in small centres to cater for primarily the day to day needs of residents and businesses.

UDP Policy CF1/1 - Location of New Community Facilities states that community facilities are essential and proposals should have regard to -

- The impact upon residential amenity
- traffic generation
- the scale and size of the development
- access to local shops and other services
- the local catchment area and the suitability of the site in relation to that catchment

- The needs and requirements of the disabled

Policy CF5 - Child care Facilities acknowledges their increasing importance and the policy says that the Council will look favourably on proposals.

The proposals seek to develop land that has remained vacant for a number of years within this centre. The proposals would be providing a child care facility which would enhance the diversity of the centre and would cater for businesses, workers and by parents within existing business premises within the immediate area. Furthermore, the development would also provide a further facility for child care for the immediate wider residential area. The proposals would not replace or develop land that is within an existing retail use and as such the principle of the development would not conflict with UDP Policy.

Traffic, Access and Parking - The proposals are seeking to use an pre-existing entrance into the site from the Nursery Road/Lilac Grove junction, which currently is marked out to provide a 'false build out' and read as a laid out junction. The proposals indicate that as well as providing a properly extended pavement and access/egress, the immediate junction would become subject to a traffic regulation order, which during pre-application discussions has been encouraged by the Traffic Section. The layout of the access would not conflict with pedestrians or other highway users and there would be sufficient intervisibility at the junction so as to minimise the potential of incidents. The position, design and visibility of the access is considered to be acceptable to the Traffic Section.

SPD11 - Parking Standards in Bury considers that the **maximum** provision for car parking for this type of use is 1 space per full time member of staff. The development would provide some 25 parking spaces to accommodate 32 full time employees. A travel plan also accompanies the application that seeks to ensure that the nearby bus and tram services are used by staff thus to reduce the reliance upon the private car. There is sufficient availability to other forms of transport and the site is within a high access area and within a wider residential area. As such there is sufficient prospect that not all staff would rely on their own private car usage and that car sharing, walking and public transport would be used to limit private car reliance. As such the proposals would comply with the policy and HT2/4 - Car Parking within New Development.

The layout of the site would be such that there would be space for parents using the site to drop off/pick up and turn within the site without relying upon the surrounding highways. Two vehicles could pass each other within the site access road and as such, the provision for parents, including the use of the car park where possible is considered to be acceptable.

The proposals for Traffic Regulation would ensure that there would be a means of controlling inconsiderate parking problems experienced by nearby residents, whilst also keeping the entrance to the site safe.

Design and Appearance - UDP Policies EN1/2 and EN1/7 seek to ensure that new developments are of a high quality in design and assimilate into the environment appropriately and particularly so where they are to be in a prominent location.

The building would be located to the easterly end of the site. Its main pedestrian access would be taken from Nursery Road. The building would be contemporary in appearance with the elevations comprising brickwork and large glazing panels running the full height of the building to provide vertical emphasis and reduce the massing of the building. There would be synthetic timber panelling around the entrance, which unlike natural timber would not deteriorate or silver over time. The use of the synthetic timber is limited to the one elevation.

The building would be part single and part two storeys in height. This scale of building would be reflectant of the surrounding context, with the height suitably located on the Bury Old Road/Nursery Road frontage. Given the surrounding built form, levels and proposed heights, the development would be appropriate in its height and massing and would comply with EN1/2 and EN1/7.

Landscaping and Boundary Treatments- There are predominantly shrubs and overgrown

bushes on the site with no trees of any merit or Tree Preservation Orders. The proposals incorporate areas of planting including tree planting to the site. A planning condition should be imposed to secure the exact details and location of such planting.

The boundary wall to Bury Old Road would remain and currently the proposals would be to add a paladin fence on top of it. The fencing is currently indicated to be 1.8m high on top of the walling. However, this is considered to be excessive particularly where pavement levels nearer to the pub are lower thus cumulatively the fencing at this point would appear very high. This issue has been raised with the applicant and agent and there is agreement that this detail should be revisited and follow similar proposals at other schools to provide fencing on the inside of the wall or if on top it, to a lower height than currently proposed.

There is no planning objection to the use of paladin and through the imposition of a planning condition a overall boundary treatment height to Bury Old Road of 2.1m to 2.4m shall be provided.

To the westerly and southerly boundaries, an acceptable 2.4m high paladin fencing is proposed, which is typical of many educational establishments within the Borough. The boundary wall to Nursery Road would be retained and repaired at its current height.

Residential Amenity - The main bulk of the building would be concentrated towards Bury Old Road. The building would step down to single storey on the westerly end of the site nearest to Lilac Grove.

The single storey element would be 14.2m from Lilac Grove and separated by an access road and hedging around that property. The two storey element would be some 23m from this property. This would be compliant with standard aspect distances of interfacing buildings.

The site would be separated from 69 Bury Old Road by Nursery Road and there is also good boundary screening to the side of this property including a mature tree, walling and hedging. There would only be ground floor windows in the new building that would face this property and as such there would be no undue impact upon the already obscured windows in the side gable of 69 Bury Old Road.

The development would have two play areas. One between the car parking and Bury old Road and the second would be above the single storey part of the building, at roof level.

There are no residential houses on Bury Old Road directly opposite the outdoor ground floor play area. Furthermore, the levels are such that this play area would be largely behind walling and thus would have no detrimental impact upon noise levels.

The upper floor play area gives potential for noise being elevated to the surrounding land levels. However, the distances between the development's first floor play area and residents are such that there would be no undue impact from children at play. There are no objections from Pollution Control on noise issues but they consider that noise be mitigated through the control of hours. As such there would be no conflict with EN7/2 with an appropriate condition.

Access for the Disabled - The proposals would provide 2 disabled parking spaces, level pathways to the entrance, lift access within the building and level thresholds at the door entrances. BADDAC have been consulted on the proposals and have no objection to the scheme. The proposals would therefore make appropriate provision for those with access issues and there would be no conflict with HT5/1.

Other Matters raised by objectors - Land ownership has been questioned in terms of infringement on the access track to the rear of Lilac Grove properties. This has been put back to the developers to satisfy that the boundaries of the development are in fact correct. Title documents show that the boundaries are correct and the objectors have been informed of this. It is therefore considered that the Council can still entertain and determine the application on the face of the information provided.

The development has made provision for its own parking and also to assist at the junction to prevent illicit parking. Whilst it is accepted that Nursery Road is used to cut through from Bury Old Road to Prestwich town centre, the scheme has made provision to reduce pedestrian and vehicular conflict to the satisfaction of the Traffic Section and is therefore considered to be acceptable.

The gas main, this is a matter for the developer to determine and resolve with the appropriate Utilities operators.

Noise during construction is not a planning matter but one for the Pollution Control section to control and ensure that construction work is confined to reasonable times under the Environment Pollution Act. They have raised no concerns on this issue through the consultation process.

Summary of reasons for Recommendation

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

The proposed development would add to the vitality, viability and diversity of the centre and bring into use a currently undeveloped piece of derelict land. The proposals would with conditional controls ensure that there would be no undue impact from the hours of operation and disturbance from the use. The development would be appropriately separated in terms of aspects from existing properties and sufficient parking and servicing space would be provided. The development would comply with Unitary Development Plan Policies and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. 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 2010-015: 001 rev A, 004 rev A, 100 rev A, 102 rev A, 005 rev A, 002 rev A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. 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. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. The development hereby approved shall not be brought into use unless and until the proposed access and footway alterations at the junction of the site access with Lilac Grove/Nursery Road indicated on the approved plans, incorporating the provision of give way markings and appropriate waiting restrictions, have been implemented in full to the written satisfaction of the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.
Reason - To ensure good highway design in the interests of highway safety pursuant to UDP Policy HT6/2 - Cyclist and Pedestrian Movement.
8. The turning facilities indicated on the approved plans shall be provided before the development is first occupied and subsequently maintained free of obstruction at all times.
Reason - To ensure adequate turning movements of vehicles within the site on the highway in the interests of highway safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
9. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the extension hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
10. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction unless otherwise agreed in writing by the Local Planning Authority.
Reason - To ensure that the adopted highways are kept free of deposited material

from the ground works operations pursuant to Policy HT6/2 - Cyclist and Pedestrian Movement of the Bury Unitary Development Plan.

11. The use hereby permitted shall not be open to customers outside the following times: 0700hrs to 1900hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN7/1 - Noise Pollution of the Bury Unitary Development Plan.
12. Notwithstanding the provisions for boundary treatments to the site indicated on the approved plan number 2010-015-004 (site plan), no development shall commence unless and until heights, designs, specifications and colouration of all boundary treatments 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 be retained in situ whilst it serves the development.
Reason. To reduce the potential for crime and antisocial behaviour and In the interests of visual amenity pursuant to Policies EN1/5 - Crime Prevention, SPG3 - Planning Out Crime in New Development and Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
13. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

Ward: Radcliffe - West

Item 07

Applicant: Mr Stuart Sivvery

Location: 9 Ainsworth Road, Radcliffe, Manchester, M26 4DJ

Proposal: Change of use from shop (Class A1) to hot food takeaway (Class A5); Flue at rear

Application Ref: 53420/Full

Target Date: 04/03/2011

Recommendation: Approve with Conditions

Description

The premises is a two storey mid terrace located in a row within a local shopping centre. To the south side is No. 5-7, a pet shop and to the other side No.11/11A appears to be in residential use at ground floor with a flat above. Directly opposite is a garage business and there are residential properties to the rear.

