

**Ward:** Bury West - Church

Item 01

**Applicant:** Mr M & A Smethurst

**Location:** Adjacent 35 Haig Road, Bury, BL8 2ND

**Proposal:** Creation of ground floor apartment; single storey rear extension and associated parking

**Application Ref:** 53543/Full

**Target Date:** 31/05/2011

**Recommendation:** Approve with Conditions

### **Description**

The application site comprises an arched private passageway beneath a first floor apartment which forms part of a mixed residential development of apartments and mews houses at Haig Court. The archway was an architectural feature of the original development.

The development consists of 2 rows of properties, one row fronting Haig Road and one row located directly behind. There is a communal parking area centrally located within the site which is accessed off Haig Road. The properties are stone built with slate roofs and have a mews style cottage appearance with balcony features and pitched roof ground floor entrance vestibules.

The surrounding area is predominantly residential in character, with a mix of house types.

The proposal seeks to infill of the passageway to create a separate one bedroom apartment. The front elevation would be constructed from reclaimed stone to match the existing frontages, with a new window positioned directly below the 1st floor balcony and a new front entrance door. At the rear, it is proposed to extend the property with a single storey extension which would project 3m in length, 5.5m wide and 3.3m in height, with materials to match the existing building. An additional parking space would be provided to the rear of the property within the formation of the existing car park layout.

The applicant has submitted documentation to confirm there are no rights of way over the proposed site in favour of any neighbouring properties. and has stated that all development would be within their ownership and Certificate A has been completed confirming this.

### **Relevant Planning History**

29290/93 - Residential Development - 19 no. mews houses and flats - Approved 1994

### **Publicity**

25 letters sent to properties at 2-20, 46-56 (evens), 27-43 (odds) Haig Road, on 7/4/2011.

Four letters of objection received from Nos 27, 29, 37 Haig Road and one e-mail with no postal address which raise the following issues:

- The declaration of ownership is incorrect as the development would not be wholly on the applicant's land. The proposal would attach their internal and external walls and access to maintain them would be restricted;
- Allowing the passages to be turned into flats would fundamentally change the character of the development which is a key feature of the development and typical of a mews which is the basis on which people bought the houses. Not to turn into another row of terraces;
- It would result in having 3 neighbours and not just a house on one side and a single flat, which would affect the fundamental nature of their property;
- The stone to be used from the internal passage wall does not belong to the applicant;
- The extension would make the rear of their property more secluded and pose a greater

security risk;

- It is likely they will park on the street rather than park at the rear and walk round;
- The arches would need to be removed which may affect the structure of their property and any permission should provide protection to Nos 33 and 37 to ensure work is carried out safely;
- The passage currently provides a run off for rain and surface water and the extension would increase the flow of water to Nos 33 and 37;
- The application does not take into account the adverse impact on Nos 33 and 37 and the other residents;
- The proposal to have 4 parking spaces is unreasonable;
- There is no provision to have parking spaces adjacent to the central tarmac area of the court constructed in matching block paving;
- The proposal to build a 3m long extension would be unattractive and despoil the appearance of the town houses;
- The removal of the island garden beds would detract from the appearance of the court;
- The proposal would have a detrimental effect on the value of all the other properties on this development.

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

### **Consultations**

**Traffic Section** - No objection subject to a condition to demarcate the proposed parking space.

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

**Waste Management** - No objection.

**United Utilities** - No objection.

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

PPS23	PPS23 Planning and Pollution Control
EN7/2	Noise Pollution
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
HT2/4	Car Parking and New Development
PPS25	PPS25 Development and Flood Risk
RSS 13	Regional Spatial Strategy for the North West

### **Issues and Analysis**

**Principle** - Unitary Development Plan Policy H1/2 - Further Housing Development has regard to factors including the need to direct development towards the urban area, the availability of infrastructure and the suitability of the site in land use terms with regard to amenity and the nature of the local environment and surrounding land uses.

The proposal would be located within an existing residential development and urban area, using existing infrastructure and compatible with the surrounding land use. There would be parking provided within the site and adequate external amenity area.

As such, the application is considered acceptable in principle and complies with UDP Policies H1/2 - Further Housing Development.

**Residential amenity** - The proposal would infill a void area underneath a 1st floor apartment and between two 2 storey residential houses. The area is currently gated and locked and there is no access through for residents from Haig Road to the car park or to houses at the rear. A new entrance to the proposed apartment would be created on the front elevation facing Haig Road, similar to the other properties fronting this road. As such there would be no alteration as to how these properties are accessed.

Whilst soundproofing of the dwelling would be covered under Building Regulations, it is considered prudent to include a condition that a soundproofing scheme be submitted for approval to protect the amenities of the adjacent occupiers.

