

**BURY METROPOLITAN BOROUGH COUNCIL  
ENVIRONMENT & DEVELOPMENT SERVICES**

**PLANNING CONTROL COMMITTEE**

**15 March 2011**

**SUPPLEMENTARY INFORMATION**

**Item:01 Whitefield House, Pinfold Lane, Whitefield, Manchester, M45 7JS**  
**Application No. 53353**

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

**Section 106 Update**

The applicant has confirmed that they accept the provisions of the s106 Legal Agreement for the enhancement to the remaining area within Whitefield Park as designated as protected recreational space pursuant to RT1/1 of the Bury Unitary Development Plan. The legal agreement is in the process of being signed and on this basis is considered to be settled.

As such the Recommendation remains as Minded to Approve as indicated within the main Committee report with the provisions about the need to complete the agreement within a reasonable time scale still applicable as stated.

**Neighbour Responses**

5 Further letters have been received from 21 Pinfold Lane, Mrs Berman and Mr Bhabuta (no addresses), 58 Dovehouse Close, 31 Livesey Street, as a result of a reconsultation exercise following the receipt of additional information concerning the use, land required for the development and tree information.

In addition to the original report, the following additional matters have been raised:

- The relocation of the access point from Pinfold Lane would devalue property prices.
- Considers that the Transport Assessment should look at additional matters including different vehicle types, frequencies, impact from construction vehicles.
- There is less public monies available for the public sector to support health services provided by the private sector.
- The range of choice for respite care has been restricted considerably due to changes in public funding and referrals to the private sector for respite have reduced due to the vacancies in Local Authority homes which are being filled first.
- Insufficient parking and add to traffic problems.
- Does not wish to face the new access point.
- When the former town hall was sold, future development would be on the footprint of the original building.

**Response:** Public/private provision for health provision in relation to the reliance of finance and need are not a planning matters to consider. There were no planning restrictions in relation to development not exceeding the footprint of Whitefield House. Indeed planning permission had been granted for significant extension to the side of Whitefield House.

The remaining points are dealt with within the main report.

**Condition Amendments**

**Condition 6** is deleted as it is not necessary due to the detailed information on the approved plans, that indicate which trees that are to remain or removed and there are other protection controls including the Tree Preservation Order and Conservation Area status to protect other unaffected trees.

**Condition 12** is to be deleted as there are other controls within the Wildlife and Countryside Act 1981 to protect nesting birds.

**Condition 17 - amend to read:**

The reconstruction of the 'Whitefield House' part of the development shall not commence until details of its the brick facings, headers in relation to the mortar , its tooling and depth, reveal details for windows and window frame sections and openings 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.

**Condition 18 - amend to read:**

No development, building work or demolition shall take place unless and until a desk study and scoping report for an archaeological 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.

**Consultations**

The Highways Section have responded to the proposals and have no objections to the scheme subject to the inclusion of the following conditions -

**Add Conditions**

**20.** The construction of the care home and associated works within the site shall not commence unless and until the new access has been formed onto Pinfold Lane and the redundant access reinstated as indicated on approved plan reference 2004-094/850 and to a specification to be agreed in writing with the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority. All the highway works shall then be fully completed to the written satisfaction of the Local Planning Authority before the development is brought into use or first occupied, unless otherwise agreed in writing with the Local Planning.

Reason - To ensure good highway design in the interests of highway safety pursuant to Unitary Development Plan Policies HT2 - Highway Network, HT6/1 - Pedestrian and Cyclist Movement.

**21.** The construction of the care home and associated works within the site shall not commence unless and until the turning facilities indicated on approved plan reference 2004-094/850 have been provided to a specification to be agreed in writing with the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority. The turning facilities provided shall then be fully completed to the written satisfaction of the Local Planning Authority before the development is brought into use or first occupied and shall subsequently be maintained free of obstruction at all times, unless otherwise agreed in writing with the Local Planning.

Reason - To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Unitary Development Plan Policies HT2 - Highway Network, HT6/1 - Pedestrian and Cyclist Movement.

**22.** The visibility splays indicated on approved plan reference 2004-094/850, shall be implemented to the written satisfaction of the Local Planning Authority before the access is brought into use and subsequently maintained free of obstruction above the height of 0.6m.

Reason - To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Unitary Development Plan Policies HT2 - Highway Network, HT6/1 - Pedestrian and Cyclist Movement.

**23.** There shall be no direct means of vehicular access between the site and Pinfold Lane other than the new access to be formed onto Pinfold Lane.

Reason - To ensure good highway design in the interests of highway safety pursuant to Unitary Development Plan Policies HT2 - Highway Network and HT6/1 - Pedestrian and Cyclist Movement.