The application is for a change of use from A1 retail to A5 hot food takeaway and a proposed flue to the rear. The internal layout would be a waiting area to the front with a counter/cooking area and a kitchen to the rear. The proposed opening hours are Mon – Sat 11.30-2.00 & 16.30-22.00 and closed Sundays and Bank Holidays.

Relevant Planning History

None.

Publicity

17 notification letters were sent on 10th January 2011 to addresses at 1, 3, 6, 5-7, 8/8A, 11, 11A, 13, 15, 17, Ainsworth Road, Ainsworth Road Garage 4 Ainsworth Road, 2-10 Water Lane & 86 Water Street. 9 objections have been received from business owners at 1-3, 8, 8A, 17, 22, 24, 155 Ainsworth Road and 2 who do not state their address. The concerns in summary are:-

- Within one mile there are 18 hot food takeaways of which 10 are fish & chip shops
- The location is saturated already and they are struggling to keep the business continuing
- The new business may be at the expense of potential closure to existing takeaway businesses
- The premises is situated at a busy junction with traffic lights and no place to park
- Another takeaway will increase air pollution and add to the existing smells from other takeaways
- Youths will hang around obstructing existing shops

No.17 Ainsworth Road (a hot food takeaway) has submitted a petition of 82 signatures of support for their business and against the approval of this application.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - no objection.

Environmental Health (Contaminated Land) - no objection.

Baddac - no objection.

Drainage Section - no objection.

Environmental Health (Pollution Control) - no objection subject to a condition relating to a scheme to be submitted for fumes, odours and noise emission.

Unitary Development Plan and Policies

S1/4	Local Shopping Centres
S2/6	Food and Drink
HT5/1	Access For Those with Special Needs

Issues and Analysis

Principle – The site is located in a Local Shopping Centre where UDP Policy S1/4 seeks to retain a range of shopping facilities to serve purely local needs.

In addition all proposals for hot food takeaways are subject to Policy S2/6 – Food and Drink which has regard to the following factors:-

- amenity of nearby residents by reason of noise, smell and litter and opening hours
- an over concentration of use
- parking and servicing
- disposal of refuse and customer litter and impact from ventilation flues

This is a large centre with approximately 360m of frontage along Ainsworth Road and Water Street. This particular section from Water Street to Water Lane Street has one other A5 use at No.17 with the remaining A1 and residential. There are other A5 uses within the centre further along Ainsworth Road and on Water Street however it is not considered that in this row of 8 units two A5 uses would result in an over concentration of the use or be detrimental to the character of the centre. The unit is not currently providing the centre with an A1 use as it is vacant and the agent advises has been so for 2 years.

Visual amenity – No changes are proposed to the shop front and the aluminium flue would be located to the rear projecting from the single storey part to the building up to 1m above the eaves and 0.45m wide.

Residential amenity – The shop entrance would be on Ainsworth Road and is adjacent a residential use at No.11 & 11A. This property was granted permission for a change of use from residential to shop at ground floor (Class A1) with flat above in 2005 however the A1 use appears not to have been implemented. As this property is located within a local shopping centre it would be expected that there would be a certain level of customer activity as existing. The proposed opening hours would see customers visiting around mealtime periods and into the evening up to 10pm. To minimise any potential for late night disturbance a condition is added for the opening hours to be between 07.00 hrs – 22.00 hrs daily.

There are residential properties to the rear on Water Lane. The addition of the flue, which is over 15m from these properties, would be seen in conjunction with the rear of the shops and as such would not have any serious impact on their outlook. A condition is added for a scheme for the proposed flue to be submitted to ensure it meets adequate requirements regarding odours treatment and this will mean that there will not be a detriment to the amenity of the adjacent residential properties.

Parking and servicing – there is no parking provision at the premises but public car parks are located at Water Street and Co-operative Street.

Servicing for the premises would be as existing to the rear and there is a litter bin located at the junction of Ainsworth Road and Water Street.

The proposal is considered to comply with UDP Policies S1/4 – Local Shopping Centres and S2/6 – Food and Drink.

Access – Access would be as existing by a single front door and a portable steel ramp is to be stored in the shop to assist wheelchair users. With this adaption the proposal would comply with UDP Policy HT5/1 and an advisory is proposed reminding the applicant of the requirements of the Disability Discrimination Act.

Response to objections – the local shopping centre provides a range of shops and as stated above it is not considered that an additional A5 use would have a detrimental effect on the centre.

Customers may arrive at the shopping centre by car to visit any one of the shops. Hot food takeaways generally require short stay parking which is available within walking distance. Concerns relating to air pollution and smells would be dealt with by the condition for Competition 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 of an acceptable standard which would not adversely affect the character of the area nor the amenities of neighbouring residents. The scheme 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 drawing numbered 1A 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 development hereby approved shall not be brought into use unless and until a detailed scheme for treating, diluting and dispersing fumes and odours has been submitted to and approved by the Local Planning Authority. A written statement from a competent person shall be submitted with the proposed scheme which shall confirm that the proposed scheme will achieve the requirements of adequate treatment, dilution and dispersion of fumes and odours under all normal operating circumstances, such that there is no loss of amenity to local residents. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.
The development shall be implemented prior to first use of development, in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
Reason. In order to prevent loss of amenity to local residents by virtue of fumes, odour and noise, pursuant to Policy S2/6 - Food and Drink of the Bury Unitary Development Plan.
4. The use hereby permitted shall not be open to customers outside the following times: 08.00 to 22.00 daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

For further information on the application please contact **Jane Langan** on **0161 253 5316**

Ward: Bury East - Redvales

Item 08

Applicant: Ms Yasmin Sharif

Location: 201 Manchester Road, Bury, BL9 9HL

Proposal: Change of use and external alterations to former public house to form 3 retail shops (A1) and 1 cafe (A3) / hot food take away (A5) on ground floor and 4 flats above.

Application Ref: 53436/Full

Target Date: 04/02/2011

Recommendation: Approve with Conditions

Description

The site comprises the former Pack Horse PH at the junction of Manchester Road, Heaton Fold and Parkhills Road. It is a substantial brick built pub originally built by Threlfalls Salford Brewers. It has a small service yard off Back Parkhills Road South and was last used as a pub with accommodation and function rooms.

The application is for a change of use of the upper floors to 4 self contained flats and new shop fronts for 4 retail units on the ground floor. All would have new 'traditional style timber shop fronts' and doors with one of the retail units requiring a change of use to include a takeaway within a cafe.

Relevant Planning History

41932 - Conversion of first floor to bedrooms (8) for let and loft to living accommodation (3 bed rooms) - Approved conditionally March 2004.

53439 - Eight non-illuminated fascia signs - under consideration at the moment.

Publicity

25 immediate properties at were written to on the 16th December 2010 at 2-4, Parkhills Road, 192, 194, 203, 205, 205A, 205B, 207, 209, Parkhills Car Centre, Staff of Life and Stanley Conservative Club, Manchester Road. As a result of this publicity 2 petitions objecting to the application has been received. One from the Fishpool Residents Association signed by 142 residents and a further petition signed by 18 residents of Heaton Fold. In addition letters/emails have been received from Richmond Cottage, 45 and 67 Heaton Fold and objecting to the application and the objections can be summarised as follows:

- Too many takeaways in the area already
- Insufficient parking and servicing will led to highways hazards
- Intensification of the use on the site will be detrimental to the use of Heaton Fold and particularly restrict the residents access to the road
- the alterations are out of character with the original building which is of local interest

The objectors have been notified of the Planning Control Committee.

Consultations

designforsecurity - No objections

United Utilities - No objections

Chief Fire Officer - No objections

Traffic Section - No objections

Drainage Section - No objections

Pollution Control - No objections subject to standard conditions on the treatment of odours from the cafe/takeaway use.

Environmental Health - Commercial Section - No comments

Waste Management - No objections

Baddac - No objections and welcome provision of access to shops that is compliant with DDA and disabled access toilet in cafe.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN1/8	Shop Fronts
H1/2	Further Housing Development
H2/4	Conversions
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
S1/4	Local Shopping Centres
S2/6	Food and Drink

Issues and Analysis

Principle - The change of use from a pub (Use Class A4) to retail use (A1 - shop or A3 cafe) is accepted as not needing permission within the General Permitted Development Order. What needs permission is the change of use of one of the units to include a takeaway element of use, the new shop fronts and security shutters and the conversion of the upper floors to self contained flats. As such these need to be assessed against the policies listed above and as such the principal issues regarding the development are covered below:

Shop fronts - These need to be assessed against Policy EN1/8 - Shop fronts. The proposal is for 4 new shop fronts of a traditional timber design. The general detailing and layout relate well to the ground floor of the building and the retention of the existing doorways to serve the shops is welcomed. The new shop fronts incorporate 'open mesh' type roller shutters for night time security. The new doorways are fully accessible for people with disabilities. Subject to a condition requiring full details of the method of construction and colour of the shop fronts it is considered that they will comply with both UDP Policy EN1/8 and HT 5/1 and will not harm the character of the building.

Change of Use to include takeaway - One of the proposed units is a cafe which would not need permission as a change from pub use to cafe is permitted. However, the cafe wants to have a proportion of the business as a takeaway use. The applicant has accepted the need for restrictions on the hours of operation and as such it is recommended that this should be 07.00 in the morning to 23.00 at night so as to protect the amenities of the proposed flats above. The scheme includes a new flue for this unit and this would be positioned down the side of the building and would be seen in conjunction with the gable wall fronting on to Back Parkhills Road. Given its position providing it is coloured black it would not appear so out of place as to warrant refusal in terms of its design and appearance and the applicant has indicated that they are willing to accept a condition to that extent as well as a condition requiring the treatment of fumes and odours. Given that the current use is that of a public house it is not considered that the creation of a takeaway element to the proposed cafe would not be so different as to impact adversely on the character of the area and with the recommended conditions it is considered that it will comply with UDP Policy S2/6.