The proposed extension would project from the rear elevation 3m and be a total of 3.3m in height. Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties states that single storey rear extensions adjacent to the boundary of an attached property should not normally project in excess of 3m. The proposal would comply with this guidance.

As such, the proposal would comply with UDP Policy H2/1 - The Form of New Residential Development and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

**Design and Appearance** - UDP Policy H2/1 - The Form of New Residential Development takes into consideration the height and roof type of adjacent buildings, the impact of development on residential amenity, the density and character of the surrounding area, the position and proximity of neighbouring properties and the materials to be used.

UDP Policy H2/2 - The Layout of New Residential Development considers factors including car parking provision, access for vehicles and pedestrians, density, space about and between dwellings and design for safety and security.

The archway is a relatively unobtrusive feature of the building when viewed in the context of the development. It is at ground floor only and partly screened from view by planting along the front of the development. The view through the arch is limited from Haig Road and the rear of the site, there is no access through for residents and is used as a storage area by the applicant for the above flat. The proposal would result in a 2m wide and 2.2m high infill to the front elevation using the same stone, wooden upvc window frames and entrance door to match the materials and design of Haig Court.

As such, it is considered the proposal would be minor in terms of the amount of area to be infilled. It would assimilate into the development appropriately and would not significantly alter the character of the development. It would comply with UDP Policy H2/1 - The Form of New Residential Development and Policy H2/2 - The Layout of New Residential Development.

**Parking** - It is proposed to provide two parking spaces for the proposed apartment to the rear of the apartment within the curtilage of the site. Whilst this would necessitate the removal of the island garden beds, the parking area would be in line with the existing car park to provide continuity visually. It would also comply with the parking standards in Development Control Policy Guidance Note 11 - Parking Standards in Bury.

**Drainage** - One of the objector's has raised the issue of how drainage and surface water run off would be treated should the passageway be filled in by the new apartment. The application does not contain any details of a drainage scheme or how surface water and run off would be dealt with. As such, a condition has been included which requires a drainage scheme to be submitted prior to commencement of the development.

#### **Response to objectors -**

- The applicant has signed Certificate A which states all development would be in their ownership. The extension would not encroach on the adjacent properties and no contrary evidence has been submitted by any of the objectors concerning land ownership. Works to the party wall would be considered under Building Regulations. As such, there is sufficient information to enable the Local Planning Authority to entertain the application and to determine it.
- The submitted plans shows there would be one parking space allocated for the proposed one bedroomed dwelling. This complies with the maximum standards for

parking provision. Parking is proposed in this area of the site as it would not have an impact on existing provision. It would necessitate the removal of the planting bed which would be the responsibility of the applicant.

- The proposed extension would not be the only addition to a property on this development as a conservatory has been built on the rear of 3 of the houses which were deemed to be permitted development due to their size and position.
- The proposed extension would extend no further than 3m, the eaves height would not exceed more than 3m and as such would be permitted development.
- Impact on house values are not a material planning consideration of the application.
- A condition has been included to submit a drainage scheme to be approved in writing by the Local Planning Authority.

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

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

The proposed development would be in keeping with the character of the area and would not have a detrimental impact on the amenity of the neighbours or character of the area. The scheme includes adequate parking provision and will not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered F4130 - dwgs nos 2/10A/11 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Any soil or soil forming materials brought to site for use in 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.
4. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 -

## Planning and Pollution Control.

5. A comprehensive construction design shall be incorporated into the proposed building to prevent the ingress of landfill gas or ground gas, to be agreed in writing with the Local Planning Authority before work commences, and;  
A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.  
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flat, and the party walls between the 2 adjacent properties, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.  
Reason. To protect the residential amenities pursuant to Bury Unitary Development Plan Policies H2/1 - The Form of New Residential Development and EN7/2 - Noise Pollution.
7. The new and reallocated car parking spaces indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the dwelling hereby approved being occupied.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
8. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme only shall be completed in accordance with the approved plans prior to occupation of the new dwelling hereby approved.  
Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal pursuant to Unitary Development Plan Policy H1/2 - Further Housing Development and Planning Policy Statement 25 - Development and Flood Risk.

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

**Ward:** Bury East

Item 02

**Applicant:** Mr Harry Khan

**Location:** York Street Mill, York Street, Bury, BL9 7AR

**Proposal:** Conversion, extension and refurbishment existing mill building to create 24 self-contained apartment dwellings with associated rooftop amenity space and fire escape provision by external staircases

**Application Ref:** 53629/Full

**Target Date:** 24/06/2011

**Recommendation:** Minded to Approve

**This application is Minded to Approve subject to the completion of a s106 agreement relating to Provision for off-site recreational pursuant to Unitary Development Plan Policy RT2/2 Recreation Provision in New Housing Development and H4/1 - Affordable Housing. 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.**

#### **Description**

The application site comprises a former mill building fronting on to York Street close to Rochdale Road in Bury. The building is three storeys high and is sited close to the back edge of the footpath along York Street and Croft Street.

