

Ward: Whitefield + Unsworth - Pilkington Park

Item 01

Applicant: Oak Lodge Care & Nursing Homes

Location: Whitefield House, Pinfold Lane, Whitefield, Manchester, M45 7JS

Proposal: 60 No. bed care home with ancillary clinic/rehabilitation facilities, car parking and landscaping

Application Ref: 53353/Full

Target Date: 15/02/2011

Recommendation: Minded to Approve

This application is Minded to Approve subject to the completion of a s106 agreement relating to mitigation for the loss of Protected Recreational Land Within the Urban Area pursuant to Unitary Development Plan Policy RT1/1. In the event of the agreement not being signed within a reasonable timescale, then delegated authority is sought to enable the Assistant Director of Planning, Environmental and Regulatory Services to determine the application.

A site visit by the Planning Control Committee is being arranged for this item at the request of the by the Assistant Director of Planning, Environmental and Regulatory Services.

Description

The former Whitefield Town Hall is located in an area of parkland within the All Saints Conservation Area. The property was formerly used by the Council but was sold to the current owner of the site in 1991. Historically, the property was built some time around 1805, remodeled around 1857 and then became the Whitefield Town Hall in 1894.

The land ownership accompanying the town hall is tightly drawn around the building and also includes the access road from Pinfold Lane.

Since the original sale of the property, there has been a planning permission granted for a 50 bed nursing home, which has not been developed out.

In March 2004 the Council designated a Conservation Area, which includes the site, the parkland, Hamilton Road Park and areas extending along Higher Lane, Pinfold Lane and Church Lane.

Over time, the property has fallen into a state of disrepair and had begun to fail structurally. Last summer, the property suffered a significant element of collapse on its easterly elevation, resulting in the building requiring partial demolition. At that time the Building Control section required the erection of fencing to ensure public safety in the vicinity of the derelict building.

A separate application for Conservation Area consent has been submitted (53354), which is seeking retrospective consent for demolition works already carried out and authorisation for the demolition of the remaining building. This can be found elsewhere on this Planning Control Committee agenda and will fall to be determined on its own particular merits.

This application is for a 60 bed nursing home, which would involve the demolition of the former Whitefield House and its reconstruction in salvaged and new materials. To the rear of the house would be a two and three storey annex building containing the main residential accommodation. This rear annex would use the levels of the land in such a way that part of the building would be at a basement level, so predominantly two storeys would be visible from surrounding land and it would be cut into the embankment at the rear.

In addition, the scheme proposes to create a newly formed pedestrian and vehicular access from Pinfold Lane and the closure of the existing access from Pinfold Lane. Parking and servicing would be provided towards the immediate frontage of the building.

By way of background information, in order to facilitate the development, the proposals do extend beyond the boundaries of the applicant's land and the development requires the use of currently protected open space land to the rear of 0.265 acres (0.11 ha); 0.008 acres (0.003ha) at the side; 0.027 acres (0.011ha) at the front and a return of land to the open space comprising the existing access 0.09 acres (0.036ha). The new access would remain within Council ownership but with access rights to the development sought from Pinfold Lane. Members shall be aware that land ownership is not a material planning consideration when determining the application. A plan is included within this report to explain the areas of land discussed.

Relevant Planning History

49732 - Single storey extension at the rear - Approve with Conditions 09/05/2008.

34524 - Extensions to former Whitefield Town Hall and change of use of building to form a 50 bed residential care home - Approved - 7/7/99.

42809 - Renewal of consent 24524 for Extensions to former Whitefield Town Hall and change of use of building to form a 50 bed residential care home - Refused 23/8/04 for the following reasons -

- The proposed development would be detrimental to the character of the building to be retained and the Pinfold Lane Conservation Area by reason of its height, size and design.
- The application and submitted plans contain insufficient information in terms of the extent of demolition and remedial measures to protect the remaining structure to enable them to be properly assessed.
- The proposed development requires the demolition of a building, which may provide a habitat potential for roosting bats and other protected species. The application does not provide a full assessment of any ecological potential and as such the proposal would conflict with Planning Policy Guidance Note 9 - Nature Conservation.

53080 - Conservation area consent for demolition of building with recording, removal and storage of south facade - Withdrawn by Applicant 08/11/2010.

53354 - Conservation area consent for demolition of building with recording, removal and storage of south facade (resubmission) - to be determined elsewhere on this agenda.

Publicity

30 properties including Whitefield Health Centre, Cooksons Cycles, Slatterys, and houses on Pinfold Lane, Bury New Road and Parklands were consulted on 20/9/10. A site notice was erected on 3/12/10 whilst the press notice was published in the Bury Times on 2/12/10.

25 letters (22 letters of objection and 3 comment letters) have been received as a result of this publicity. Respondents include Prestwich and Whitefield Heritage Society, E Landey (email), 4, 6 (x2), 7, 8, 9, 11, 13, 15, 23, 27 Pinfold Lane; 22 Cromwell Road, 50 Higher Lane, 45 Swinton Cres, 11 Dales Lane, Woodlands Trust, 10A Hampstead Dr, 53 and 64 Hawkstone Ave, 31 Livesy Street, 4, 5, 6 Parklands and from Councillors J Grimshaw and A Audin.

- The owners have allowed the property to fall into a state of disrepair and have had a number of years to develop a reasonably sized scheme approved in the past.
- The Council should compulsorily purchase the site and return it to parkland. Volunteers would assist in this as part of the 'Big Society' aims.
- Pinfold Lane is a small residential lane, which is already heavily congested and would

be worsened unacceptably as a result of the development and its traffic generation.

- Other surrounding uses on Pinfold Lane (Day centre, clinic, library) compound the traffic levels within the immediate area of the development.
- The Council should not provide additional land taken from the park to accommodate the development. Requests by residents to extend gardens in the past have been declined and in any case the land was bequeathed to the residents of Whitefield for public use.
- The nature and character of the park would change as a result of the tree loss proposed as part of the development, together with insufficient tree replacement.
- The site should be developed sensitively and there is concern that there has been insufficient public engagement by the developer on the proposals.
- Is there an identified need for such a development?
- The development is too large and would not maintain or preserve the Conservation Areas status of the site and its surroundings.
- The proposals would unacceptably reduce the parkland area.
- The scheme would provide insufficient parking for the demands of the use and there is insufficient parking in the immediate area to accommodate any overspill demands.
- Concerns about the impact upon public rights of way.
- Considers that the design is not of sufficient quality and would not be in keeping with the local surroundings.
- Objects to the development and the potential for the creation of noise nuisance.
- Concerns that there would be insufficient turning and servicing space and that the access from Pinfold Lane would be dangerous with vehicles unable to turn without impacting upon traffic flows.
- It is not possible to predict how staff would travel to the site and as such, provisions for parking and travel arrangements cannot be relied upon.
- External lighting - especially from the proposed car park overlooking property is an invasion of privacy.
- Overlooking - the proposed development will overlook our property especially from the first floor.
- The scheme does not propose any treatment to the western boundary other than some understorey mix ie hedging. There should be at least a 2m wall with railings coupled with ongoing maintenance of any planting and the TPO trees (foliage lost in Winter).
- Construction - noise, dust, disturbance and damage during proximity in construction. Objects to the newly formed accessway to be directly in front of their houses (Pinfold Lane).
- Redevelopment and restoration of this important site in the All Saints Conservation Area is long overdue and would not want to discourage an appropriate development.
- There is now no need to rush into accepting a scheme unless it maintains or enhances the character of the Conservation Area.
- The footprint of the proposed building is too large and it will be much larger than any other building in the Conservation Area.
- Buildings of this age were often surrounded by an informal picturesque garden layout with an offset drive. The same characteristic can be seen in adjacent Uplands site. In my opinion the proposed axial approach and the more formal layout of the grounds, particularly on the south front, is inappropriate.
- What is meant by rehabilitation facilities ?
- Could there in future be a conflict with the development of the Uplands Health Centre?
- What guarantee we have we got that the site would not be left to rot and decay for another 12 years if this new proposal were to be accepted ?
- The site requires an Archaeological survey before any building permission is given as historic maps allude to the presence of older buildings than described within the application proposals.

Objectors have been informed of the Planning Control Committee meeting.

Consultations

Traffic Section - No objections.

Drainage Section - No objections.

Environmental Health Contaminated Land - No objections subject to conditions concerning contaminated land.

Public Rights of Way Officer - No objections.

Parks and Countryside - No objections subject to suitable provisions arising as a result of the loss of any existing parkland.

Greater Manchester Police – Design for security - Comments awaited.

United Utilities (Water and Waste) - No objections.

The Coal Authority - No objections.

English Heritage - No objections.

Baddac Access - No objections.

Unitary Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
RT1/1	Protection of Recreation Provision in the Urban Area
EN8/1	Tree Preservation Orders
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN8/2	Woodland and Tree Planting
EN1/1	Visual Amenity
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN6/3	Features of Ecological Value
HT2/4	Car Parking and New Development
TC2	Town Centre Enhancement and Development
CF1/1	Location of New Community Facilities
CF4	Healthcare Facilities
PPG15	PPG15 - Planning and the Historic Environment
PPS25	PPS25 Development and Flood Risk
EN1/6	Public Art
SPD4	DC Policy Guidance Note 4: Percent for Art

Issues and Analysis

There have been previous proposals and approvals for the development of a nursing home on part of the site in the past. The site is within the urban area, has an access already to the highway network and the development can, even with the current allocation of Conservation Area status and allocation of protected recreational land, co-exist within the parkland. The application site is materially different within the current proposals compared to past schemes. The site has extant building on the site and immediate related land is able to accommodate development on the site. However, due to the scale of the scheme now proposed and designation of the All Saints Conservation Area in 2004, further assessment of the proposals against the policies is required to determine the acceptability of the proposals.

Unitary Development Plan Policy EN2/1 - Character of Conservation Areas considers that the Council are especially concerned with encouraging and where appropriate implementing measures, to -

- Retain, replace and restore features of historical and architectural interest,
- Retain, and enhance existing landscape features including trees, parks and gardens,
- Initiate and promote environmental/improvement/enhancement schemes such as landscaping, refurbishment or street furniture, traffic management and pedestrian schemes,
- Remove dereliction and bring unused land or buildings back into beneficial use,
- Prepare and promote design guidelines to ensure sympathetic development.

Policy EN2/2 - Conservation Area Control considers that development within a Conservation Area will only be acceptable if it preserves or enhances the special character or appearance of the area. The policy predominantly looks at how new development is carried out within Conservation Areas, however, one particular point of importance within the policy is that

where demolition is proposed, the contribution of any proposed new building to the character or appearance of the area as compared to the building to be demolished shall be assessed.