Flats - The use of the upper storey for residential purposes of this building has already been accepted by the consent granted in 2004. The conversion to 4 flats, 3 x 2 bedroom flats and 1 x 1 bedroom flat will have the same number of bed spaces as the previous use. The site is in a high access area close to all local amenities. The servicing of the flats will be via the communal yard at the rear of the premises and a dedicated new entrance door will be created on the Manchester Road frontage. All the flats will have adequate internal space and with the provision that adequate sound proofing should be provided between the retail uses on the ground floor and the flats it is considered that they will comply with UDP Policies H1/2 and 2/4.

Parking and Servicing - The existing pub and residential use had no off street parking and

was serviced via the rear yard area. The proposed uses would require a maximum of 10 parking spaces to comply with SPD11, which would be impossible to provide on site. Given the fact that the property is in a high access area to public transport, a Local Shopping Centre and that there is on-street parking in the vicinity it is considered that it would be unreasonable to require parking to be provided and the bringing into use of the premises outweighs these requirements. Furthermore, no objections have been raised by the Traffic Section on the planning application. The communal service yard will be accessible by the flats and shops and provides a secure and accessible area for servicing to the premises. It is considered that this is acceptable in terms of servicing and accords with UDP Policies HT2/4.

Objections - Parkhills Local Shopping Centre has a number of takeaway uses, which the Council has endeavoured to resist, but has lost on Appeal. Given the fact that this was a pub, it is not considered that allowing part of the premises for a takeaway use would be so detrimental to amenities as to warrant refusal. The principle of retail use at ground floor and residential use on the upper floors is accepted in legislation. It is not considered that the subdivision of the premises would increase disturbance over and above what the current use could and as such it is not considered that the intensification of the use would be such as to warrant refusal. The property is located at a busy single controlled traffic junction. It is not considered that the change in use of these premises will create any greater impact on the movements at the junction than the existing use and as such it is not considered that this is 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;-
The proposal involves changing the use of a Public House to retail shop units and flats in a Local Shopping Centre. The proposal will have no greater impact on the character of the area than the existing use and will ensure the future use of this prominent building on a Gateway into the town centre of Bury and as such complies with unitary development plan policies.

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 01, 02, 03, 04, 05A, 06D, 07D, 08A, 09A and 10 together with the amended design and access statement 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. A detailed schedule of the construction details and materials to be used for the external alterations, including the new shop fronts and doors, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials and methods of construction specified shall be used for the completion of the building works.
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 take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flats, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.
Reason. To protect the residential amenities and to accord with Bury Unitary development Plan Policy H2/4 - Conversions.
5. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the use commences; any works approved shall be implemented to the written satisfaction of the Local Planning Authority before the use commences.
Reason. In the interests of amenity pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
6. The cafe and takeaway use hereby permitted in unit 1 shall not be open to customers outside the following times: 07.00 to 23.00 Daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

Ward: Bury East

Item 09

Applicant: Mrs Khalida Yasin

Location: Rear of 14-20 Cook Street, Bury, BL9 0RP

Proposal: Change of use of first floor from industrial (B1) to ladies only gymnasium (D2).

Application Ref: 53464/Full

Target Date: 04/02/2011

Recommendation: Approve with Conditions

Description

The site comprises a two storey red brick light industrial works building located between Cook Street and South Cross Street East. The area is residential in character with the site enclosed on three sides by terraced housing. The building is vacant although the ground floor was last used as a joiner's workshop approximately 10 years ago. There is a vehicular entrance on the south-east elevation, fronting Back Haywood Street East and a pedestrian entrance on the north-east elevation. Many of the surrounding streets are for residents only parking although there are no restrictions on Back Heywood Street East and Back South Cross Street East. It is the second floor that this proposal relates.

It is proposed to establish a ladies gym on the second floor, which has a floor area of 200sqm. Proposed opening hours would be 0700 – 2100 hours daily. Staffing levels are not indicated. It is understood that users of the facility would be local women and many within the Asian community.

There are no specific off-street parking facilities proposed however it is indicated within the application that the vast majority of the gym users would be from the local community and not come by car. In addition the residents only parking on local streets would discourage car use.

Relevant Planning History

00760/E C/U from industrial to ladies Gym - This was a pre-application enquiry that resulted in the submission of this application - 23/11/2010.

Publicity

The following neighbours were notified by letter dated 16/12/2010, Nos.38 -74 (even) and 35-55 (odd) Heywood Street, Nos.25 - 53 South Cross Street, Nos.10 - 20 Cook Street, Bury Engine Centre and SurrIDGE Dawson Ltd Cook Street.

Three objections have been received from residents at 39, 49 and 51 Heywood Street.

Concerns are as follows:

- The proposal would increase pressure on parking in the vicinity.
- There are existing problems with loading and unloading of goods.
- Children play in surrounding streets and this would reduce highway safety.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Environmental Health - No objection subject to sound insulation.

designforsecurity - Given is 'back street' location it would be preferable to restrict the proposed opening hours.

Baddac - No objection.

Unitary Development Plan and Policies

EC2/2	Employment Land and Premises
EN7/2	Noise Pollution
H3/1	Assessing Non-Conforming Uses
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
EC4/1	Small Businesses
CF1/1	Location of New Community Facilities
EN1/5	Crime Prevention
SPD3	DC Policy Guidance Note 3: Planning Out Crime
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Employment Policy – As the site is not within an Employment Generating Area UDP Policy EC2/2 - Employment Land and Premises Outside Employment Generating Areas is relevant. Under Policy EC2/2, the Council will seek the retention of existing employment land unless it is recognised that the site is no longer suited in land use terms to continued employment use. In such circumstances consideration will be given to alternative uses provided there is no conflict with the character of the area and other UDP policies.

The building was classed as a tier 2 site within the recent Employment Land Review. However, given that the second floor of the building has been vacant for a significant time, its limitations with regard to parking and servicing, its position on an upper level and its close proximity to surrounding houses, it is accepted that the premises are not particularly suitable for continued long term industrial use. As such, the principle of an alternative non-employment use would be acceptable as it would not detract from the area's wider employment opportunities. As such it can be considered to comply with Policy EC2/2.

Policy EC4/1 relates to small businesses and states that proposals for small businesses will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area.

Policy CF1/1 relates to the provision new community facilities and indicates that any proposal will be assessed on its impact on residential amenity, traffic and parking, accessibility and the scale of development.

Notwithstanding the above comments, given the proximity to residential properties, it is considered appropriate to restrict the approval to the applicant only. This would prevent any other gym taking over the premises and changing the nature of the use.

Residential Amenity - The main areas of concern in respect to residential amenity is potential noise from activity within the gym and disturbance from the general comings and going of users of the facility who are entering and exiting the building.

In respect to the impact on local residents, the applicant has stated that there would be thermal and acoustic insulation applied to the walls and no open windows or amplified music played whilst the gym is open. The fact that the gym is small in scale and used by local women who would walk to the premises, would mitigate disturbance concerns further. The proposed opening hours indicated in the application are considered excessive and as such it is considered appropriate to further restrict them to:

Monday to Saturday 0700 - 2100hrs (as proposed)

Sundays and Bank Holidays 0900 - 1900hrs (restricted by condition)

The applicant has agreed to these restrictions.

Given the above mitigating factors, it is considered that there would be no serious detrimental impact on the amenity of surrounding residents. In the unlikely event that there is excessive noise from the facility, there is legislation under the Environmental protection Acts that could control this.

The scheme is considered to be acceptable in terms of its impact on residential amenity and

would not be contrary to UDP policies EC4/1 Small Businesses, EN7/2 Noise Pollution and H3/1 Assessing Non-conforming uses.

Parking - No on-site parking proposed. However the site is an industrial building which historically has had no off-street parking or servicing provision.

In terms of parking provision for a gym, the adopted Development Control Guidance Note 11 on Parking indicates that there is no significant difference between the requirement for the existing lawful industrial use (6 spaces) and the proposed use (8 spaces).

In assessing the parking, the following issues also need to be considered:

- the potential traffic generated by the new use set against the traffic, including heavy goods vehicles, that could be generated by any commercial tenants that could occupy the site without needing planning permission.
- benefits that would accrue to the local community by introducing a new community facility.
- benefits of bringing that part of the vacant building back into productive use.
- it is indicated that the women attending the centre would be local and as such would not necessarily be using cars but walking.
- the site is only just outside the town centre and as such is easily accessible by way of public transport.

Given the existing use and the nature of the site and proposal, there is no objection from the Traffic Section as it is considered that the scheme, despite the lack of on-site parking provision, would not raise serious parking or highway safety concerns and as such complies with UDP policy HT2/4 Car Parking and New Development and adopted guidance on parking.

Disabled Access - Given the age and nature of the building, major alterations are not particularly practical. Baddac has no objection to the proposal.

Objections - The concerns of the residents about traffic generation and parking have been addressed in the above report.

It is considered that the proposal would represent a valuable local community facility without having a detrimental impact on the economic opportunities of the area, residential amenity or highway safety. It is considered to comply with UDP policy and guidance listed.

Summary of reasons for Recommendation

The change of use from industrial premises to ladies gym should not have a seriously detrimental impact on highway safety, the amenity of local residents or local businesses sharing the premises. The proposal complies with the UDP policies and guidance listed. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 10/12/2010 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of

design pursuant to policies of the Bury Unitary Development Plan listed below.