The building in more recent times has been used for the retail sale of furniture but this operation has scaled down and is concentrated on part of the ground floor only. The remaining ground floor is used by a bathroom retailer/installer. The upper floors are vacant.

The area is predominantly commercial in nature, but there is a small pocket of residential terraced dwellings on Fletcher Street to the northwest and a waste transfer station to the north. There are commercial works to the east of the site and shops to the south. Across York Street is a small area of vehicle workshops.

The application is seeking to convert the two floors above the retailing, and to create a new rooftop extension all into residential use. The scheme would provide for 24 apartments of one and two beds. The scheme would create 12 parking spaces within the building on the ground floor, accessed from Croft Street. Pedestrian access would be from York Street and to the rear of the site would be an area for the storage of refuse and waste, which would have a direct route for emptying off Queens Street. Two emergency stair towers would be constructed from the upper floors to the first floor on the easterly elevation. Amenity space would be provided at roof level.

#### **Relevant Planning History**

52400 - Change of use of first floor from retail (A1) to snooker club (D2). - Approve with Conditions 12/05/2010.

#### **Publicity**

39 neighbours including properties on York Street, Rochdale Road and Fletcher Street were notified by letter on 29/3/11. A press notice was placed in the Bury Times on 7/4/11 and a site notice was put on the site on 18/4/11.

As a result of this publicity, there have been three objections and a comment received. The objections are from 31 Fletcher Street, Noor ul Islam Mosque, 115 Rochdale Road who

consider that the scheme (as originally submitted without car parking) would exacerbate the parking situation in the vicinity of the site but have no objection to the conversion to residential.

The respondents have been notified of the Planning Committee meeting.

### **Consultations**

**Traffic Section** - No objections.

**Drainage Section** - No objections.

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

**Pollution Control** - No objections.

**Conservation Officer** - Mill buildings are becoming rare, and this one has some merit in terms of its main elevations. The works proposed would help to pull together elevations that have been abused over recent years and will benefit from the removal of a range of additions/alterations. The new works are suitably industrial in design and treatment.

**Greater Manchester Police - designforsecurity** - The lack of secured off street parking is a concern, but has since been addressed. There needs to be physical measures put into place to ensure that access is secure.

**Chief Fire Officer** - No objections.

**Waste Management** - No objections.

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

EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
TC2/1	Upper Floors
HT5/1	Access For Those with Special Needs
EN1/7	Throughroutes and Gateways
H1/2	Further Housing Development
H4/1	Affordable Housing
EN1/5	Crime Prevention
SPD11	Parking Standards in Bury
HT2/4	Car Parking and New Development
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD5	DC Policy Guidance Note 5: Affordable Housing
RT2/2	Recreation Provision in New Housing Development
HT6/1	Pedestrian and Cyclist Movement
H2/2	The Layout of New Residential Development

### **Issues and Analysis**

**Principle** - The site is located within the east area of Bury, where the Bury But Better policy guidance seeks to encourage regeneration initiatives, including the use of upper floors for residential purposes. UDP Policy TC2/1 also actively encourages the use of upper floors to ensure that areas are active and that vacancy and dereliction remains limited.

Policy H1/2 - Further Housing also encourages residential development and seeks to direct it towards the urban areas. The proposals would help to secure the long term occupancy of the building and given its close proximity to the town centre, the site is a highly sustainable one.

The use of upper floors, particularly in a former mill building is often difficult to secure occupancy by a commercial venture, due to the lack of storage, logistics of manoeuvring goods up to the space and the lack of servicing on the ground floor. This proposal would achieve good levels of occupation and parking in underused areas within the building, together with storage space.

Levels of amenity can be achieved through constructional measures that would be incorporated into the development and as such, the proposals are considered to be acceptable in principle.

**Elevations and Design** - UDP Policy EN1/2 seeks to ensure that all developments meet high standards of design. EN1/7 - Throughroutes and Gateways ensures that development that are located on key access points into the town are of a high quality and high standard of design.

The building has been occupied by commercial uses in the past and the general appearance of the building is tired, worn and there has been little consideration of advertisement location on the building, that have benefited from deemed consent. This proposal is seeking not only to convert the building but also includes a package of elevational improvements including the removal of render, advertising, brickwork cleaning, window replacement and the removal of the telecommunications equipment. All of these measures would ensure that this former mill building would have a significantly improved appearance, which is particularly important given the recent investment into the town centre and the prominent location of this building.