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

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

Policy RT1/1 - Protection of Recreation Provision in the Urban Area states that development will not be allowed where it would result in the loss of:

- Existing and proposed outdoor public or private recreation facilities including playing fields, sports grounds, parks and gardens;
- Recreational space within settlements located within the Green Belt;
- Indoor facilities for which there is a recreational need;
- Any other unidentified recreation provision including playing fields, sports grounds, parks and gardens;

Exceptions to this policy may be permitted where:

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

Previous Permissions - The applicant had secured permission for a 50 bed nursing home on a smaller development site than is currently under consideration within this application. There is a conflict in view as to whether that permission had been implemented lawfully and as such its relevance cannot be relied upon. The refusal of a request to renew the permission in 2004 reflected the Council's view that the Conservation Area status required an improved design approach, which would provide the facilities within a structure and development that was considered likely to preserve and enhance the Conservation Area. This application is a result of a revised scheme and increased services to be provided from the development. The amount of development therefore reflects changes in the way health services are provided and in this instance to be developed by a private company.

Existing Building - In terms of Policy EN2/1, the Council has sought the retention of the building and to encourage its refurbishment and to facilitate development opportunities through a commissioned consultant's report to determine how the building could be re-used/extended and together with other alterations, be brought back into beneficial use.

In 2007 Taylor Young were engaged to consider the site's development in the context of national and local planning policies. Their report ('the TY Report') advised that, at that time, the former town hall building had a negative impact on the character of the area but that it was in a viable and repairable condition, and no doubt, with the potential to have a positive impact.

Certain development principles were outlined in the TY Report, two of which were of particular importance - namely (1) that 'alteration and extensions to the building will be the minimum necessary to facilitate implementation of the necessary investment in the re-development in the short-term, while securing its long term future' and (2) 'the scale, massing and design of any alterations and extensions will be proportionate and respectful to the architectural character of the historic building'. The principles also referred to the need to restore the building's basic historic form and fabric, together with accurate restoration of fabric.

In the intervening years since the TY Report the building has deteriorated, has not been fully protected and has now partially collapsed. In line with the TY assessment, what remains, must now have a seriously negative impact on the area's character. The report submitted on the 21/2/11 on behalf of the applicant's structural engineer has finally demonstrated that what remains on site cannot be retained in situ and this is accepted. The report relating to a Conservation Area Consent application for demolition of the remaining building can be seen elsewhere on this agenda under ref 53354 and will fall to be determined on its own particular merits.

Recreational Land - The scheme requires the use of existing protected recreational land to the rear, front and sides of Whitefield House. The land is protected recreational space and under UDP Policy RT1/1, development will not be allowed where there would be a loss of such land. The policy does provide exceptions to this, described above and in this instance, the relevant exception here is where recreation facilities can be retained and enhanced through the redevelopment of a small part of the site. Additional land required comprises -

- at the north which is currently tree covered and comprises an embankment (area 1)
- at the southeast along the frontage (area 4).

Area 1 is a significant area in spatial terms but is currently not readily useable land due to its topography and extensive coverage with foliage and self seeded specimens. As such its value is mainly one of amenity, which in the Conservation Area and park, is of major importance. The other area is closely related to areas that the public use and as such are more prominent and are actively used as well as contributing to the general space and amenity of the parkland.

In order to address this matter, the Council has requested that the applicant enter into a section 106 planning agreement which seeks to compensate for the loss of this recreation land, in planning terms, through a commuted sum, which would enable enhancements to take place within the park by the provision of benches, bins, picnic benches and bays, flower beds, fencing, dry stone walling repairs, footpath improvements connecting Whitefield Park with Hamilton Road Park. The proposed agreement would make provision for a commuted sum of £50,000.00. Following consultation with the Assistant Director of Operations, these requirements are considered the minimum necessary to adequately mitigate for the loss of protected recreation land. However, should the applicant not agree to this measure, there would be no mitigation presented by the scheme to compensate for the loss of protected recreation land. As such, should the proposed agreement not be entered into by the applicant, then there would be a fundamental policy conflict with this application, which would warrant refusal.

At the time of writing this report, the draft agreement was with the solicitors for the applicant and an update on progress will have to be provided within the supplementary agenda.

Other issues relating to whether or not the Council should or should not dispose of land within its ownership is not a matter for the planning process, but for the Assistant Director (Property and Technical Services) to determine in the usual way. That process has its own statutory requirements involving advertisement and invitation of public comment in accordance with open space disposal requirements under Local Government Act 1972. Planning issues centre upon the allocation of land, use of the land involved and if any protected recreation land that is to be lost and the adequacy of mitigation measures proposed.

Impact upon the Conservation Area and Parkland from Development - The development proposal overall has positive and negative points, and the conclusion is very finely balanced. Weighing against the proposal is the loss of the original fabric of the building that was to be retained. There are still issues over the comparative volume, footprint and extent (depth) of the proposed building, which is larger in volume than the application refused in 2004, larger than other buildings within the Conservation Area and its relationship with the rebuilt facade.

There will be some change to the character of the park through the remodeling of the land and the impact of an enclosed private site within it. In favour of the scheme is that, in principle, it is a good and novel architectural solution, which incorporates the rebuilt façade and gives it prominence. It allows the modern element to be set down and blend into the landscape. Its design will have less visual impact than previous options considered, and the 2004 scheme, and it allows some 'blending in' into the background.

The perception of the development from the main areas of the parkland would be of a generally two storey development linking to the front of a rebuilt Whitefield House and then, due to the topography a more limited single storey building at its northerly end. The main bulk and massing would be largely more secluded to the westerly part of the site where there is less public interaction and longer range views of the building would be limited by retained mature trees. The proposed materials will help with this. Taking a broader view in terms of area character, it also directs investment into the park, to add to improvements already begun. The proposals may not be the ideal solution, but it is a practical solution that is on balance acceptable in planning terms, to an outstanding problem that began with disposal of the site by the Council in 1991, and as a result has had a damaging impact on the park and the future of the conservation area since designation in 2004.

The scheme does not conflict with other development proposals within the wider site which have so far been discussed at pre-application stage. The purpose of conservation area control is not to stop development but to require that area character is taken into account when development takes place, and to ensure that no harm results. On balance, and with no objections from English Heritage, it is considered that no significant harm would result from the proposal and that the development would preserve the character and through compensatory measures enhance the Conservation Area.

Design and Appearance - The proposed rebuilding of Whitefield House would comprise a mix of historic bricks and also more modern materials. The approach includes the use of a lime mortar in a method reflecting the original brick and mortar patterns. The roof would be slate to reflect the original. The reconstructed building would have the appearance of a dominating frontal element and the point at which the remaining development to the rear would spring off.

The main nursing block to the rear would comprise predominantly brick with render paneling and vertical window openings. The structure would be flat roofed to minimise its bulk, scale and mass and importantly subservient appearance in relation to the parkland and reconstructed Whitefield House.

There would be a conservatory structure adjoining the reconstructed house, which would be in lightweight materials and would not detract from the overall relationship to the parkland.

It is considered that the proposals reflect a suitably considered redevelopment in relation to the parkland in materials that reflect a heritage approach. As such the development is considered not to conflict with Policies EN1/2 or EN2/2.

Boundary treatments with the Parkland - The proposals show that the northerly, easterly and southerly boundaries would be formed by hedging and a metal railing behind. This design is a simple one and reflective of an appropriate historic approach. The height of the fencing would be circa 1.8m high and made of a simple square bar. There are no visuals of the fencing and a planning condition should be imposed to ensure that this is provided. The design would ensure that the divisions between the parkland and the development are as soft in appearance as possible without forming a harsh and unsympathetic treatment. On this basis this aspect would comply with EN2/2.

Trees - Trees are protected within the Conservation Area and the development area required within the parkland is further protected by a specific Tree Preservation Order. The application proposals are accompanied with arboricultural surveys and reports. The scheme

proposes the loss of 21 trees, which are semi mature species but not of a high grading. These would be replaced within the parkland and woodland on a one-for-one basis and through conditional controls, a woodland management plan would be required for long term maintenance. The landscaping proposals also show the creation of a boulevard of trees along existing pathways and with the provisions of the s106, enhancement of further pathways. Given the above, the scheme would comply with Policy EN8/1.

Access and Servicing - The existing vehicular access is a tight and narrow access road located to the southwest of the site. The proposals show the creation of a new vehicular and pedestrian access from Pinfold Lane to the development. It would be a replacement of the existing access, which would then become redundant and the old access land would revert to parkland use.

The access position would be directly in line with the entrance of the reconstructed Whitefield House and the road would be under the control of the Council but with access rights granted over it to the development.

Plans have been submitted to show that the width of the newly formed access would be sufficient so as not to impact upon traffic flows and this is further qualified within the Transport Statement. It would also be significantly safer than retaining the existing site entrance. The supporting information confirms that the access would be able to accommodate servicing vehicles in their manoeuvring into and out of the site without impacting upon vehicular flows on Pinfold Lane.

The access road would also incorporate a small turning area for maintenance vehicles and would have connections into the remaining footways within the parkland to ensure that public access is maintained.

The Traffic Section have been consulted on all the proposals and supporting documentation and have raised no objections to the proposals on access grounds and it is considered that the development would comply with UDP Policies HT6/1 and HT6/2.

Parking - The scheme has been submitted with a transport statement and travel plan. The site is within a highly sustainable area and has close links to both the wider residential area, bus routes and the Metrolink.

The proposals state that the site would accommodate 60 bed spaces and would include facilities for day care and rehabilitation. The Council's Supplementary Planning Document 11 - 'Parking Standards in Bury' considers that the scale of the development should provide a maximum of 14 car parking spaces. These proposals actually incorporate 16 spaces including 2 disabled parking spaces, cycle provision and space for motorcycles/scooters and therefore meet policy requirements.

The scheme anticipates up to 100 staff to be at the site but on the basis of shift work. As such not all staff would be on the site at any one time and phased changeovers would occur. The site is within a highly accessible area and would provide valued employment for local people in the area. These types of car uses do not generally require significant levels of car parking and the provision is consistent with the Council's Local Transport Plan and PPG13. These documents seek to reduce the reliance upon motor vehicles and the reduction of pollutants and to improve the condition of highway infrastructure.

There are no objections from the Traffic Section on the levels of parking to be provided and given the above, it is considered that the proposals would comply with Policy HT2/4.

Disabled access - Given the nature of the scheme, the issue concerning level access into and out of the building is critical. The proposals would incorporate level access to entrances and for vertical circulation within the building, lifts are to be provided. BADDAC have been consulted and have raised no objections to the proposals.

The access into the site wide would be improved as a result of the newly formed access proposals and this would also connect into the footpath network on Pinfold Lane. There are no severe gradients within the parkland and as such the scheme would comply with Policy HT5/1.