3. The use hereby permitted shall be carried on only by the applicant.
Reason. In order to maintain control over the nature of the use in the interests of residential amenity pursuant to UDP Policies EN7/2 Noise Pollution and H3/1 Assessing Non-conforming Uses.
4. The gym hereby permitted shall not be open to customers outside the following times:
0700 - 2100hrs Mondays to Saturdays
0900 - 1900hrs Sundays and Bank Holidays
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to UDP Policies EN7/2 Noise Pollution and H3/1 Assessing Non-conforming Uses.
5. All windows and doors to the gymnasium area shall be kept closed when the gym is in use and each of the access and egress doors shall be equipped and maintained with an automatic closing device to the satisfaction of the Local Planning Authority.
Reason. To reduce noise in the interests of residential amenity pursuant to UDP Policy EN7/2 Noise Pollution.
6. The development hereby approved shall not be brought into use unless and until a scheme has been submitted to and approved by the Local planning Authority to provide an independent ventilation system to the proposed gym area. The approved scheme shall be provided and maintained in situ whilst the proposed use is extant.
Reason. To protect the amenities of occupiers of nearby residential properties pursuant with UDP Policy EN7/2 Noise Pollution.
7. The development hereby approved shall not be brought into use unless and until the building has been sound insulated entirely in accordance with a scheme submitted to and approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the building.
Reason. To reduce noise and protect the amenities of occupiers of nearby residential properties pursuant to UDP policy EN7/2 Noise Pollution.

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

Ward: Prestwich - Sedgley

Item 10

Applicant: Bury Council

Location: Sedgley Park County Primary School, Kings Road, Prestwich, Manchester, M25 8HT

Proposal: Installation of a Multi Use Games Area on school field

Application Ref: 53483/Full

Target Date: 23/02/2011

Recommendation: Approve with Conditions

Description

The site forms part of the playing fields for the adjacent primary school. There is existing play equipment immediately in front of the school and on the application site.

There are residential properties to the south and west of the site. Sedgley CP School building is located to the east, with residential properties beyond. To the north is a childrens centre building with a playground and dwellings beyond.

The proposal involves the provision of a Multi Use Games Area (MUGA) on the site of the existing play equipment. The MUGA would measure 25 metres by 18 metres and would be enclosed by a 3 metre fence. A level surface would be created by cut and fill. It would be positioned at the corner of Kings Road and Fairway, with a pedestrian access onto Fairway via a new gate formed within the existing 2.4m high boundary fence to the school. The existing play equipment would be relocated to the north of the MUGA.

Relevant Planning History

35133 - Change of use of land to create children's play area at Sedgely Park County Primary School, Kings Road, Prestwich. Approved with conditions - 21 April 1999.

48162 - Construction of single storey children's centre with associated parking and play area at Sedgley Park CP School, Bishops Road, Prestwich. Approved with conditions - 18 July 2007.

53029 - Installation of multi use games area on playing field at Sedgley Park CP School, Bishops Road, Prestwich. Withdrawn - 14 September 2010.

Publicity

76 neighbouring properties (30, 45, 47, 51, 69 - 71, 86 - 108 (evens), 97 Kings Road; 1 - 23 (odds), 4, 8 - 14 (evens), 36, 46A, 59 Bishops Road; 1, 3, 2 - 24 (evens), 23 Fairway; 6 Wilton Avenue; 8 Dorchester Avenue; 3 Tewkesbury Avenue; 17 Woodland Crescent; 3 Hereford Drive; 52 Richmond Drive; 80 Park Road; 24A Bury New Road; 12 Salisbury Drive; Prestwich Orthodox Jewish Community Council) were notified by means of a letter on 31 December 2010.

3 letters of support have been received from the occupiers of 28 Kings Road, St Gabriels Parish Church, 8 Bishops Road, which have raised the following issues:

- There is very little space/facilities for young people to use in the area
- The ball zone is essential and important to encourage sport and healthy living
- There is no ball zone facility within this ward
- No anti-social behaviour has been witnessed and the children treat the existing facilities with courtesy and respect
- Other ball zones within Bury have not attracted anti social behaviour
- Other facilities in the area charge for usage

16 letters of objection have been received from the occupiers of 8, 16, 18 Fairway, 15 Bishops Road, 2, 10 South Meade, 16 Princess Avenue, 8 Dorchester Avenue, 47 Kings Road, 3 Hereford Drive, 24A Bury New Road, which have raised the following issues:

- The facility would be unsupervised and would lead to anti-social behaviour
- Proposal would lead to an increase in on-street parking.
- Noise disturbance
- Loss of green space
- There are existing sports facilities in St Margaret's Park and Heaton Park
- Object to the repeated submission of the application
- Concern that the area would be floodlit
- The proposal is an inappropriate use of public money
- Approx 80% of the residents of the area are Orthodox Jews and would not use such a facility
- Sports activities would be a source of distress to those observing the Sabbath
- Prefer to see the money used to provide additional play equipment rather than a MUGA
- No objections, subject to the ball zone being kept secure and bookings should be taken.

127 copies of a standard letter (which we have treated as a petition) have been received, which has raised the following issues:

- The facility would be unsupervised and would lead to anti-social behaviour
- Approx 80% of the residents of the area are Orthodox Jews and would not use such a facility
- Sports activities would be a source of distress to those observing the Sabbath
- Prefer to see the money used to provide additional play equipment rather than a MUGA

Those who have made written individual letters and emails on the application have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objections, subject to the inclusion of a condition relating to guard railing on Fairway.

Drainage Section - No objections.

Environmental Health - Contaminated Land - No comments.

Environmental Health - Pollution Control - No response.

Landscape Practice - No objections providing the area surrounding the tree (TPO NO. 321) is not used as a constructors compound.

Prestwich Area Board Co-ordinator - No response.

Designforsecurity - No objections.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN7	Pollution Control
EN7/2	Noise Pollution
EN8/1	Tree Preservation Orders
RT1/2	Improvement of Recreation Facilities
RT2/3	Education Recreation Facilities
RT2/4	Dual-Use of Education Facilities
RT3/5	Noisy Sport
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
SPD3	DC Policy Guidance Note 3: Planning Out Crime

Issues and Analysis

Principle - Policy RT1/1 seeks to safeguard the existing level of provision of recreation in the urban area and states that development will not be allowed where it would result in the

loss of existing and proposed outdoor recreation facilities; recreation space within settlements; indoor facilities and other areas of recreation provision.

Policy RT1/2 states that the Council will give favourable consideration to proposals for the appropriate improvement of existing recreational land and facilities in the borough.

Policy RT3/5 seeks to ensure that proposals for noisy sports activities cause minimum conflict with other existing land uses and should demonstrate that the following criteria are satisfied:

- The use would not have an unacceptable detrimental effect on the environment and the surrounding area or endanger people or property;
- Would not have a detrimental effect on the amenity of surrounding areas, particularly residential areas;
- Not detrimentally effect users of adjacent sites;
- Increased traffic flows generated would not have a significant impact on the surrounding area
- Where appropriate, adequate car parking can be provided.

The proposed games area would be located on existing informal recreational land at a school. The proposal would provide a new recreational facility of benefit to young people in the local area as well as the school. There would be no loss of existing sports pitches and no overall loss of recreation provision within the site. Therefore, subject to the siting and impact upon residential amenity, the proposed development would be acceptable in principle and would be in accordance with Policies RT1/1 and RT1/2 of the adopted Unitary Development Plan.

Siting and Design - The proposed MUGA would be located next to the existing play area at the corner of Fairway and Kings Road. The site slopes upwards from Kings Road towards the children's centre and the proposed site represents the most level area with minimal amounts of cut and fill required. The proposed MUGA would be easily accessible from a new gated access on Fairway.

The multi use games area is of a standard design and similar to other developments in the Borough. It would be dark green in colour which would reduce visual impact in the area. The Traffic Section has no objections to the proposal, subject to the inclusion of a condition relating to the provision of a guard rail for pedestrian safety. As such, the proposal would be acceptable in terms of siting and design and would comply with Policies RT3/5 and EN1/2 of the adopted Unitary Development Plan.

Residential amenity - Sport England have issued guidelines on what is considered to be an accepted distance between what they term as "Multi Use Games Areas" (MUGA) and residential accommodation. It is normally advisable to locate a MUGA at least 12m, and ideally at least 30m from residences.

The proposed MUGA would not be floodlit and would only be available for use during daylight hours. There would be at 20.5 metres between the proposed MUGA and 106 Kings Road and 22.5 metres to the gable of 97 Kings Road. The proposed development would be in excess of the minimum distance set out by Sport England and as such, would be acceptable. Therefore, the proposed development would be in accordance with Policy EN7/2 of the adopted Unitary Development Plan.

Anti-social behaviour - The proposed MUGA would not be floodlit and would only be used during daylight hours. It is proposed to include a condition requiring the site to be secured after dark to prevent misuse and as the site is contained within the existing 2.4 m high security fence surrounding the school it is considered that the potential for anti-social behaviour will be minimised. Additionally the site would benefit from regular patrols by Police Community Support Officers and the Council security teams. In addition, there are 6 existing CCTV cameras at the school and one would specifically monitor activities at the proposed MUGA. Design by security (GM Police) has no objections to the scheme.

The applicant is aware of the contrives the proposed MUNGA has raised in the local community and is willing to accept a condition requiring the use of the site to be monitored for periods of 3 and 6 months. If problems are identified a plan has to be produced and implemented to combat any anti-social behaviour, should it have arisen. Therefore, with this condition it is considered that the proposed scheme would not lead to a level of anti-social behaviour that would warrant refusal and as such would be in accordance with Policy EN1/5 of the adopted Unitary Development Plan.