**24.** Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development, HT2 - Highway Network and HT6/1 - Pedestrian and Cyclist Movement.

**25.** No construction work shall commence unless and until details relating to the bin store and cycle store have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and both the bin and cycle stores shall be made available for use prior to the development first becoming operable and thereafter be maintained and available for use.

Reason - The application contained insufficient elevation details for these two matters and to ensure that the site is adequately serviced for refuse provisions pursuant to EN7 - Pollution Control and pursuant to PPG13 Transport objectives for sustainable travel purposes.

**Item:02 Whitefield House, Pinfold Lane, Whitefield, Manchester, M45 7JS**

**Application No.** 53354

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

**Amend Condition 1 to read:**

1. The demolition of the remaining building must be completed 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.

**Delete condition 5** as nesting birds are already protected under the Wildlife and Countryside Act 1981.

**Item:03 Land adjacent to 4 Meadowside Close, Radcliffe, Manchester, M26 4JR**

**Application No.** 53417

Change of use from paddock to domestic garden (retrospective)

**Publicity.**

Further comments have been received from the resident at 79 Beacon Drive requesting that a fence is erected on the boundary with the SBI adjacent so as to ensure there is no further detriment to the SBI.

It is agreed that this would protect the boundary and prevent any further extension of the garden area and as such an amendment to condition 2 is recommended to include submission of a scheme for fencing to this boundary.

**Recommendation.**

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 and shall include a permanent boundary to the SBI. The scheme shall then be implemented immediately upon its approval and shall continue to be operated whilst the land remains in use as domestic garden, unless otherwise agreed in writing by the Local Planning Authority.

Reason. To ensure that there is no further detriment to the protected species who may use the Site of Special Biological Interest 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.

**Item:04 Land on Hampson Street, Radcliffe, M26 4TW Application No. 53470**

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

**Additional representations.**

The occupier of No.11 Hampson Street states that until recently there has been an advertising trailer parked on the land, indicating that it is part of PR World Travel (photographs supplied).

The issues relating to the ownership and use of the site has been covered in the main body of the report.

**Additional Consultation replies.**

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

9. The development hereby approved shall not be first occupied unless and until the highway improvements indicated on approved plan reference 1018/2.01 Revision D, incorporating the refurbishment of the footway on the Hampson Street site boundary, construction of new footway crossing and reinstatement of the redundant access to adjacent footway levels, have been implemented to the written satisfaction of the Local Planning Authority

Reason. To ensure good highway design and maintain the integrity of the adopted highway.

10. The footway visibility splays indicated on approved plan reference 1018/2.01 Revision D shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m.

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

11. The car parking indicated on approved plan reference 1018 2.01 Revision D shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied.  
Reason. To ensure good highway design in the interests of road and pedestrian safety.

**Environmental Health** - Concerns about proximity of an established industrial use to the rear. In the event of approval the following condition is suggested.

12. Prior to commencement of development an acoustic attenuation scheme for the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic attenuation scheme shall be implemented in full before use of the residential premises first commences.

Reason. To protect the amenity of the occupants of the premises once the development hereby approved is occupied pursuant to UDP Policy EN7/2 Noise Pollution and PPG24 - Planning and Noise.

**Item:05 Land to rear of 153 Willow Street, Bury, BL9 7PS Application No. 53491**  
Detached garage

Nothing further to report.

**Item:06 The Dragon, Parr Lane, Bury, BL9 8LU Application No. 53499**  
Erection of 2.7 metre high fence around new bin and plant store and air conditioning unit

Nothing further to report.

**Item:07 Brookdale Residential Home, 5 St Pauls Close, Bury, BL9 6BX**  
**Application No. 53540**  
Extension to first floor

Nothing further to report.

**Item:08 69 Ainsworth Road, Radcliffe, Manchester, M26 4FA Application No. 53579**  
Retrospective application for erection of security fence on three sides of a nursery outside play area (resubmission)

Nothing further to report.

**Item:09 Prestwich AFC, Sandgate Road, Whitefield, Manchester, M45 6WG**  
**Application No. 53607**  
Prior notification for 15 m high monopole including 6 no. antennae and equipment cabinets to facilitate site sharing

Nothing further to report.

**Item:10 237 Bolton Road, Radcliffe, Manchester, M26 3QP Application No. 53617**  
Change of use to fish and chip shop/eat in and take away (Class A3 and A5); New shop front

Nothing further to report.

## **Agenda Item 8**

### **Appeal Report - Details of Enforcement Appeal Decisions**

Correction.

The Appeal against the Councils Enforcement Notice requiring the removal of the building was upheld and the building was allowed to remain on site while the adjacent building is being converted to residential use.

However, a Costs Appeal against the Council for taking the Enforcement Action was Dismissed.