Circulation space within the building and the rooms would be subject to Building Regulation approval and also compliance with National Health Service care governance requirements. They are not material planning considerations, for the purpose of determining this application.

Residential amenity - Existing boundary treatments to the west would be retained although the scheme would require the removal of vegetation to accommodate the new building. Despite this there are two clear areas of impact upon residential amenity to consider.

Parklands is a residential street to the west of the site with two properties in close proximity to the boundary of the site (numbers 5 and 6). 5 Parklands would be the closest property to the northerly and westerly wings of the development. There would be three windows within the closest west wing of the development and a separation of some 8m would be provided. The proposed windows would serve a bedroom, landing and stairwell. In relation to the bedroom, the window would not be the only one to this room and there would be no impediment to conditioning that this window be deleted to prevent overlooking. The remaining landing and stairwell windows can be conditioned to be obscure glazed (condition 15). In height terms, the land levels would mean that the upper or first floor would be above ground level and would therefore have a single storey relationship to 5 Parklands. With the retention of the fencing and a tree close to this boundary, the impact would not be sufficient to warrant a refusal and would be compliant with SPG6 guidance on aspect standards..

In relation to 6 Parklands, this property is more directly to the rear of the health centre. Separation distances would be in excess of 40m with intervening trees retained in and outside the application site and as such there would be no significant impact upon this property.

The other area of impact would be upon properties fronting on to Pinfold Lane. Here the main change would be the creation of a newly formed access to the development and the deletion of the old one. This would have the effect of impacting upon properties that currently are not directly affected by an accessway. The new access would be of sufficient size, such that there would not be a need for significant levels of manoeuvring required and the location and position of the access would be such that it would have the greatest levels of observation for safety considerations. These properties front on to a highway that has vehicles using it throughout the day, and as such it is unlikely that the newly formed access would have any greater impact than these properties currently experience.

The residential property immediately adjoining the access - 4 Pinfold Lane - would have an area of land returned to parkland and thus the potential for disturbance from traffic adjoining this would be removed. The scheme proposes a new car park to the rear of the garden. However, boundary treatments as they are today would remain and be supplemented with additional planting to mitigate concerns of proximity. The fencing at this point is high as it rises up the embankment. This would remain in situ and would be an effective boundary treatment already. The car parking would be some 15m from the boundary itself and some 29m from the nearest corner of the house.

As such, it is considered that there would be no undue impact upon this property arising from the operation of the development.

Ecology - The application is accompanied with an ecology report that has surveyed the building and its surroundings for bats, badgers, greater crested newts or water voles. The survey found no evidence that bats were present and as such, an informative should be placed on any grant of planning permission to confirm that whilst it is unlikely that bats are

roosting within the buildings or trees as with all refurbishment of buildings and removal of trees if a bat is found works should stop immediately and Natural England and a professional ecologist should be consulted.

The ecological report states that the site will be cleared during the bird nesting season, but that they will check the site and trees prior to clearance for birds. This can be acceptable provided that the checks do take place. As such a planning condition should be imposed to secure this process.

Archaeology - There appears to be some doubt as to whether there may be potential for archaeological remains on the site that have not been identified. As such, a condition (18) is suggested to require a watching brief during any construction, which has been agreed with the agent.

Art - Due to the size and scale of the development, the proposals need to make provision for art pursuant to UDP Policy EN1/6 and compliant with its accompanying supplementary planning document. Provision should be up to 1% of the development costs. There are currently no detailed proposals for art and as such, there is a need for a planning condition to be imposed to provide this.

Response to the Objections - All matters are addressed within 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 development on balance would together with conditional controls and the completion and signing of a s106 planning agreement, would provide additional care facilities in the area, within a development that would not have a significantly detrimental effect upon the character of the parkland and St Mary's Conservation Area. The development would not unduly impact upon residential or visual amenity and would provide sufficient parking, access and servicing facilities for the sure. The development would comply with the policies described within this report and further would not detrimentally impact upon the ecology and nature on the site. As such, the development is considered to be acceptable on this basis and 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 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/reports numbered/referenced
Letters and Reports: DLA letters dated 21 February 2011 - Response to Woodland Trust Comments and "Whitefield House"; HY Transport Assessment 10052/January 2011; HY Interim Travel Plan - 10052/January 2011; 9010-018-SCH - Table Revised ScheduleOf Tree Loss and Mitigation; DLA Heritage Statement; Groundsure Desktop Site Investigation Report; JCA Ecological Scoping Report; Construction Phase Health & Safety Plan; DLA Planning Statement; DLA Design & Access Statement; JCA Arboricultural Report 9713/RG as amended by 21 February 2011 DLA letter; Bat Survey by JCA,Waldeck 11-3071 Structural Assessment report.

Plans: 9010-018-003 rev E, 9010-018-004 rev B, 2004-094-10 rev A, 2004-094-20 rev A, 2004-094-21 rev A, 2004-094-22 rev A, 2004-094-23 rev A, 2004-94-30 rev A, 2004-094-31 rev A, 2004-094-40 rev A, 2004-094-41 rev A, 2004-094-42 rev

A, 2004-94-50 rev A, 2004-094-51 rev A, 2004-94-52 rev A, 2004-94-53 rev A, 2004-094-61 Rev A, 2004-094-462 rev A, 2004-094-63 Rev A, 2004-094-700 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. No development shall commence unless and until a sample panel of brickwork (from the materials to be recovered under Conservation Area Consent 53354) and lime mortar, demonstrating the colour, texture, face bond and pointing, not less than 1 sq.m in size, has been erected on site for inspection, and approval in writing, by the Local Planning Authority. Samples of the proposed roofing materials shall also be made available for inspection on site. Thereafter the development shall be constructed in the approved materials and approved manner of construction.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies EN1/2 - Townscape and Built Design and EN2/2 - Conservation Area Control 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. 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..

6. No trees, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before or during the construction period without the previous written consent of the Local Planning Authority.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

7. No development shall commence unless and until:-

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

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

8. Following the provisions of Condition 7 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
9. 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.
10. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
 - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.
- Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
11. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica 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
12. 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.

13. 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.

14. Unless otherwise approved in writing by the Local Planning Authority, no development shall commence unless and until the details relating to a woodland landscape management plan have been submitted to and approved in writing by the Local Planning Authority. The management plan shall relate solely to areas that fall within the applicant's control.

Reason - The scheme would require the removal, replanting or maintenance works to extant trees subject to a tree preservation order. As such the plan is required to ensure that the character and quality of the trees within the Conservation Area still reflects the woodland nature of the site and parkland pursuant to Unitary Development Plan Policy EN8/1 - Tree Preservation Orders.

15. Notwithstanding the provisions of the plan reference number 2004-094-022 rev A, there shall be no windows in the westerly elevation of room 37 located on the first floor; and the landing window within the westerly elevation and stairwell windows in the westerly elevation at first floor shall be fitted with obscured glazing prior to first occupation and this glazing shall remain as obscure glazing whilst they serve the development hereby approved.

Reason - To ensure that there would be no loss of privacy and undue impact upon the residential amenities of the occupant of 5 Parklands, Whitefield pursuant to Unitary Development Plan Policy CF1/1 - Community Facilities.

16. Prior to the commencement of development, details relating to the proposed boundary fencing 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 - In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies EN1/2 - Townscape and Built Design and EN2/2 - Conservation Area Control of Bury Unitary Development Plan.

17. No works shall be carried out to the in relation to the reconstruction of Whitefield House until details of its the brick facings, headers, window frames, mortar tooling and depth, reveal details for windows and reconstruction of the portico have been supplied to and approved in writing by the Local Planning Authority. The work shall then be carried out in complete accordance with those details.

Reason. In order to ensure that the reconstruction of Whitefield House is as authentic as can be achieved using the salvaged materials and pursuant to Unitary Development Plan Policy EN2/2 - Conservation Area Control.

18. No development, building work or demolition shall take place unless and until a desk study and scoping report for a watching brief has been submitted to and approved in writing by the Local Planning Authority. On implementation of development, excavation works shall be carried out in accordance with the approved scoping report unless otherwise agreed in writing by the Local Planning Authority.

Reason. To make a record of buildings and features of archaeological interest pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites of the Bury Unitary

Development Plan.

19. Development shall not commence until details of foul & surface water drainage aspects have been submitted to and approved by the Local Planning Authority. Reason - The current application contains insufficient information regarding the disposal of foul and surface water from the proposed development to be properly appraised at this stage pursuant to PPS25 Development and Flood Risk.

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

Ward: Whitefield + Unsworth - Pilkington Park

Item 02

Applicant: Oak Lodge Care & Nursing Homes

Location: Whitefield House, Pinfold Lane, Whitefield, Manchester, M45 7JS

Proposal: Conservation area consent for demolition of building with recording, removal and storage of south facade (resubmission)

Application Ref: 53354/Conservation Area
Consent

Target Date: 11/01/2011

Recommendation: Approve with Conditions

A site visit by the Planning Control Committee is being arranged for this item at the request of the by the Assistant Director of Planning, Environmental and Regulatory Services.

Description

The former Whitefield Town Hall is located within an area of parkland within the All Saints Conservation Area. The property was formerly used by the Council but was sold to the current owner of the site in 1991. Historically, the property was built some time around 1805, remodelled circa 1857 and became the Whitefield Town Hall in 1894.

The land ownership accompanying the town hall is tightly drawn around the building and also includes the access road from Pinfold Lane.

Since the original sale of the property, there has been a planning permission granted for a 50 bed nursing home, which has not been developed out.

In March 2004 the Council designated a Conservation Area, which includes the site, the parkland, Hamilton Road Park and areas extending along Higher Lane, Pinfold Lane and Church Lane.

Overtime, the property has fallen into a state of disrepair and had begin to fail structurally. This summer, the property suffered a significant element of collapse on its easterly elevation resulting in the building requiring to be partly demolished. At that time Building Control required the erection of fencing to ensure public safety in the vicinity of the derelict building.

This application is seeking retrospective consent for the demolition works that have been carried out and also for the demolition of the remainder of the building. The proposal also includes the mapping of the front elevation, its careful demolition and storage of materials, which are to be incorporated into the proposed redevelopment scheme 53353.

The applicant requests that the remaining demolition be linked to the redevelopment of the site for which a new scheme is in the process of being compiled and has asked that the current remaining building be retained until such time that a planning permission has been granted for the redevelopment of the site.

Relevant Planning History

49732 - Single storey extension at the rear - Approve with Conditions 09/05/2008.

34524 – Extensions to former Whitefield Town Hall and change of use of building to form a 50 bed residential care home – Approved – 7/7/99.