Access - Level access would be provided to the site from the proposed gate at the junction with Fairway. The Traffic Section has no objections to the proposal, subject to the inclusion of a condition requiring a pedestrian guard rail to be erected to prevent children from running out into the road. The proposed MUGA would be for use by children from the local area and as such, it is not expected to generate any additional traffic.

Response to objectors - The issues raised by the objectors are dealt with above. The site is not considered to be open green space as the site is private and has been developed for play equipment. The funding of the project 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 a significant adverse impact upon the amenity of the neighbouring properties. The proposed development would not impact upon highway or pedestrian 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 all plans received on 21 December and 30 December and the proposed site layout plan received on 25 January 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 fencing and MUGA 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 development hereby approved shall not be commenced unless and until full details of the provision of pedestrian guard railing on Fairway at the new pedestrian access point have been submitted to and approved in writing by the Local Planning Authority. The details subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use.
Reason. In the interests of pedestrian safety pursuant to Policy RT3/5 - Noise Sports and Polict EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.
5. A written report describing any incidence(s) of crime and disorder or anti-social

behaviour relating directly to or arising from the use of the site or any of its facilities shall be submitted to the Local Planning Authority three months after the first usage of the development with a further updated written report being submitted six months after the first usage of the development.

Where any incidence(s) of crime and disorder or anti-social behaviour are described within these reports, they shall identify any such measures that shall be incorporated into the design future operation and usage of the development so as to mitigate and reduce incidences of crime and anti social behaviour relating to the use of the site or any of its facilities; and upon the written approval of the Local Planning Authority such measures shall be implemented within 1 month of such written approval being given.

Reason - To monitor the perceived incidence of crime and disorder relating to this site and pursuant to Unitary Development Plan Policy EN1/5 Crime Prevention and its associated Supplementary Planning Guidance Note 3 - Planning Out Crime in New Development.

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

Ward: Prestwich - Holyrood

Item 11

Applicant: Bury Council

Location: Playing fields at Sandgate Road, Whitefield, Manchester, M45 6WG

Proposal: Installation of play equipment

Application Ref: 53492/Full

Target Date: 08/03/2011

Recommendation: Approve with Conditions

Description

The site is existing playing fields located adjacent to Prestwich Heys FC which is situated on the easterly side of Sandgate Road between the motorway to the north and residential properties on St Joseph's Avenue and Peveril Close to the south.

The topography of the site is such that the playing fields slope away from the football club and are flanked by embankment mounds to the north and east, beyond which the land levels out and is marked out for 2 additional grass football pitches.

The application seeks the installation of 3 pieces of play equipment within this area of the park. These comprise of rope bridge and play tower, embankment slide and jungle swing and have been selected to encourage interactive play, whilst being robust and low maintenance. A new perimeter path would be created to connect the play equipment and safety surfacing including grass matting, sand or play bark would surround the pieces.

Relevant Planning History

48290 - Retention of changing rooms, store, toilets, clubhouse and fencing, floodlight, resurfacing of car park - Approved 23/11/2007.

Publicity

62 letters sent to properties on 11/1/2011 and 13/1/2011 at Nos 31- 75 (odds) Peveril Close; 19-49 (odds) Parrenthorn Road; 2-10 (evens) Sandgate Road; 15,17,19, 21,23,37, 39,41, 26-44 (evens) St Josephs Avenue.

Sixteen letters of objection received from Nos 31, 39, 43, 47,57, 69, 75 Peveril Close, 38 (2 letters), 23, 42 St Josephs Avenue (2 letters), 43 Parrenthorn Road, one anonymous letter names and address withheld and two e-mails no address included, which raise the following issues:

- There are problems with motor cycles and quad bikes driving over field which would be hazard to children playing;
- Access vis the tunnel would increase motorbikes to the area;
- Encourage anti-social behaviour;
- Increase in litter;
- Dog fouling on the field would increase and make the field a health hazard;
- More red bins should be installed and the dog warden patrol the area;
- May encourage access through gardens backing onto the site;
- Too close to the houses on St Josephs Avenue which will cause noise and disturbance;
- The playground would be vandalised like the fence round the football field;
- Parents take their children to Heaton Park and Thatch leach Lane and would not use this;
- There are 2 other parks in the area which would benefit from money spent there;
- Local children do not use the field as it is full of dog fouling, glass, and jobs use it;
- The football club keep their gates open most of the time and people would drive into the area, park on the old tennis courts which would be a hazard to children;

- Parking is an issue in the area;
- A facility like this should be visible from the main road and therefore not monitored;
- Other play areas have been closed because unsupervised and has encouraged anti social behaviour;
- Object to Bury MBC funding or maintaining the construction and would be a waste of public funds;

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

Consultations

Drainage Section - No objection.

Environmental Health Contaminated Land - No objection subject to conditions.

Designforsecurity - No objection.

Unitary Development Plan and Policies

RT1/1 Protection of Recreation Provision in the Urban Area

RT1/2 Improvement of Recreation Facilities

EN1/2 Townscape and Built Design

HT5/1 Access For Those with Special Needs

PPS23 PPS23 Planning and Pollution Control

Issues and Analysis

Policies - Unitary Development Plan Policy - Protection of Recreation Provision in the Urban Area RT1/1 seeks to safeguard the existing level of provision for recreation in the urban area and states that development will not be allowed where it would result in the loss of:

- Existing and proposed outdoor recreation facilities;
- Recreation space within settlements;
- Indoor facilities;
- Other areas of recreation provision.

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

UDP Policy RT3/5 - Noisy Sports seeks to ensure that proposals for noisy sports activities cause minimum conflict with other existing land uses and should demonstrate the following criteria are satisfied:

- The use would not have an unacceptable detrimental effect on the environment and the surrounding area or endanger people or property;
- Would not have a detrimental effect on the amenity of surrounding areas, particularly residential areas;
- Not detrimentally effect users of adjacent sites;
- Increased traffic flows generated would not have a significant impact on the surrounding area;
- Where appropriate, adequate car parking can be provided.

Principle - The proposed play equipment would be located within an existing park area and be an additional recreational facility for children in the local community. There would be no loss of existing football pitch provision within the site.

A site sequential approach was undertaken before this site was selected. This area of Prestwich was identified as a shortfall area which lacked in the provision of play equipment in the Bury Council's Green Space Audit. Community consultation was carried out and open days held to assess the suitability of St Joseph's playing fields as a potential Playbuilder site. Positive feedback was received from the Open days and the equipment has been chosen following consultation with local children through the local primary schools and children's centre.

The proposal would bring into use under-utilised playing fields which would provide a safe and accessible area for local children to play.

Subject to siting and issues of residential amenity, the development is considered acceptable in principle and in accordance with UDP Policies RT1/1 - Protection of Recreation Provision in the Urban Area and RT1/2 - Improvement of Recreation Facilities.

Siting and Design - The location of the play equipment was selected for the following reasons:

- It is easily accessible from Sandgate Road;
- Does not encroach on the existing marked out football pitches further to the east of the site;
- Avoids the electricity pylons to the north.;
- The topography of this part of the site would facilitate the types of natural equipment proposed and would work with the natural contours and slopes which would minimise ground works that are needed;
- It would also be far enough away from the residential properties on St Joseph's Avenue not to cause a nuisance yet close enough to Sandgate Road for natural surveillance and safety for users of the area.

The scheme comprises of play equipment which seeks to challenge children and provide for interactive play and encourage social interaction.

The site is designed to be low maintenance and all the equipment chosen has a long life expectancy and requires little formal up-keep. Where necessary, grass matting, sand or play bark would be used as a safety surface. Visually, the play area would be in keeping within its setting and would not conflict with the surrounding environment.

As such, the layout of the play equipment utilises the natural topography of the site and takes into account the existing football pitch provision and both man made and natural features. It is considered acceptable in terms of siting and design and complies with UDP Policies EN/2 - Townscape and Built Design and RT1/2 - Improvement of Recreation facilities.

Residential Amenity - Sport England have issued guidelines on what is considered to be an accepted distance between multi use games areas (MUGA) and residential accommodation. This is a useful yardstick to use on which to assess the location of play equipment if there are residential properties nearby.

It is normally advisable to locate such these play areas 12m minimum and ideally 30m away from nearby houses. In this case, the nearest pieces of equipment, the embankment slide would be 22m from the boundary with No 38 St Joseph's Avenue. The highest piece, the play tower, would be sited furthest from residential houses, 26m away. It would be 6.65m high but due to the topography of the site only 3.5m would be visible above ground. The houses on St Joseph's Avenue are bounded by a 2m high timber and concrete post fence and are at a higher level than the proposed play area.

The position of the equipment has been carefully considered by the applicant and sited as such to cause minimum disruption to the nearby residents.

Given the separation distances, the boundary treatment and the topography of the site, the proposed siting of the play equipment is considered to be acceptable and would comply with UDP Policy RT3/5 - Noisy Sports.

The installation of a play area is likely to attract more people to this particular area for longer periods of time. The objectors are concerned about the noise and disturbance which is associated with the use of the area and the anti social behaviour and vandalism which would result. This is often an issue which is raised for developments of this type.

In terms of the park attracting youths to the area, there are no controls to it being used as a gathering point late into the evening and night time. However, it is an existing public park and an area which is already liable to encourage groups to congregate. The play equipment is aimed at children, some of whom would be accompanied by adults and is intended to be an interactive community facility.

The objectors also state that nuisance is caused by motorbike riders using the playing field area. There is no reason why the provision of play equipment would attract more bikers to the area and the position of the equipment and new pathways may even deter them from this area.