42809 – Renewal of consent 24524 for Extensions to former Whitefield Town Hall and change of use of building to form a 50 bed residential care home – Refused 23/8/04 for the following reasons –

- The proposed development would be detrimental to the character of the building to be retained and the Pinfold Lane Conservation Area by reason of its height, size and design.
- The application and submitted plans contain insufficient information in terms of the extent of demolition and remedial measures to protect the remaining structure to enable them to be properly assessed.

The proposed development requires the demolition of a building, which may provide a habitat potential for roosting bats and other protected species. The application does not provide a full assessment of any ecological potential and as such the proposal would conflict with Planning Policy Guidance Note 9 - Nature Conservation.

53080 - Conservation area consent for demolition of building with recording, removal and storage of south facade - Withdrawn by Applicant 08/11/2010.

53353 - 60 No. bed care home with ancillary clinic/rehabilitation facilities, car parking and landscaping - to be determined elsewhere on this agenda.

Publicity

30 properties including Whitefield Health Centre, 1-23 Pinfold Lane, 195 - 207 Bury New Road, 4 Pinfold Lane, 5 & 6 Parklands, consulted on 20/9/10. Site notice erected on 3/12/10 and press notice published in the Bury Times on 2/12/10.

6 letters of objection have been received as a result of this publicity from E Landey (email), 6 (x2) & 8 Pinfold Lane and from Councillors J Grimshaw and A Audin.

None of the letters relate specifically to the application for Conservation Area Consent and the demolition of the existing building, but rather to the redevelopment of the site as is being considered under 53353. As such the correspondence is referred to within that application.

Objectors have been informed of the Planning Control Committee meeting.

Consultations

Traffic Section - No objections.

Environmental Health Contaminated Land - No objections.

Conservation Officer - It is accepted that there is a need to retrospectively apply for the immediate demolition that has been done already. The proposal to save most material may be impractical and its reuse would not then be a truly historic façade. Repair and retention is still the preferred option from a conservation perspective.

Greater Manchester Police - designforsecurity - no objections.

Unitary Development Plan and Policies

PPS5	PPS5 Planning for the Historic Environment
PPS9	PPS9 Biodiversity and Geological Conservation
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
RT1/1	Protection of Recreation Provision in the Urban Area

Issues and Analysis

Principle - PPS5 considers that all buildings of heritage, whether listed or not, contribute to the built heritage of places and justification should be put forward where a proposal is put forward for its removal. Policies HE6 to 10 provides assessment criteria for proposals affecting heritage assets, including how matters should be considered, supporting information required, the effects of deliberate neglect, enabling development and wider

impacts on Conservation matters.

The building is not listed but is on the Council's draft local List. In addition to this, the Council's management plan for the Conservation Area, which was designated in March 2004, highlights the site and the building to be of importance within the development of the Conservation Area and should, if possible, be targeted for improvement, maintenance and retention.

Unitary Development Plan Policy EN2/1 - Character of Conservation Areas considers that the Council are especially concerned with encouraging and where appropriate implementing measures to -

- Retain, replace and restore features of historical and architectural interest,
- Retain, and enhance existing landscape features including trees, parks and gardens,
- Initiate and promote environmental/improvement/enhancement schemes such as landscaping, refurbishment or street furniture, traffic management and pedestrian schemes,
- Remove dereliction and bring unused land or buildings back into beneficial use,
- Prepare and promote design guidelines to ensure sympathetic development.

UDP Policy EN2/2 - Conservation Area Control considers that development within a Conservation Area will only be acceptable if it preserves or enhances the special character or appearance of the area. The policy predominantly looks at how new development is carried out within Conservation Areas, however, one particular point of importance within the policy is that where demolition is proposed, the contribution of any proposed new building to the character or appearance of the area as compared to the building to be demolished shall be assessed.

In terms of EN2/1, the Council has sought to retain the building, encourage its refurbishment and to facilitate development opportunities through a commissioned consultant's report to determine how the building could be re-used, extended and together with other alterations, be brought back into beneficial use. Despite this, the applicant has sought to press ahead with a nursing home development and the nature of that scheme can be seen elsewhere on this agenda under ref 53353, which needs to be considered on its own merits.

On the start of structural failure, the owner had implemented structural supports to halt the movement of the front elevation but unfortunately, the collapse occurred behind the supported area. Events and circumstances were such that the failure of the building resulted in a significant part of the building collapsing to a point that it is unrecoverable to its former complete state. As such the owner has been forced into removing dangerous elements of the building resulting in the need for formal Conservation Area Consent to cover this action.

The remainder of the building is such that, whilst not currently imminently dangerous to members of the public using the parkland (due to the double row of fencing that has been erected around the site), the building is in danger of further collapse and represents a significant intrusion within the parkland and detrimental in its appearance within the Conservation Area.

It is considered that the retention of the now derelict building in its current state would not be in the best interests of the wider amenity of the area. In terms of retention, given the obvious weakening and failure of the front facade, the removal of supporting structure behind the facade and the amount of work required to retain and repair it, very little of the historic fabric would in fact be left. Therefore a view must be taken over retention and repair against the impact of what is left of the building and how this affects the parkland and wider Conservation Area.

The applicant confirms that the retention of the facade cannot be achieved due to structural failure and as so little fabric is left, the heritage asset has largely gone and so much change and repair would be needed to enable what is left to be a repair, that the historic fabric that would be left is a relatively insignificant remaining element. A structural survey was

submitted as part of the application and confirms this.

On this basis, it is in the interests of amenity that the building should be removed in its entirety. However, the proposals do state that the materials would be retained, cleaned and reused in any future redevelopment subject to 53353 being approved. This report therefore accepts that Conservation Area Consent should be granted and materials stored, whether they are used or not.

As such, the principle of the demolition of the building is considered to be acceptable and there would be no conflict with UDP Policies EN2/1, EN2/2 or HE7 to HE10.

Timing of Implementation - The application is seeking to tie the total demolition of the remainder of the building to the redevelopment of the site, so that one single contract can be issued to remove the building and then continue with a redevelopment of the site.

As there can be no guarantee of a grant or implementation of any planning permission (dependant upon the outcome of 53353), the time taken to implement such a permission may not be a continual contract and as such, it is considered that there needs to be a requirement to carry out the site clearance regardless of any redevelopment proposals given the state of the site and building and current impact upon the Conservation Area.

The dilapidated and ruinous state of the building has reached the point beyond which, the building can be recovered and to ensure that the materials can be reused on this site or any other that are recoverable from the historic fabric, a conditional approval requiring the removal of the building would be a clear and unfettered method of ensuring this.

It is therefore recommended that the consent be granted but conditionally, to require the removal of the building within a period of 6 months from the date of the consent.

Ecology - The application is accompanied with an ecology report that has surveyed the building and its surroundings for bats, badgers, greater crested newts or water voles. The survey found no evidence that bats were present and as such, an informative should be placed on any grant of planning permission to confirm that whilst it is unlikely that bats are roosting within the buildings or trees as with all refurbishment of buildings and removal of trees if a bat is found works should stop immediately and Natural England and a professional ecologist should be consulted.

The ecological report states that the site will be cleared during the bird nesting season, but that they will check the site and trees prior to clearance for birds. This can be acceptable provided that the checks do take place. As such a planning condition should be imposed to secure this 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 demolition of the remainder of the building and subsequent site clearance and remediation would preserve the character of the parkland, the setting and wider Conservation Area pursuant to Unitary Development Plan Policy EN2/1 - Character of Conservation Areas. The demolition works required in this instance only and circumstances involved in this particular case, 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 demolition of the remaining building must be begun not later than six months from the date of this permission.
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed

Buildings and Conservation Areas) Act 1990 and to preserve the character of the parkland, the setting and wider Conservation Area pursuant to Unitary Development Plan Policy EN2/1 - Character of Conservation Areas..

2. This decision relates to drawings/reports numbered/referenced Bat survey by JCA and Structural Assessment Report (11-3071) dated February 2011 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. Following the demolition of the building, the site shall be cleared of all resultant debris, the basement backfilled and compacted with inert non putrescible materials. The site shall then be covered with a topsoil and seeded with a grass finish and the fencing shall be removed from the site unless there is clear contractual evidence provided to the Local Planning Authority to demonstrate that any redevelopment proposals are to continue immediately following the completion of demolition works subject to this application.
Reason - To preserve the character of the parkland, the setting and wider Conservation Area pursuant to Unitary Development Plan Policy EN2/1 - Character of Conservation Areas.
4. Details concerning the storage and cleaning of the materials including the portico, brickwork and slate shall be submitted to and approved in writing by the Local Planning Authority.
Reason - To ensure that the materials become capable of reuse within any future development pursuant to Unitary Development Plan Policy EN2/2 - Conservation Area Control.
5. 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.

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

Ward: Radcliffe - East

Item 03

Applicant: Mr John Lord

Location: Land adjacent to 4 Meadowside Close, Radcliffe, Manchester, M26 4JR

Proposal: Change of use from paddock to domestic garden (retrospective)

Application Ref: 53417/Full

Target Date: 02/02/2011

Recommendation: Approve with Conditions

Description

The application is retrospective and is for a change of use of land to domestic garden. Prior to it being brought into the ownership of 4 Meadowside it was an area of open land that was uncultivated and used for the grazing of horses.

It is bounded by the Marl Pits at Black Lane Site of Biological Importance (SBI) on one side and 1.8m high fences on the boundary of houses fronting Cemetery Road and Sycamore Drive and the other two sides and the garden of the applicant on the remainder.

Relevant Planning History

10/0006 - Change of use of land from paddock to garden. This Enforcement case has resulted in this application.

Publicity

Immediate neighbours at 1 - 15 (odd) Sycamore Drive (Note 1 and 3 Sycamore front onto Cemetery Road) and 1-3 Meadowside Close were written to on the 9th December 2010 and two letters of objection has been received from 15 Sycamore Drive and 79 Becon Drive and the objection can be summarised as follows:

- use has a detrimental impact on protected species in pond adjacent and a 6m buffer strip should be insisted upon.
- the land should be used by all the neighbours not just one property
- other people are not allowed to make their gardens larger

Two letters of support have been received from 1 Meadowside Close and 7 Sycamore Drive and their comments can be summarised as follows:

- The land was previously unkempt and unsightly and when it was used by horses often covered in mud
- The land is now well kept and looks far better

The neighbours who have commented have been informed of the Planning Control Committee.

Consultations

Environmental Health Contaminated Land/ Air Quality Section - No comments

Greater Manchester Ecology Unit - No objections subject to conditions on future use and protection of the SBI.