The St Joseph's development falls within the third year of the Playbuilder programme which has allowed the applicant three years of experience when developing these types of sites:

- In their experience, the Playbuilder sites have suffered little vandalism and significantly less than the traditional play areas in the Borough;
- Local Police Community Support Officers would regularly patrol the site;
- Local community consultations have generally lead to a development which reflects the needs of the community and encourages them to take ownership and responsibility of these areas;
- The natural design of the Playbuilder spaces and equipment has been well received in comparison to the more traditional approach used in some urban parks.

As such, it is considered there would not be a significant impact on the amenity of nearby residents and the proposal would comply with RT3/5 - Noisy Sports.

Parking - The main access into St Joseph's playing field is off Sandgate Road, through the car park for Heys FC. The park and play area is aimed to be a local facility for local people who would walk to the park and therefore no additional parking is proposed or expected.

Access - The design of the Playbuilder sites are based on Play England guidelines which encourage the play areas to be accessible to disabled children and those with special requirements. The play area and equipment lends itself to be used by children with a wide range of abilities. Like many parks, there are some pieces which will be more accessible than others. However, it has been designed to be as inclusive as possible and this has been acknowledged in the Design and Access Statement.

Response to Objectors - In terms of management of the site, the area is managed by Bury Council's Parks and Countryside Department and also visited twice a day by police community support officers. Should members of the public need to contact the Council regarding the site or play area, the applicant is willing to erect sign with the Council's contact details.

The Playbuilder schemes are externally funded from central government and ring fenced specifically for such schemes. The funding is only available until the end of March 2011. It is proposed to install two dog fouling bins within the perimeter of the park. The other issues raised by the objectors have been covered in the above report.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
The play equipment is an additional recreation facility which would not have a detrimental effect on nearby residents or impact on the surrounding area. The scheme does not adversely affect 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 - Location plan and layout 1602-SJ-01a Rev B; Indicative plan 1458-SJ-02 Rev A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Any soil or soil forming materials brought to site for use in playing field areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
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. A scheme for signage with the Council's contact details shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme only shall be implemented and the signage erected within 3 months from the date of the approval.
Reason. In the interests of residential amenity pursuant to Unitary Development Plan Policy EN1/2 - Townscape and Built Design and RT3/5 - Noisy Sports.

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

Ward: Bury East

Item 12

Applicant: Albas Investments Ltd

Location: 39 Market Street, Bury, BL9 0BL

Proposal: Change of use of a retail unit from (Class A1) to (Class A3/A5) restaurant and hot food takeaway: Extraction duct to rear

Application Ref: 53493/Full

Target Date: 16/02/2011

Recommendation: Approve with Conditions

Description

The application site is a vacant retail unit located in a block facing Kay Gardens in a pedestrian area of the town centre. It is within the Conservation Area and prime shopping area and frontage. The row is predominantly in A1 retail use however 3 of the other units are currently vacant. There is one coffee shop (A3 use) and one financial and professional services (A2 use). Directly opposite is Bury interchange and a cafe (A3 use).

The service area is to the rear has vehicular access from the north of the block and is gated to the south from Princess Parade. The rear elevation of 39 Market Street is adjacent the staircase that provides access to the first floor flats along Princess Parade.

The application is for a change of use from A1 shop to A3/5 restaurant and hot food takeaway. The ground floor would provide the restaurant area and takeaway with a disabled toilet facility. The first floor would be storage with the kitchen and food preparation to the rear. An odour extraction duct would be situated above the fire exit at the rear. The supporting statement with the application states that it is to be a day time use with opening hours of Mon-Sat and Bank Holidays 0830hrs – 1800hrs and closed Sundays.

Relevant Planning History

None.

Publicity

39 notification letters were sent on 5th January 2011 to addresses at 4,5, 6, 7-11,15, 17, 19, 23, 27, 31, 47, 51 Market Street, Home Kay Gardens Market Street, Chumleys 54 Market Place Market Street, Unit 1c 43 Market Street, 2,4,6-10, 10A, 12, 14, 40 & 42 and 1,1A, 3, 5, 7-9,11, 13, 15, 41-55 Princess Parade. A site notice was posted on 06/01/11 and a press notice placed in the Bury Times on 13/01/11.

One objection has been received from 54 Market Street opposite whose comments in summary are as that :-

- The proposal located opposite will cause their trade to fall
- There are 17 food outlets in the Kay Gardens/Market Street area with every morsal anyone could want and therefore this one in not necessary
- The proposal would not be in the best interests of the town and have an adverse effect on businesses in the vicinity who may have to lay off staff, stop trading and close
- If each empty unit is allowed to become a food outlet who will want to come to Bury as it would have nothing to offer but cafes which there is an abundance of and visitor numbers would decline

The objector has been notified of the Planning Control Committee.

Consultations

Traffic Section - no objection.

Drainage Section - no objection.

Environmental Health (Contaminated Land) - no comment

Environmental Health (Pollution Control) - no objection subject to a condition relating to fumes, odours and noise emission.

GM Police (designforsecurity) - no objection, suggest informatives for the counter, flooring and alarm system.

Baddac - no objection.

Unitary Development Plan and Policies

S2/2 Prime Shopping Areas and Frontages

S1/1 Shopping in Bury Town Centre

S2/6 Food and Drink

Area Central Shopping Area

BY6

EN2/2 Conservation Area Control

HT5/1 Access For Those with Special Needs

Issues and Analysis

Principle - The application site is within a Primary Shopping Area and Frontage subject to UDP Policy S2/2 which seeks to maintain retailing Class A1 as the predominant use at ground floor. Changes of use are assessed against their merits and the following factors such as the design and appearance of the frontage, provision of a display window at ground floor, access for the mobility impaired and any possible noise and disturbance.

The proposal would result in 24% of the identified prime shopping frontage being in non A1 retail use and where in excess of 10% Policy S2/2 requires additional factors to be taken into account. The location and prominence of the proposal in the frontage. The number, distribution and proximity of other premises in non retail uses or with planning permission for such uses and the nature and character of the proposed use and level of activity associated with it.

The unit is located towards the end of the row and is not within the most prominent section that faces Kay Gardens. This would be the second A3 use within the defined frontage and it is noted that there is also an A3 cafe opposite. It is not considered the proposal would lead to an over concentration of A3 uses.

The site is in close proximity to the interchange which is the main entrance into the town centre for visitors arriving by bus or tram. The recently completed shopping centre at The Rock has seen the relocation of some retailers leaving several vacant units within this frontage. The day time opening hours would bring the unit back into use which would be of benefit to this important area of the town centre.

UDP Policy S2/6 - Food and Drink considers proposals involving restaurants and takeaways with regard to amenity, parking and servicing, environmental impact and over concentration of use.

Visual amenity – The extraction equipment would be located to the rear which is in a service area and there are no other external alterations and as such there would be no impact on the character of the Conservation Area.

Residential amenity – The proposal is a daytime use within a town centre location and the proposed use is not considered to be one which would cause any increase in noise or disturbance. Given the town centre location where there is existing evening activity it is not considered necessary to restrict the opening hours. The flue would not not impact on the outlook of the closest residential properties to the rear as they look across the service area. A condition is added to ensure the flue meets adequate requirements regarding and odours treatment.

Parking and servicing - As this is a town centre location with several public car parks and easy access to public transport there would be no issue regarding parking.

The service area is to the rear as existing and for customer use there are numerous refuse bins in the Kay Gardens area.

As such the proposal would comply with UDP Policies S2/2 - Prime Shopping Areas and frontages and S2/6 - Food and Drink.

Access – The entrance has existing level access. The counter would have a section at a level suitable for wheelchair users and a ground floor disabled toilet facility is to be provided. The proposal would comply with UDP Policy HT5/1 - Access for Those with Special Needs.

Response to objection - The issue relating to the number of uses has been dealt with as above and competition 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 maintain an active frontage within the town centre. The proposal would not impact upon the visual amenity of the Conservation Area or the amenity of any neighbouring residents.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 151210, siteplan/block plan and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. A written statement from a competent person shall be submitted with the proposed scheme which shall confirm that the proposed scheme will achieve the requirements of adequate treatment, dilution and dispersion of fumes and odours under all normal operating circumstances, such that there is no loss of amenity to local residents. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.
The development shall be implemented prior to first use of development, in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
Reason. - In order to prevent loss of amenity to local residents by virtue of fumes, odour and noise, pursuant to Policy S2/6 - Food and Drink of the Bury Unitary Development Plan.

For further information on the application please contact **Jane Langan** on **0161 253 5316**

Ward: Bury East

Item 13

Applicant: Bury Council

Location: Goshen Playing Fields, Off Scott Avenue, Bury, BL9 9RS

Proposal: Installation of play equipment

Application Ref: 53501/Full

Target Date: 08/03/2011

Recommendation: Approve with Conditions

Description

The site area covers 2,270 sq metres in the western corner of Goshen Playing Fields off Tennyson Avenue and forms part of an established sports and recreation complex facility. To the east of the site are playing fields and the main sports building, to the north is the car park and access road to the park, beyond which are residential properties on Tennyson Avenue and Scott Avenue. The site is bounded to the south by the River Roch and there is a public footpath No 68 which runs to the west of the site area.

The application seeks the installation of 5 pieces of play equipment made of natural materials that have been chosen to encourage interactive play. These comprise of rope and timber climbing feature, decking and fireman's pole, small slide and scrambling rocks, play sky carver and basket swing. A sand surface surrounds some of the pieces of equipment. The site would be accessed via a new rolled stone path.

The equipment would be adjacent to the recently approved application for a multi use games area.