Unitary Development Plan and Policies

EN6/1 Sites of Nature Conservation Interest SSSI's NNR's
H1/2 Further Housing Development
H2/1 The Form of New Residential Development
PPS9 PPS9 Biodiversity and Geological Conservation

Issues and Analysis

Principle - The main concern is the impact that the change of use of the land has on the habitat of protected species - Greater Crested Newts, in the adjacent ponds together with the impact the change will have on the residential amenity of the neighbouring properties. As such the proposal needs to be assessed against Unitary Development Plan Policies H1/2 - Further Housing development H2/1 - The Form of New Residential Development, EN 6/1 - Sites of Nature Conservation Interest and PPG 9 - Biodiversity.

Ecology - The application site is adjacent to 'Marl Pits at Black Lane Site of Biological Importance (SBI). This SBI covers an area of some 5.7 ha in area and the frontage to this is 20m long. The SBI is designated because it supports an important network of ponds and wetland habitats and because the site supports an important amphibian assemblage including the fully protected species great crested newts and the Biodiversity Priority Species common toad. The application site appears to have been used as a garden for some years and from our own records in 1991 and 2001 the land was shown as paddock with a vegetable patch. The site is immediately adjacent to a pond and a 'buffer strip' of terrestrial vegetation which are included within the boundary of the SBI. The garden (application) site is not included within the SBI, and has never been so, because it is regarded as sub-optimal habitat for amphibians. The pond itself is unlikely to be suitable for use for breeding by great crested newts as it contains fish, but the pond and surrounding habitats (including the garden) may be used by newts for other purposes in any event. Whilst it would be preferable for the land not to be used as a formal private garden, the species is known to occur in gardens and garden ponds in the locality and it is not as commonly found in such places as other amphibian species, probably because it is more dependent on an interconnected network of ponds rather than single isolated garden ponds.

However, the management of private gardens can present threats to great crested newts through, for example, repeated disturbance, construction activities, use of pesticides and 'over-formalisation of vegetation making refuges scarce and therefore making newts more susceptible to predation and bad weather.

In this particular case it can be noted that –

- The application site has never been included as part of the SBI because it is regarded as sub-optimal habitat for use by great crested newts.
- The GM Ecology Unit has no evidence that the use of the area as a private garden over a number of years has caused substantive harm to the special interest of the SBI.
- It is possible for private gardens to be managed in ways that are sympathetic to amphibians
- Returning the garden to its former land use may in itself present threats to great crested newts

As such it is considered that if a condition were imposed requiring a management plan to be submitted and implemented, the impact on the SBI could be mitigated to an extent that the application would be acceptable in terms of its impact on UDP Policy EN6/1 and PPG 9.

Residential amenity - The proposed use is domestic garden and the applicant has agreed to Permitted Development Rights being removed from the land. Given that the property has 1.8m high fences on its boundary and with this condition it is not considered that the proposal has not impacted adversely on the residential amenity of the neighbours and as such accords with UDP H2/1.

Objections - The issues over ecology and impact on neighbours has been covered above. The issue over the shared use of the land and that they have not been able to extend their own garden are not material considerations to this application.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
Having studied the submitted documents especially the independent assessments of the ecology of the site and assessed the use of the site and taken into account any and all representations and consultation responses; it is considered that the proposed development is acceptable because it would not cause demonstrable harm to interests of acknowledged importance and by the introduction of a positive management scheme for the land the habitat of protected species in the SBI adjacent can be properly managed.
There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes E and F of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate development will not take place which could affect the SBI adjacent and to accord with adopted Bury Unitary development Plan Policy EN6/1 - Sites of Nature Conservation Interest and PPG 9 - Biodiversity and Geological Conservation.
2. Within 1 month of the date of this consent a management plan for the land that is the subject of this application shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall show adequate means of managing the land to ensure that there is no further detriment to the protected species that may use the land. The scheme shall then be implemented whilst the land remains in use as domestic garden curtilage.
Reason. To ensure that there is no further detriment to the protected species who may use the SBI adjacent and to accord with the adopted Bury Unitary development Plan Policy EN6/1 - Sites of Nature Conservation Interest and PPG 9 - Biodiversity and Geological Conservation.

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

Ward: Radcliffe - East

Item 04

Applicant: Travel Marketing Services Ltd

Location: Land on Hampson Street, Radcliffe, M26 4TW

Proposal: Residential development - erection of 3 terraced houses with amenity space, on site parking and garages

Application Ref: 53470/Full

Target Date: 06/04/2011

Recommendation: Approve with Conditions

A site visit has been requested by the Assistant Director of Planning Environmental and Regulatory Services.

Description

The site is a car park (363sqm) between the social club to the west and the rear garden of the dwellinghouse at 21 Hampson Street to the east. The frontage onto Hampson Street is approximately 22m. To the south, over the 2m rear boundary wall, is a builder's yard fronting Seddon Street. Across Hampson Street is a row of two storey terraced houses. Hampson Street is a cul-de-sac, predominantly residential in character with no on-street parking restrictions.

It is proposed to construct a block of three two storey terraced houses on the western section of the site with a frontage onto Hampson Street of approximately 13m. The houses would be located at the back edge of the footway and 8.2m deep. The houses would have a conventional design with brick elevations and a pitched roof to a maximum ridge height of 7.7m. Rear gardens would extend 7m from the rear elevation to the rear boundary.

The eastern section of the site would incorporate three garages and a further 2 parking spaces, in tandem formation, in front of each of the garages. This would give a total of nine off-street parking spaces for the three dwellings.

Relevant Planning History

26608 - Erection of Social Club and Car Park - Approved 23/01/1992

31053 - Rebuilding of Social Club and formation of Car Park - Approved 27/07/1995

53161 - Residential Development - 6 Apartments - Withdrawn 6/12/2010.

This application was considered inappropriate on grounds of siting, design and the lack of on-site parking.

Publicity

The following neighbours notified by letter dated 10/02/2011. 1-11, 15, 29 and 31(odd) and 56-16(even) Hampson Street, 18-22 and 28 Water Street(even), Seddon House and 21-35(odd) Seddon Street.

The residents of seven properties have objected to the application -11, 15, 29, 31 and 31a Hampson Street, 23 and 25 Seddon Street. Concerns are summarised below:

- There are already serious parking problems on Hampson Street due to existing housing, the social club and additional development will make matters worse.
- The car park should be retained for use by the adjacent social club.
- Reduction in highway safety due to increasing cars and taxis parking and turning on the street.
- The road is also used as an access to the canal for illegal off road motorbikes.
- The street is narrow and double parking means that there is restricted access for pedestrians/pushchairs/wheelchairs.
- The proposed garages are too small to be used for parking cars.

- The parking spaces are inadequate for the proposed 2-bed houses.
- The proposed garages could be a draw to opportunist thieves.
- Poor design will mean bins are left in the street.
- The car park has not been locked and disused for 4 years. Temporary fencing has only been erected within the last few months.
- The new houses would block light into neighbouring properties and would be overpowering.
- The new buildings would reduce light levels onto the street, especially during Winter.
- Properties across the street would be overlooked and privacy reduced.

One letter of support has been received from PR World Travel who state that attracting new people into the area would have a good impact on local businesses and that the car park is unused and brings the area down.

A further letter of support was received from 16 Hampson St who state that the development would enhance the area.

All representees have been notified of the Planning Control Committee.

Consultations

Traffic Section - No comment to date.

Drainage Section - No objection.

Environmental Health - No comments to date.

designforsecurity - No objection.

British Waterways - No objection.

Baddac - No objection.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/3	Water Pollution
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
PPS1	PPS1 Delivering Sustainable Development
PPS3	PPS3 - Housing
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Existing Use - The car park originally served the adjacent social club, and was acquired by the travel agency, PR World Travel, located around the corner at 18-22 Water Street, to accommodate staff and customer parking. The site was sold to new owners (Travel Marketing Services) in 2006 after which time, the applicant states, the site has not been used for parking by staff or customers. The design and access statement suggests that the travel agency's need for the car park was reduced by the decline in business activity though the reduction in the size of the business and the growth in on-line sales. Currently there are three full time staff at PR World Travel and, with an informal arrangement to park at a local public house, The Last Orders Inn, it is stated that there would be a small but manageable burden on neighbouring streets.

The statement that the car park has not been used for over 4 years is challenged by a resident of Hampson Street who states that the car park has not been locked and secured and was, until recently, used for parking and turning by those using the social club and visitors to residents on Hampson Street. However, this would appear to have been

without the express consent of the owner.

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

The application site is within the urban area of Radcliffe, approximately 400m north of the town centre and as such it is considered that there is adequate infrastructure to support the development. Further, the proposed site adjoins other residential development and the proposal is considered appropriate in land use terms and would not conflict with the surrounding uses.

Subject to compliance with other policy considerations, the proposed development would be in accordance with Policy H1/2.

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

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

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

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

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

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

Design and Appearance - The proposed site is of a sufficient size to accommodate the three terraced houses and garaging without appearing to constitute overdevelopment or be out of character within the locality. The traditional design and appearance of the proposed houses is considered to be appropriate and would not be out of character on the streetscene. The red brick walls and tiled roofs are considered to be acceptable in design terms. In terms of its appearance, the scheme is considered to comply with UDP Policy H2/1 The Form of new Residential Development.

Residential amenity - In terms of siting, the proposed houses follow the urban grain within the area and are in line with the properties to the west. Given the houses are two storey only and situated on the western side of the site, adjacent to the social club it is not considered that there would be any significant loss of light into neighbouring properties and there is no 'right to a view' in planning terms.

Whilst the ground and first floor windows (kitchen and bedroom) in the new houses are only 16m away, across Hampson Street, this is on balance considered to be acceptable given the overlooking is across a public street where privacy is already compromised to a degree and given the kitchen at ground floor level is classed as a 'non-habitable' room within the Council's adopted guidance and is therefore afforded less weight than say a lounge or dining room.

The scheme complies with UDP Policy H2/1 in relation to residential amenity.

Parking and Highway Issues - Adopted guidance suggests a maximum of 1.5 spaces per house in new build development. Although the provision of nine off-street parking spaces (3 per house) is double that suggested by the Council's own guidance, it is considered to be acceptable given the concerns of residents on Hampson Street with regard to parking.

The concerns of local residents with regard to parking problems and its knock-on affect on highway safety are noted. With relation to the concerns about the social club, given that the car park has not been within its control for a number of years, any development on the site would not make the parking situation significantly worse than it is at present. With regard to PR World Travel, although it has used the car park in the recent past, given its reduced need for parking due to downsizing and changes to working practices and the fact that its parking needs would be at its height during the day when there is less demand from residents, it is considered that, on balance, there would be no significant or serious impact on residents parking or highway safety.

In terms of parking and highway issues, the proposal complies with UDP Policy H2/2 The Layout of New Residential Development.

Servicing - Bins would be stored in the rear garden areas with access via pedestrian walkways along each gable.

Contaminated Land - A preliminary risk assessment has been submitted with the application and it is considered that conditions requiring further investigation would be acceptable. In this regard the proposal complies with UDP policies and guidance on pollution control.

Objections - The majority of the objectors are concerned about the potential parking problems and the decline in road safety arising from the loss of the existing car park combined with the traffic generated by additional dwellings.

In response to these concerns the initial layout was amended to push the wider garages back into the site and include three additional car parking spaces on the driveways. Whilst this addresses parking for the proposed houses, it does not address the concerns about the loss of the existing car park. However this is addressed in the above report.

The concerns that the scheme represents overdevelopment and blocks light into neighbouring properties is not supported for the reasons given in the residential amenity section.

Permitted Development - Given the nature of the development and concerns of local residents, it is considered appropriate to remove 'permitted development' rights by condition.

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 proposal is considered to be appropriate within the streetscene and would not have a detrimental impact in residential amenity or highway safety. The proposal complies with UDP Policies listed. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date

of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings numbered 1.01, 1.02, 2.01D, 2.02C, 2.03B 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. Full details of the materials to be used in the external elevations boundaries and hardstanding 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. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
5. 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. 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.

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

Ward: Bury East

Item 05

Applicant: Mr John Pierre

Location: Land to rear of 153 Willow Street, Bury, BL9 7PS

Proposal: Detached garage

Application Ref: 53491/Full

Target Date: 24/03/2011

Recommendation: Approve with Conditions

Description

The site forms part of a garage colony behind the gardens of 153 and 155 Willow Street and is accessed off Shaw Street. There are residential properties across Shaw Street and to the north, fronting Rochdale Old Road. There are garages immediately behind the site accessed from the back street that is rear of 232-236 Rochdale Old Road. The applicant's house is one of a pair of semi-detached houses directly to the east. There is a tree in the rear garden of 153 Willow Street (applicant).

The application follows a previous scheme, approved 20/1/2009. The subsequent garage was built larger than the approved scheme and this application seeks to regularise the building. The detached double garage has a footprint measuring 6m by 6m with a maximum ridge height of 3.4m. The sides would be concrete rendered with a metal profile roof. The main steel door is powder coated white with white Upvc boarding on the gable above.

Relevant Planning History

50555 - Detached Double Garage - Approved 20/01/2009

10/0540 - Erection of a Garage - Enforcement Action which has resulted in this application 21/12/2010.

Publicity

Neighbouring properties at 155 Willow Street, 90 Shaw Street, 232, 234, 238 and 240 Bell Lane notified by letter dated 28/01/2011. One letter of objection from the occupiers of 155 Willow Street who have the following concerns:

- The garage is too big,
 - it takes light from their kitchen,
 - it is an eyesore and,
 - it is built over a footpath.
-
- The objector has been notified of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Baddac Access - No objection.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

Principle -As site is an existing long standing garage colony, the principle of using the land to accommodate a garage is acceptable. The main considerations of this application are therefore the impact of the proposal on highway safety, visual and residential amenity.

Highway Safety - Whilst the garage is larger than the other ones in the colony, it is generally in line with the adjacent single garage facing Shaw Street with a driveway length of approximately 2m from the back of the pavement. The driveway length is acceptable in this location.

Visual Amenity - The design of the garage and finishing materials are typical of that found on a garage colony. It is noted that the garage is unfinished and is still to be rendered and clad. Whilst it is a larger double garage amongst other single garages, it would not be deemed incongruous on the street scene when completed. The proposal in design terms is acceptable and complies with UDP Policy EN1/2 Townscape and Built Design.

Residential Amenity - The proposed double garage has a pitched roof that is higher than the other mono-pitched roof single garages. However given that the separation distances to the surrounding properties are acceptable and complies with UDP policy with regard to residential amenity.

The revised proposal is considered acceptable and conforms to Bury UDP Plan policies EN1/2 - Townscape and Built Design, H2/3 Alterations and Extensions, HT2/4 - Car Parking and New Development and associated guidance.

Objection - Given the distances to the rear elevation of No.155, it is not considered that the garage would seriously interfere with light into the kitchen of this property. The issues relating to size and design of the garage have been addressed above and there does not appear to be encroachment over a footpath.

Summary of reasons for Recommendation

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

The double garage is within an existing garage colony, it is considered to be acceptable in terms of design, siting and its impact on residential amenity. There are no serious highway safety concerns. The proposal complies with policies and guidance listed. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered 20817/03B and 20817/05 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. Within one month of the date of this decision, the garage shall be finished according to the approved plans, to the satisfaction of the Local Planning Authority.
Reason: In the interests of visual amenity pursuant to UDP Policy EN1/2 Townscape and Built Design.

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

Ward: Whitefield + Unsworth - Unsworth

Item 06

Applicant: The Co-operative

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

Proposal: Erection of 2.7 metre high fence around new bin and plant store and air conditioning unit

Application Ref: 53499/Full

Target Date: 14/03/2011

Recommendation: Approve with Conditions

Description

The application site is the former Dragon public house allocated within the Bury Unitary Development Plan as part of a Neighbourhood Shopping Centre. Adjacent is a 3 storey 1970's building consisting of a parade of shops at ground floor and residential flats at first and second floor which are separated from the site by an existing 2.3m high brick boundary wall. To the north are residential properties on Thurston Close which are bounded by a close boarded timber fence and conifer trees. To the east are houses on Chadderton Drive and to the south are properties on Parr Lane.

The application proposes a new external plant and bin store to the rear of the building adjacent to the south western boundary. It would comprise of a close boarded 2.7m high "hit and miss" vertical boarded fence to enclose 3 bins and 2 No. plant condenser units and 1 No. air conditioning unit.

Relevant Planning History

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

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

52374 - Demolition of existing public house and redevelopment to form 348 sq m gross ground floor retail unit with B1 office over and associated works (Resubmission of 52029) - Refused 18/06/2010

52783 - Single storey extension at the rear; removal of bay window at the side; external alterations - Approved 25/8/2010.

Publicity

42 letters sent to Nos 297-329 (odds) Parr Lane; 378-388 (evens) Parr Lane, 129-145 (odds) Randale Drive; 14-22 Thurston Close; 60-70 (evens) Chadderton Drive sent on 18/01/2011.

One letter of objection received from 14 Thurston Close which raise the following issues:

- Disappointed the application shows a retail store;
- No comparative data available to indicate the level of noise reduction due to the enclosure and fence;
- No data available for the wall mounted unit;
- The application is insufficient and lacks information to meet environmental and planning criteria.

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

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health Contaminated Land - No objection

Environmental Health Pollution Control - No objection subject to submission of an additional noise survey report.

Design for security - No objection in principle. The enclosure would be 2700mm high which should deter attempts to climb it.

Unitary Development Plan and Policies

S1/5 Neighbourhood Centres and Local Shops

EN1/2 Townscape and Built Design

EN7/2 Noise Pollution

S2/1 All New Retail Proposals: Assessment Criteria

Issues and Analysis

Siting and Appearance - The proposed bin store and condensers would be located to the rear of the building, adjacent to the boundary with the shops and flats and 7m from the rear boundary with Nos 18 and 20 Thurston Close. The area would be enclosed by a 2.7m high timber fence. There is an existing 2.3m high brick wall along the south western boundary to the shops and a close boarded timber fence and conifer trees along the northern boundary with the houses on Thurston Close.

Given the size and position of the enclosure, the condensers and bins would not be visible from outside the site and would be adequately screened not to have a detrimental effect on the outlook from the adjacent houses.

As such, the proposals comply with Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

Residential amenity - EN7/2 - Noise Pollution seeks to control the location of development which could lead to unacceptable nuisance to nearby occupiers, as does S2/1 - All New Retail Proposals: Assessment Criteria.

The plant equipment would be located within the bin store at the rear of the site. It would be 5m from the adjacent flats, 12m from the rear boundary and 22m from the rear elevation of the nearest house, No 18 Thurston Close.

Condenser units - The units would be housed within an acoustic enclosure. The applicant states that the plant equipment would be installed within a specially designed acoustic enclosure designed to meet the required noise criteria whilst maintaining sufficient airflow to the plant.

Air conditioning unit - This would only operate during the daytime period. The noise survey also states that it is unlikely mitigation will be required to meet the Council's requirements during the day.

However, it is recommended that a condition to submit a survey to determine the daytime ambient noise levels be included as part of an approved application.

As such, the proposals are considered to comply with UDP Policy EN7/2 - Pollution Control and S2/1 - All New Retail Proposals: Assessment Criteria.

Servicing provision - The bins would be accessed by the refuse vehicles from the car park and delivery servicing area. Access to this area is therefore considered to be acceptable and would comply with S2/1 - All New Retail Proposals: Assessment Criteria.

Response to objectors - The issues to do with noise 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 proposed development is considered to be appropriate and would not harm the residential amenity of the immediate neighbours nor effect the visual amenity of the area. There are no highway safety issues.
There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings - 6888 - Site location plan 001 Rev A; Block plan 002 Rev A; Existing and proposed site layout and elevations 003 Rev B; Acoustic enclosure 12066/100 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. Noise from or associated with the proposed activity/development hereby permitted shall not increase the prevailing ambient noise levels as measured at the boundary of the site.
The ambient noise levels shall be determined by survey, by the applicant, to the satisfaction of the Local Planning Authority (LPA) and a copy of the survey report shall be provided to the LPA before any development takes place.
Prior to the development being brought into use, a scheme shall be submitted to the satisfaction of the Local Planning Authority which demonstrates that all fan(s), flue(s) or other mechanical equipment associated with the development are designed such that noise emissions do not exceed NR (Noise Rating) curve 35 (would be NR25 at night) in the nearest residential properties with the windows of those properties open in the normal manner for ventilation purposes.
Reason. To protect the amenities of occupiers of nearby properties pursuant to Unitary Development Plan Policy EN7/2 - Noise Pollution.

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

Ward: Bury East - Moorside

Item 07

Applicant: GHS Care Ltd

Location: Brookdale Residential Home, 5 St Pauls Close, Bury, BL9 6BX

Proposal: Extension to first floor

Application Ref: 53540/Full

Target Date: 29/03/2011

Recommendation: Approve with Conditions

Description

Brookdale is a well established residential care home on Chesham Crescent, having operated from the present site for approximately 22 years. It consists of a large detached building made up of two storey and single storey elements. There is a difference in levels of approximately 1m between the existing single storey element and the lower western boundary adjacent to Chesham Crescent.

To the east are a pair of semi-detached houses (2-4 Lower Chesham) and Lower Chesham Cottage, a Grade II* Listed Building which has an unkempt area of land to the front adjacent to the car park of the site. To the north are residential properties which are separated by an existing access to the properties at Lower Chesham and a 2m timber boarded fence. To the west are industrial warehouses and commercial businesses which are separated by a pedestrian/vehicular access along Chesham Crescent.