The proposed play area is part of an overall on-going development of Goshen sports complex area including a gymnastics centre, model car track and multi use ball zone which was approved at Planning Committee in January 2011. The majority of the developments at Goshen have been targeted at the older children and young people and it is proposed the Playbuilder site would offer a balance by providing play opportunities for younger children aged 6-13.

Relevant Planning History

53339 - Relocation of existing model car track - current application.

53365 - Installation of a Multi Use Games Area - Approved 19/01/2011

50176 - Extensions to existing sports centre, including new sports hall and alterations at Goshen Sports Centre, off Tennyson Avenue, Bury. Approved with conditions - 22 October 2008

Publicity

55 letters sent on 11/01/2011 to properties at Nos 2-84 (evens) Tennyson Avenue; 1,2 Scott Avenue; 11,15,17,19,21,23, 48 Meadway; The Crest, The Nook, Manor House, Fletcher Fold; Goshen Sports Club.

One letter of objection received from No 2 Scott Avenue which raises the following issues:

- The playing fields are part of a flood plain and legislation opposes building on such land;
- Cumulatively, the play area along with the other developments would impair natural drainage;
- This is the second time a ball zone has been proposed and there is no local support for it;
- In this time of recession the money should be spent elsewhere.

The objector has been informed of The Planning Control Committee meeting.

Consultations

Wildlife Officer - No objection subject to condition.

Rights of Way Officer - No objection.

Environment Agency - No formal response required.

BADDAC - Question the use of sand around the play area as a suitable safety surface for children with disabilities to access the equipment.

Drainage Section - No objection.

Designforsecurity - No objection.

Unitary Development Plan and Policies

RT1/1 Protection of Recreation Provision in the Urban Area

OL5/2 Development in River Valleys

EN6/4 Wildlife Links and Corridors

CF1/1 Location of New Community Facilities

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

PPS25 PPS25 Development and Flood Risk

PPG17 PPG17 - Planning for Open Space, Sport and Recreation

RT1/2 Improvement of Recreation Facilities

RT3/5 Noisy Sport

HT2/4 Car Parking and New Development

EN8 Woodland and Trees

PPS23 PPS23 Planning and Pollution Control

Issues and Analysis

Policies - Unitary Development Plan Policy - Protection of Recreation Provision in the Urban Area RT1/1 seeks to safeguard the existing level of provision for recreation in the urban area and states that development will not be allowed where it would result in the loss of:

- Existing and proposed outdoor recreation facilities;
- Recreation space within settlements;
- Indoor facilities;
- Other areas of recreation provision.

UDP Policy RT1/2 - Improvement of Recreation Facilities gives favourable consideration to proposals for the appropriate improvement of existing recreational land and facilities in the Borough.

UDP Policy RT3/5 - Noisy Sports seeks to ensure that proposals for noisy sports activities cause minimum conflict with other existing land uses and should demonstrate the following criteria are satisfied:

- The use would not have an unacceptable detrimental effect on the environment and the surrounding area or endanger people or property;
- Would not have a detrimental effect on the amenity of surrounding areas, particularly residential areas;
- Not detrimentally effect users of adjacent sites;
- Increased traffic flows generated would not have a significant impact on the surrounding area;
- Where appropriate, adequate car parking can be provided.

Principle - The proposed play equipment would be located within an existing urban park and be an additional recreational facility for younger children in the local community. There would be no loss of existing sports pitches and no overall loss of recreation provision within the site. Subject to siting and issues of residential amenity, the development is acceptable and in accordance with UDP Policies RT1/1 - Protection of Recreation Provision in the Urban Area and RT1/2 - Improvement of Recreation Facilities.

Siting and Design - The proposed location would not have an impact on the existing

Goshen sports centre nor result in the loss of marked out football pitches. In terms of providing additional facilities for young people, it would be consistent with the provision of the multi use games area which would be sited adjacent to the play area.

It would be adequate distance from the residential properties opposite and easily accessible from the entrance to the playing fields. The highest piece of equipment would be 5.5m high and would be the furthest piece of equipment from the residential properties.

As such, the proposal would be acceptable in terms of siting and design and would comply with RT3/5 - Noisy Sports and EN1/2 - Townscape and Built Design.

Residential amenity - Sport England have issued guidelines on what is considered to be an accepted distance between multi use games areas (MUGA) and residential accommodation, which is a useful yardstick on which to assess the location of play equipment if there are residential properties nearby.

It is normally advisable to locate such these play areas 12 m minimum and ideally 30m away from nearby houses. In this case, the nearest piece of equipment would be 28m from the rear boundary of the houses opposite. There is a car park and tree planting along the northern boundary which would form some screening and act as a buffer to the site. There is no floodlighting proposed.

There have been no objections raised by local residents on the grounds of noise or disturbance.

As such, there is considered to be adequate distance between the proposed play area and the nearest residential accommodation and the proposal would comply with RT3/5 - Noisy Sports.

Access and Parking - Access to the play equipment would be via the existing perimeter path and new pathways linking the pieces of equipment. The play area and equipment lends itself to be used by children with a range of abilities, although like many parks, there are some pieces of equipment which will be more accessible than others. However, the layout of the play area and the proposed surfacing has been designed to be as inclusive to as many children as possible to allow for interactive play and this has been acknowledged in the Design and Access Statement. As such, the proposal is considered to comply with RT1/2 - Improvement of Recreation Facilities.

The games area would be mostly used by children and youths from the local area and therefore not expected to generate additional vehicular traffic. The proposals comply with HT2/4 - Car parking and New Development.

Flood Issues - The site is located within Flood Zone 2 which represents the lowest area of concern in terms of flood risk. The size of the scheme is for a small scale development and therefore the Environment Agency are not required to be consulted. The proposal does not include extensive hardsurfacing and as such there would be no changes to the natural drainage of this area of the site.

Therefore the siting of the equipment would not affect the alluvial flood plain and the proposal complies with Planning Policy Statement 23 - Planning and Pollution Control.

Landscaping - The scheme incorporates an area of shrub planting in the southern corner of the site and as such the wildlife officer has recommended a condition to prescribe an appropriate type of planting for this type of area.

Response to objector - Issues of flooding are dealt with above.

Community consultations were carried out prior to the submission of the application, and positive feedback was received from local children and young people who became involved

in the design of the Playbuilder site.

Local residents were invited to a consultation open day and given the opportunity to make comments on the proposed play area.

Summary of reasons for Recommendation

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

The play equipment area is an additional facility which would not harm the character of the area nor the amenities of the neighbouring residents. The scheme would 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 - revised red edge site dwg no 1602 02 G and sketch design received 19-01-11; existing and proposed levels 1602/04G 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 proposed shrub planting to the south of the site shall be a native willow shrub of a *Salix viminalis* or *Salix tiandra* species.
Reason. In the interests of visual amenity and environmental regeneration pursuant to Unitary Development Plan Policies EN1/2 - Townscape and Built Design and EN8 - Woodland and Trees.
4. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
 - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
 - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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

Ward: Bury West - Elton

Item 14

Applicant: Mr Leonard Sykes

Location: Land to the north of play area, Woodhill Road, Bury, BL8 1BT

Proposal: Erection of 1.8 metre high fence and gates (retrospective)

Application Ref: 53514/Full

Target Date: 11/03/2011

Recommendation: Approve with Conditions

Description

The site comprises an area of land immediately to the north of a children's play area and to the south of Burrs Country Park on Woodhill Road. It has a frontage onto the private road owned by Bury Council that is used as an access to the Country Park and backs onto the River Irwell. On the opposite side of the private road is a stream and then the rear of housing fronting onto Hunstanton Drive and Retford Close. The land was previously 'unused' and is designated as being within the 'River Valley' in the Unitary Development Plan.

The application is retrospective for the retention of the fence which includes a double gate and a single pedestrian gate. The fence is green in colour with gold detailing and is 1.8m high. The application is only for the retention of the fence and not for a new access or a change of use of the land to the rear.

Relevant Planning History

C/12965/82/1 - Renewal of consent for the siting of a caravan on the site in conjunction with a small holding. Temporary consent granted until 11/2/83 due to site being in River Valley and not normally being acceptable as well as consent being restricted to the applicant.

C/14223/83 - Further temporary Consent granted until 10/3/84.

C/22244/89 - Application refused for one dwelling to be built on the site 30/1/89 refused on the basis of it being in the River Valley.

In March 2010 an enquiry was made about using the land as an allotment and advice was given about the need for Planning Permission for any fencing where not Permitted development and any structures (huts caravans etc) and the need for permission from Leisure Services as access was over Council owned land in their control.

Enforcement - A Stop Notice served following erection of fencing and tipping on site without the benefit of Planning Permission, April 2010. Case Ref: 10/0141.

52584 - Retrospective application for 1.8M high fence on frontage. Change of use of land to storage with caravan and steel portakabin together with allotment and landscaping at rear of site. - Refused 14/06/2010.

Subsequent to this refusal a further Enforcement Notice has been served and the hardcore that had been put on the site has been removed and the 'solid panels' on the fence have also been removed.

Publicity

21 adjacent properties have been notified by letter/email and these include all the objectors to the previous application. The include The Garside and 48 Woodhill Road, 9 to 16 Retford Close, 5, 77, 82,84 and 90 Hunstanton Drive, 4, 6 and 23 March Drive, 3, Oakham Close, 5 Wilby Close and 234 Bury Road, Tottington.

4 objections have been received from 6, 23 March Drive, 5 Hunstanton Drive and one with no address supplied and the objections can be summarised as follows:

- the fence is out of character and keeping with the area
- the fence has gates that are large and this could led to unauthorised use of the land

The objectors have been informed of the Planning Control Committee.

Consultations

Traffic Section - no objections

Drainage Section - no objections

Head of Parks and Countryside - concerned about continued access over Council land and considered that the design of the fence is out of keeping with the character of the area.

Environment Agency - no comments

designforsecurity - no objections

Baddac - no comments

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

OL1 Green Belt

OL5/2 Development in River Valleys

EN6/4 Wildlife Links and Corridors

Issues and Analysis

This application is solely for the retention of the fence on the frontage of the site and for no other change that may be required to the crossing to the highway or the use of the land and as such it is only that being considered within this report.

Visual Impact - The fence fronting onto Woodhill Road is a railing type fence painted green with gold detailing. The fence also has a post box on it and 2 hanging baskets. The principal difference between this application and the previous application that included the fence is that the original had solid panes on it which made the fence have a strong visual appearance, akin in many ways to an industrial style of fence which was out of character with the area. These solid panels have now been removed and the remaining fence gives clear views of the site and is far less visually intrusive in the street. Whilst much of the gold detailing on the fence is 'fussy' it has little impact on the street scene. The dark green colour and height are similar to other fences in the area; on Burrs Country Park and the adjacent play area and given this context it is not considered that the fence would appear so out of place as to warrant refusal on the grounds of visual amenity. As such it is considered that the fencing complies with both the Policies on River Valleys OL5/2 and Amenity EN1/2 and should be approved.

Objections - The issue of the design of the fence is covered in the report above. The other issues raised about the use of the land and creation of an access are outside the scope of this application. It should be noted that there is still an Enforcement Notice in place regarding the land and that the use and access are being monitored by Planning, as well as Parks and Leisure and Legal Services.

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 open character and colour of the fence do not appear so out of place as to create a seriously detrimental impact on visual amenity and as such the fence is acceptable in terms of its impact on the character of the area as a whole when assessed against UDP Policies OL5/1 and EN1/2.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to the drawings received on 30th December 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.

2. No alterations of any kind are permitted to the appearance, style or colour of the fence without the prior written approval of the Local Planning Authority.
Reason. In the interests of visual amenity and to accord with the Adopted Unitary Development Plan Policies OL5/1 - River Valleys and EN1/2 - Townscape and Built Design.

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

Ward: Bury West - Elton

Item 15

Applicant: Bury Council - Planning Division

Location: Woolfold Gap Recreational Route, Bury, BL8 1UE

Proposal: Variation of condition no. 2 of planning permission 51876 to include a realignment of the path at Darlington Close and at Brandlesholme Road and changes to levels for first 125 metres of the path

Application Ref: 53542/Full

Target Date: 16/02/2011

Recommendation: Approve with Conditions

Description

The site consists of the former railway line, which stretches from the rear of No. 12 Pickering Close and passes to the north of the dwellings on Stockton Drive. The line then crosses Kirklees Brook and continues to the south of the properties on Bankhouse Road and Brandle Avenue to Brandlesholme Road. The site is occupied by many trees, some of which are self seeded.

The former Olives Paper Mill is located to the south of the site, which is currently being redeveloped for housing. Part of the application site is within the Kirklees Brook Site of Biological Interest.

Planning permission was granted in February 2010 for an extension to the Kirklees Trail, from Pickering Close to Brandlesholme Road. Permission was granted for the provision of a 3 metre wide path, re-shaping of the land and the provision of a footbridge over the Kirklees Brook.

The application seeks changes to the levels along 125 metres of the route at the Brandlesholme Road end of the trail. The path would be realigned to tie in with the proposed Toucan crossing. The other change is an amendment to the alignment of the path where it connects to Darlington Close.

Relevant Planning History

51876 - Extension of the existing Kirklees Trail from Brandlesholme Road to rear of 12 Pickering Close; works include the provision of a 3 metre wide path; street lighting; land shaping; construction of new bridge and associated works at Woolfold Gap Recreational Route, Bury. Approved with conditions - 16 February 2010

Publicity

204 neighbouring properties (Keld Close, Hawes Close, Pickering Close, Stockton Drive, Darlington Close, Foxfield Close, Ingleton Mews, Olive Bank, Woolfold Paper Mill, Tottington Road, Bleakley Street, Mill Lane, Hall Street, Rowans Street, Brandlesholme Road, Stafford Street, Brandle Avenue, Bankhouse Road, Cleadon Drive South, Throstle Grove, Kirkburn View, Whitburn Drive, Hebburn Drive) were notified by means of a letter on 12 January. A full list of the addresses can be found in the working file. Site notices were posted on 13 January 2011.

Five letters have been received from the occupiers of 8, 10 Pickering Close, 75 Bankhouse Road and one with no address, which have raised the following issues:

- Concern at the height of the path in relation to the gardens of Pickering Close
- Increased litter
- Increased fouling by dogs along the route.
- Greater security risk to the local area

- Loss of privacy.
- No objections, subject to additional planting at the back of residential properties.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objections.

Landscape Practice - No response to date.

Baddac Access - No comments.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/2	Noise Pollution
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
OL1/2	New Buildings in the Green Belt
OL5/2	Development in River Valleys
RT3/3	Access to the Countryside
RT3/4	Recreational Routes
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/3	Cycle Routes
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
PPG2	PPG2 - Green Belts
PPS7	PPS 7 Sustainable Development in Rural Areas

Issues and Analysis

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

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

Policy RT3/3 states that the Council will seek to improve and extend opportunities for all to gain access to the countryside by

- Maintaining, improving and, where appropriate, extending the existing networks of Public Rights of Way, footpaths, bridleways and cycleways
- Improving facilities for the mobility impaired
- Creating new access points and areas of public access

Policy RT3/4 states that the Council will seek to establish a network of designated recreational routes to provide access for pedestrians, cyclists and horse riders.

The principle of providing a recreational route and the associated bridge was established with the grant of planning permission in February 2010 (51876). As such, the proposal has

been accepted in principle and only details are being amended. As such, the principle of the development would be in accordance with Policies OL1/2, RT3/3 and RT3/4 of the adopted Unitary Development Plan and PPG2.

Design and impact upon surrounding area - The proposed path would be 3 metres wide and constructed from tarmac, which would match the existing path.

The proposed plan indicates that the link from Darlington Close to the route would be a single straight path and would connect with the main route. As the path would be no closer to the neighbours, this slight change would not impact upon access or the privacy of the neighbouring residents.

The provision of a pedestrian crossing across Brandlesholme Road was a condition of the previous planning approval (51876). The crossing has now been designed and as a consequence, the path and the service access have moved position. As a result of this realignment, the finished level of the path would be raised by a maximum of 2 metres along the first 125 metres of the path. While the proposed path is being raised, the surrounding ground would be at a higher level and would not have any greater impact upon the residential amenity of the neighbouring properties. As such, the proposal would be acceptable.

Therefore, the proposed changes would be acceptable and would be in accordance with Policies EN1/2, RT3/3 and RT3/4 of the adopted Unitary Development Plan.

Response to objectors - The principle of the scheme is approved and this application is solely looking at the proposed changes to that scheme. In term of additional planting, a condition was imposed on the original application (51876), which requires a scheme of landscaping to be submitted to and approved by the Local Planning Authority.

Summary of reasons for Recommendation

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

The proposed development would be acceptable in principle and would not have an adverse impact upon the amenity of the nearby residents.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered DL86/007, DL86/008 C, DL86/009 B, DL86/010 B, DL86/011 B, DL86/012 B, DL86/013 B, DL86/014 B, DL86/015, DL86/016 A, DL86/019 D, DL86/020 B, DL86/021, PDI.11.12 Sheet 1, PDI.11.12 Sheet 2 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 and finishes to be used on the bridge shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved details shall be implemented as part of the development.
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. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures and tree works. Any subsequent variation of the timetable shall be subject to further written notice.
Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
5. Only the trees identified on approved plan DL86/020 shall be removed, unless otherwise agreed in writing with the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
6. Prior to commencement of the development hereby approved, a landscaping plan, including details of any replacement planting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented not later than 12 months from the date the path is first brought into use; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
7. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year unless otherwise agreed in writing with the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.
8. No development shall commence unless or until a method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement should include:
 - Proposals for the eradication of Japanese Knotweed and the control of Himalayan balsam.
 - Proposals for the ecological enhancement of the land, including diversification of the cutting/embankment habitats, enhancement of the acid grasslands, heathland and flushes.
 - Details of how possible harm to habitats along the route would be minimised during worksThe approved scheme shall be implemented in full prior to the path being brought into use.
Reason. In order to ensure that no harm is caused to a Site of Biological Importance pursuant to policies EN6/1 - Sites of Nature Conservation Interest and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.
9. No development shall commence unless or until a survey has been conducted and the survey results established as to whether badgers are present along a 30 metres wide corridor along the proposed path. The results of the survey 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 PPS7 – Nature Conservation.

10. No development shall commence unless or until a survey has been conducted and the survey results established as to whether the banks of the Kirklees Brook are colonised by water voles and otters. The results of the survey 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 PPS7 – Nature Conservation.

11. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be commenced unless and until full details of proposals to provide a Toucan crossing on Brandlesholme Road and tie the cycle track alignment into it have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use, unless otherwise agreed in writing by the Local Planning Authority.

Reason. In order to ensure good highway design in the interests of highway safety

12. No development shall commence unless or until full details of the lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the path being brought into use. The approved lighting shall not be lit outside the following times: 07.00 to 19.00.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/5 - Crime Prevention and EN7 - Pollution of the Bury Unitary Development Plan.

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