The site is accessed off Bell Lane which leads into Chesham Crescent and directly into the car park at the front of the site via a wide entrance way.

It is proposed to add a first floor extension (85sqm) to the north west corner of the building, adjacent to Chesham Crescent. The extension would include four additional bedrooms with en-suite facilities. The extension would tie into the adjacent building and be in red brick with a slate roof to match.

Relevant Planning History

51970 - Extensions to single storey wing - Approved - 10/03/2010.

Publicity

The following neighbours were notified by letter dated 3/02/2011, 2-12(evens) Percy Street, Lower Chesham Cottage, 32 and 34 Chesham Crescent, 2 and 4 Lower Chesham, Chadwick's of Bury, Villiers Street.

One letter of objection has been received from the occupier of 2 Lower Chesham. This property is located to the east of the site but has a driveway running adjacent to the northern boundary and out onto Chesham Crescent. Concerns are as follows:

- There has been too much building on the site,
- the extension would close in the bottom of his driveway and reduce the value of his property.

The objector has been notified of the Planning Control Committee.

Consultations

Drainage Section - No objection.

Environmental Health - No objection.

Conservation Officer - No objection.

designforsecurity - No objection.

United Utilities - No objection.

Baddac - No objection.

English Heritage - No comments to date.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN2/3 Listed Buildings

HT5/1 Access For Those with Special Needs

CF3/1 Residential Care Homes and Nursing Homes

CF1 Proposals for New and Improved Community Facilities

Issues and Analysis

Principle - UDP Policies CF1 - Proposals for New and Improved Community Facilities and CF3/1 - Residential Care Homes and Nursing Homes seek to consider favourably proposals for additional or improved facilities where these do not conflict with amenity or the local environment.

The applicant has submitted a supporting statement which justifies the need for the expansion of the care home. Standards of care have improved over the recent years with new units moving away from the 10 sqm bedroom sizes towards 12-15 sqm bedrooms and en-suite facilities, and the applicant is keen to improve the facilities currently provided, in line with the national guidance. As such, there is a need to invest and build on the existing facilities to improve the quality of care in the local area.

As such, subject to details and the policies below, the proposal is acceptable in principle and complies with CF1 and CF3/1 relating to community and elderly care.

EN1/2 - Townscape and Built Design takes into consideration proposals in terms of external appearance and design, relationship to surrounding area, materials, access, parking and landscaping.

EN2/3 - Listed Buildings has regard to the impact of proposals on the historic fabric and architectural character of these buildings.

Layout and Design - The proposed scheme would appear as a natural extension to the existing two storey wing on the northern boundary. With its red brick walls and slate roof, the current proposal would be in keeping with the existing building and would not appear incongruous on the streetscene.

As such, the design, layout and materials used in the extension are considered to be appropriate for the use and functionality of the care home and would be an acceptable addition to the existing building. The proposals would comply with CF1/1 and EN1/2.

Residential Amenity - The nearest residential properties are those fronting Chesham Crescent (Nos.32/34) some 15m to the north. The side wall facing the proposed extension has a side door and secondary or non-habitable room windows. Given the distance between the extension and these properties, it is not considered that the residential amenities of the occupiers would be adversely affected.

Listed Building - The application site adjoins Lower Chesham Cottage, a Grade II Listed Building. Given that the extension is in the north west corner fronting Chesham Crescent, there would be no significant impact on the setting of this Listed Building. As such, the proposal complies with EN2/3 relating to listed buildings.

Trees - The closest tree to the proposed extension is on the boundary with Chesham Crescent approximately 5m away. It is not considered that the extension would have a detrimental impact on the tree. The TPO trees on the eastern boundary are well away from the extension and are unaffected by it.

Access and Parking - It is not proposed to change the existing access and parking arrangements. There is currently parking for 13 cars, including 2 disabled spaces. The extension in adding four bedrooms to the home, would take the total to 52.

Adopted guidance within the Supplementary Planning Document 11 - Parking Standards in Bury states that there is a maximum requirement of 1 space per 4 bedrooms within residential care homes. The existing parking provision satisfies the maximum requirement and as such is acceptable and complies with policy and guidance.

Objection - The objector states that the first floor extension would enclose the entrance to his driveway and reduce the value of his property.

Given that there is an existing two storey 'wing' along the driveway, the addition of the first floor on a relatively small section would not have a significantly harmful impact on the appearance of this part of the street and in particular on the driveway entrance which has a two storey dwelling on the opposite side. The perceived impact on the value of one's property per se is not a material consideration in the assessment of a planning application. As such the objections from No.2 Lower Chesham are not considered strong enough to warrant a reason to refuse the application.

Summary of reasons for Recommendation

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

The extension would increase capacity at the residential home without serious harm to the visual amenity of the streetscene or surrounding residential amenity. There is no significant impact on the nearby listed building and highway safety is not affected. The proposal complies with UDP policies listed. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered BRH/S1/015B, BRH/PH2/001, BRH/PH2/002A(rev), M/94/BRH/LAND, BRH/BR/010 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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

Ward: Radcliffe - West

Item 08

Applicant: Mrs Frances Rivers

Location: 69 Ainsworth Road, Radcliffe, Manchester, M26 4FA

Proposal: Retrospective application for erection of security fence on three sides of a nursery outside play area (resubmission)

Application Ref: 53579/Full

Target Date: 21/03/2011

Recommendation: Approve with Conditions

Description

The nursery is a two storey red brick end terraced property on the corner of Ainsworth Road and Belgrave Street. The site is surrounded by residential properties and with the exception of the nursery, the frontages along this part of Ainsworth Road are characterised by shallow front gardens and low stone walls at the back of the pavement.

The green steel weld mesh fencing, set behind the existing wall, was erected around the front garden/play area in May last year without planning permission. It is 2m high and runs around the front and side yard areas of the nursery. Previously the front yard/play area had a green chain link fence around it to a height of approx 1.5m.

This application follows the previous refusal for the retention of the full height (2m) fence around the play area on grounds that it would be out of character with the street scene. This revised scheme proposes to retain the fence in its current location but reduce its height to 1.55m around the front play area. In visual terms the fence would extend above the existing stone wall by 600mm. At the side, past the building line, the fence would increase to 2m (as existing).

Relevant Planning History

53136 - Erection of security fence on three side of outside play area (front and side) (retrospective) - Refused 17/12/2010.

Publicity

The following neighbours were notified by letter dated 24/01/2011. Nos.63 -73(odds) and 68-84(evens) Ainsworth Road.

One letter of objection has been received from the resident at No. 67 Ainsworth Road. The concern is that the fence is more in keeping with an industrial unit and not suitable in a residential area.

The objector has been notified of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Baddac Access - No objection.

Environmental Services - No objection.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

CF5 Childcare Facilities

EC4/1 Small Businesses

Issues and Analysis

Safety and Security - Whilst it is recognised that the nursery does require a level of security to ensure safety, the design and height of the existing fence was considered inappropriate in the streetscene. The proposed scheme seeks a compromise between security and visual amenity.

Visual Amenity - Given that the predominant character along this part of Ainsworth Road is high density residential with low stone walls along the frontages, traditional railings would be more in keeping. However, given the proposed reduction in height of the weld mesh fence, it is considered that, on balance, the revised scheme is acceptable in terms of design and character of the area. The proposal therefore complies with UDP Policy EN1/2 Townscape and Built Design.

Residential Amenity - Given that the section running closest to the immediate neighbour at No.67 would be lowered to 1.55m and partially screened behind the existing panelled fencing, the impact on the residential amenity of the neighbour is mitigated to a significant and acceptable extent.

Objection - The concerns of the neighbour have been adequately addressed and it is not considered that there are any valid reasons to refuse the application.

The revised proposal is now considered to be acceptable in terms of security, visual and residential amenity and complies with UDP Policies listed. It is recommended that a condition be attached to any approval that requires the fence be reduced in height within one month.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason for granting permission can be summarised as follows;- The proposed alterations to the fence would improve its appearance on the streetscene to a satisfactory degree whilst providing adequate security for the nursery. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Within one month of the date of this decision the proposed alterations to the fencing shall be carried out according to the approved plans to the written satisfaction of the Local Planning Authority.
Reason: In the interests of visual and residential amenity pursuant to UDP Policy EN1/2 Townscape and Built Design and EC4/1 Small Businesses.
2. This decision relates to revised drawing number 1 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.

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

Ward: Prestwich - Holyrood

Item 09

Applicant: Vodafone UK Ltd

Location: Prestwich AFC, Sandgate Road, Whitefield, Manchester, M45 6WG

Proposal: Prior notification for 15 m high monopole including 6 no. antennae and equipment cabinets to facilitate site sharing

Application Ref: 53607/Telecom
Determination (56 Days)

Target Date: 28/03/2011

Recommendation: Prior Approval Required and Granted

Description

The site is located against concrete fencing next to the football pitch within the complex used by Prestwich Heys Football Club. The site is at a lower level than Sandgate Road.

The surrounding area forms part of an existing recreational area, which is used for a variety of activities. There is a football pitch and associated facilities for Prestwich Heys FC as well as playing fields, tennis courts and permission has recently been granted for the installation of play equipment. At the north eastern corner of the playing fields, there is an electricity pylon, which has telecommunications equipment on it. The playing fields are bounded by residential properties to the south and east. There is an existing hardstanding between the concrete fencing and Sandgate Road, with mature trees along this boundary. There are residential properties beyond Sandgate Road and the M60 motorway is located to the north.

The proposal involves the installation of a 15 metre high monopole with 6 antennae and 2 equipment cabinets. The equipment would be located between the existing 2 metre high concrete fencing and the concrete footpath around the pitch.

The proposed mast would be shared by two operators. One of the operators has existing equipment on the electricity pylon and this would be removed once the proposed installation is working.

Relevant Planning History

36415 - Renewal of consent - portable buildings to house changing facilities, clubroom and store at Prestwich Heys FC, Sandgate Road, Whitefield. Approved with conditions - 18 May 2000.

40331 - Retention of 2 temporary cabins used as changing rooms at playing fields, off Sandgate Road, Whitefield. Approved with conditions - 21 March 2003.

48290 - Retention of changing rooms, store, toilets, clubhouse and fencing; installation of 6 floodlighting columns including resurfacing and landscaping of car park at Prestwich Heys FC, Sandgate Road, Whitefield. Approved with conditions - 21 November 2007.

51313 - Prior approval for replacement of existing equipment cabinet and support unit with new equipment cabin at land off Sandgate Road/St Josephs Avenue, Whitefield. Prior approval granted - 17 June 2009.

53492 - Installation of play equipment at playing fields at Sandgate Road, Whitefield. Approved with conditions - 15 February 2011.

Publicity

94 neighbouring properties within 150 metres of the site were notified by means of a letter

on 2 February and a site notices was posted on 8 February 2011.

3 letters of objection have been received from the occupiers of 21 & 38 St Josephs Avenue, which have raised the following issues:

- Impact upon visual amenity.
- Too close to residential properties.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objections.

National Grid Transco - No response.

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN1/10 Telecommunications

EN7 Pollution Control

RT1/1 Protection of Recreation Provision in the Urban Area

PPG8 PPG8 - Telecommunications

Issues and Analysis

Health issue - Current government guidance (PPG 8) with respect to health risk, states that providing such proposals meet the ICNIRP guidelines, local authorities should not consider those aspects or any concerns about them, any further. In this case, the applicant has indicated that the proposal would meet the ICNIRP guidelines through the submission of a certificate.

Supporting information - The agent has provided a list of 8 sites, including installations on existing buildings and structures, site sharing and installations on greenfield sites. These 8 sites were discounted as either the site would result in network interference, the installation would be visually prominent or the site suffers from vandalism and theft. Sufficient information has been provided to justify the need of the proposed development in terms of improved coverage for the site. Therefore, the proposed development would be in accordance with Policy EN1/10 of the adopted Unitary Development Plan.

Impact upon surrounding area - The proposed development would be located between the existing concrete fencing and the footpath next to the pitch. As such, the proposed palisade fencing and the equipment cabinets would be screened from view to the residential properties. Planning permission was granted for the installation of 6, 15 metre high floodlighting columns around the football pitch. As such, it is considered that the addition of a 15 metre high monopole would not look out of place within the locality. The site is at a lower level than Sandgate Road and the residential properties, which would further lessen the impact.

There would be 68 metres between the proposed development and the rear elevation of the nearest residential property. As such, the proposed development would not have a significant adverse impact upon the amenity of the occupiers of the residential properties.

Response to objectors - The issues raised by the objectors have been addressed in the main report.

Summary of reasons for Recommendation

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

Having due regard to both National and Local Policy, in particular Policy EN1/10 (Telecommunications), it is considered that the proposed development is acceptable in relation to health and safety issues, due to the submission of the relevant certificate under ICNIRP. The proposed apparatus would not be unduly prominent in the streetscene. Therefore, the proposed development is considered to be acceptable.

There are no other material considerations that outweigh this finding.

Recommendation: Prior Approval Required and Granted

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 100 A, 200 B, 300 B and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to commencement of development, details of the exact colour of the mast and related equipment hereby approved shall be submitted to and agreed in writing by the Local Planning Authority.
Reason. In the interest of visual amenity.
4. The existing mast and associated equipment operated by O2 on the nearby electricity pylon shall be removed from the site to the written satisfaction of the Local Planning Authority within 1 month of the mast hereby approved being brought into use.
Reason: In the interests of the visual amenity pursuant to Policies EN1/2 - Townscape and Built Design and Policy EN1/10 - Telecommunications of the Bury Unitary Development Plan.

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

Ward: Radcliffe - West

Item 10

Applicant: Mr Derek O'Hanlon

Location: 237 Bolton Road, Radcliffe, Manchester, M26 3QP

Proposal: Change of use to fish and chip shop/eat in and take away (Class A3 and A5); New shop front

Application Ref: 53617/Full

Target Date: 29/03/2011

Recommendation: Approve with Conditions

Description

The premises is a double fronted shop, currently vacant, with A1 retail use, located on the end of a row of terrace properties fronting Bolton Road. The adjacent property, No 239 is also vacant and has A1 use. The area is predominantly characterised by residential properties with Cams Lane Primary School to the south east of the site.

To the rear of the property is an area for bin storage and beyond is a narrow access road which runs to the rear of the terrace properties on Bolton Street and Higher Dean Street.

In front of the property are white zig zag lines and a pedestrian crossing opposite No 243 Bolton Road. Directly adjacent to the site is a side road, Canute Street which has no parking restrictions.

The proposal seeks to change the use of the premises to a hot food takeaway (Class A5) with eat in facilities (Class A3). There would be a new shop front and additional window on the ground floor side elevation and 1st floor rear elevation. A ventilation flue would be fixed to the rear wall in the middle of the building. Refuse would be stored in the rear yard area. The first floor would be used for storage. Internal renovations have commenced.

Relevant Planning History

10/0529 - Unauthorised development - change of use - 20/10/2010 - No breach established. Internal works undertaken only.

Publicity

40 letters were sent to properties at 2, Harper Fold Road; 92-112 (evens) Higher Dean Street; 239-255 (odds) 258-292 (evens) Bolton Road on 7/02/2011.

Four letters of objection received from 98 Higher Dean Street, 274, 280 Bolton Road and 37 Temple Drive which raises the following issues:

- Welcome the refurbishment of this property but concerned about the parking space in the area.
- Would increase litter, noise, encourage youths to gather and increase anti social behaviour adding to the problems in the area from Bolton Road Park;
- Encourage illegal parking in a difficult area for residents already;
- Cause highway safety problems in terms of parking and visibility;
- There are enough takeaways within a short distance - 3 fish and chip shops a 1 takeaway;
- Another takeaway goes against Bury Council's promotion for healthy living;
- The plans show a new staircase which connects to the adjacent property No 239 which is misleading;
- The plans show the 1st floor of No 239 would be self contained and therefore a noise report should be carried out to assess risk to adjacent occupiers;

- The site is next to a primary school.

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

Consultations

Traffic Section - No objection.

Drainage Section - No objections.

Environmental Health Pollution Control - No objection subject to a condition to confirm adequate fume dispersal.

BADDAC - Seek a leaf & half doors to the 1500mm entrance to ensure wheelchair access into the shop.

Designforsecurity - Recommend the proposed hours are conditioned due to the location of the premises in a primarily residential area..

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/8 Shop Fronts

S2/6 Food and Drink

HT5/1 Access For Those with Special Needs

EN7/1 Atmospheric Pollution

Issues and Analysis

Principle - Unitary Development Plan Policy S2/6 - Food and Drink states that the Council will have regard to the following when assessing proposals for hot food takeaways:

- The amenity of nearby residents by reason of noise, smell, litter and opening hours
- Whether the proposal would result in a over concentration of A5 uses
- Parking and servicing provision
- Provision of the storage and disposal of litter
- The impact of any ventilation flues.

The proposal would bring into use an existing vacant retail unit which would cater for the needs of local people as well as passers by. There would be on street parking in the immediate vicinity and a ventilation scheme to control the dispersion of odours and fumes. There are no other A5 uses within this row of properties.

As such, the proposal is acceptable in principle subject to the detailed considerations below.

Residential amenity - The existing shop is in a predominantly residential area, the nearest houses being immediately adjacent on Bolton Road and at the rear on Higher Dean Street. The character of an A3/A5 use is one which is generally considered to serve local needs although it is also anticipated there would be some passing trade. The use does suggest there would be certain peak times when trade is more likely to increase footfall to the premises. However, the proposed hours are modest, from 11am to 8pm daily, and as such it is considered there would not be significant additional noise and disturbance to the area at times when residents would be at home.

The premises would also cater for people to eat inside. However, there is no reason for this to create any more disturbance than if the premises operated as a takeaway only or would continue the established A1 use.

The objectors are concerned the use would increase numbers of cars to the area, parking illegally and causing highway safety issues. However, there is on street parking available directly adjacent to the premises on Canute Street where there are no houses and there is no reason to assume that customers would either park illegally or outside the local residencies.

Litter is a problem generally associated with takeaways. However, the applicant has stated a bin would be provided for customers within the shop.

The layout plans show the 1st floor would be used for storage and therefore residential amenity issues are not relevant to this issue.

As such, the proposal is considered to be acceptable and would comply with UDP Policy S2/6 - Food and Drink.

Visual amenity - The property is currently undergoing internal renovations and the proposal includes works to improve the existing shop front and replace the roller shutter door on the front entrance with a suitable shop door entrance which would be wide enough for wheelchair access and have a level threshold. The external works would visually improve the appearance of the building and therefore the area in general and would comply with UDP Policy EN1/2 - Townscape and Built Design.

Parking - Development Control Policy Guidance Note 11 requires a maximum of 1 parking space per 8.5 sq m of gross floor area for an A5 use and 1 space per 7 sq m for an A3 use based on public floor area. This equates to a maximum of 7.25 spaces for the proposed floor area of the premises. There is ample parking available on the adjacent side street which could accommodate this number of cars, non of which would be outside any residential properties.

It is also considered that the potential for parking is no greater than it would be for a shop or other uses which fall under an A1 use, and the vacant premises could open at any time which has the potential to re-open and create its own demand for parking.

As such, the proposed change of use would not create a situation which would justify refusal of the application on the grounds of its effects on parking demand and would comply with UDP Policy S2/6 - Food and Drink.

Flue - The proposed extraction flue would be installed in the middle of the rear wall of the building and would be visible from the rear of houses on Higher Dean Street. However, it would be 16m away from the rear elevation of the nearest property, No 92 Higher Dean Street and separated by a rear access road. The applicant has agreed to investigate a method to either enclose the flue or powder coat it to a colour to be agreed, and as such a planning condition to submit these details is considered appropriate.

As such, the proposal is considered to be acceptable and would comply with UDP Policy S2/6 - Food and Drink.

Access - Plans indicate that a door with a leaf and a half opening at 1500mm wide and level threshold would be provided at the entrance. The proposal complies with UDP Policy HT5/1 - Access for Those with Special Needs.

Response to objectors - The issues raised with regards to parking, highway safety and litter have been covered in the above report. Whilst there are other hot food takeaways in the area, it is considered there is not an over concentration of this type of use. There is no reason to assume that the change of use would cause anti social behaviour to the area or encourage youths to congregate. Healthy living issues are not material planning considerations. The internal works to the 1st floor accommodation do not require planning permission and are to be used for storage purposes.

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 change of use would be an acceptable use which would not be detrimental to the amenities of neighbouring residents nor affect the character of the area. There would be no impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered - 1 Existing ground floor; 2 Existing first floor; 3A Proposed ground floor; 4 Proposed first floor; 5A Elevations and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. No development shall commence until a written statement from a competent person has been 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 Bury Unitary Development Plan Policy S2/6 - Food and Drink.
4. The premises shall not be open for customers outside the following times: 1100 to 2000 hours daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink of the Bury Unitary Development Plan.
5. The use hereby approved shall not commence unless or until until a scheme to treat the external appearance of the ventilation flue has been submitted to and approved in writing by the Local Planning Authority. The approved scheme only shall be implemented as part of the approved development.
Reason. In the interests of visual and residential amenity pursuant to Bury Unitary Development Plan Policies S2/6 - Food and Drink and EN1/2 - Townscape and Built Design.

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