The window frames that are damaged would be replaced by narrow section metal frames, which were typical of a building of this era, to maintain an appropriate historic feel to the building. The rooftop area would be developed through the introduction of a lightweight additional storey in a modern zinc cladding, which would be set back from the main parapet. These measures would ensure that the extension would appear subservient to the main building and would be of an acceptable bulk, scale and mass.

**Residential Amenity** - The scheme includes additional windows on the corner gable of the building fronting on to York Street and the provision of an outdoor amenity area at roof level at the corner of the building next to the York Street/Croft Street junction.

The windows would have a view looking down Fletcher Street but given the siting of the terraced houses on Fletcher Street, the new windows would not have a direct view of existing habitable room windows. Their relationship to the new windows would be an oblique one.

In terms of the rooftop amenity area, there would be a gable wall of the mill that encloses the area and as such, there would not be a direct outlook to the street from this area that would cause any undue impact upon existing residential amenity. As such the proposals would not conflict with H2/2.

**Parking** - UDP Policy HT2/4 seeks new development to make provision for parking and servicing within new development. SPD11 - Car Parking Provision within Bury, provides more detailed guidance for parking including determined maximum standards of parking for development proposals.

As originally submitted the scheme did not include any car parking provision. However, in response to comments made by Officers and third parties, the scheme has since been amended to incorporate 12 parking spaces. The spaces would be accessed off Croft Street through a newly created opening in the northerly elevation. This access would also double up to provide level disabled access into the building, which otherwise could not be provided.

The spaces would be provided in an area of the building that is currently underused and is used for general adhoc storage. The building can readily accommodate 12 spaces including provision for a disabled parking space.

The SPD considers that in high access areas, 1.5 spaces should be provided as a maximum for residential developments. This proposal would not exceed this provision. Indeed given the highly sustainable location of the development, the provision proposed is considered to be sufficient and there would be no conflict with policy on this point.

**Disabled Access and Lifetime Homes** - Policy HT5/1 - seeks to ensure that development make provision for those with special needs in terms of access. The building currently is



accessed from York Street and due to the difference in levels from the pavement, there is only stepped access. As a result of the amendment to incorporate parking into the scheme, the access from Croft Street is level and it is at this point that suitable pedestrian access can be achieved and is provided for.

The building's upper floors are accessible to disabled as the scheme provides for a lift access, that meets appropriate Building Regulations. The scheme provides for the requirements of lifetime homes, including suitable circulation space, ambulant stairs, wide door openings, and general internal layout. The only element that does not relate to areas where mezzanines are provided in five of the units. BADDAC have been consulted on the proposals and welcomes the scheme and its provision and accepts that good efforts have been made to provide for Lifetime Homes. As such, there would be no conflict with HT5/1.

**Relationship with Commercial Floorspace and Other Surrounding Uses** - UDP Policy EN7/2 seeks to ensure that developments are not unduly noisy or affected by noise. The scheme states that it will be compliant with Part E of the Building Regulations which includes appropriate levels of insulation between areas to minimise the passage of sound. As the building's internal fabric and spaces are architecturally detailed, a planning condition should be imposed to ensure that the scheme that is implemented maintains some of the important historic aspects of the building fabric, whilst still providing appropriate levels of protection from noise transference.

The design and layout of the development has been such that the upper floor rooftop extension is single aspect so that their outlook is minimised over commercial areas. There is a concern that some of the neighbouring properties and uses would have a detrimental impact upon the occupants of the mill, particularly those facing Croft Street (that would overlook a waste transfer business), and those above the commercial car uses on Croft Street. To ensure that the amenity of the new occupants is achieved and to ensure that the continuance of the commercial uses are not compromised, it is suggested that a planning condition be imposed to require a forced ventilation scheme to be submitted, which will enable appropriate levels of air exchange within the building without the need to rely upon opening windows.

It is considered that with these measures, and following confirmation of this approach with Environmental Health Pollution Control officers, appropriate levels of protection can be installed without conflicts of incompatible uses occurring through the imposition of a planning condition.

**Crime and Security** - The scheme has been submitted with a Crime Impact Statement, carried out by the Police's designforsecurity team. The report is largely supportive of the scheme but does make some recommendations concerning the detailed design of the layout of the internal spaces and other security features.

The two main areas of concern centres upon the lack of private parking and potential conflicts of shared access to the residential access cores from the entrances into the commercial space on the ground floor. The Police recognise that this site is within a highly sustainable location and that parking provision may not be seen as a key requirement. However, they state that it is probable that some occupants will most likely be car owners and the security of vehicles should be considered. This issue has been and is considered to be resolved as described above in this report.

The second area concerns the shared entrance lobby. The layout is such that the main lobby can easily be segregated off from the commercial uses as the commercial uses already have separate entrances. This amendment has been incorporated into the proposals and provides suitably controlled secure entry to the residential element of the scheme. This issue has been and is considered to be resolved as described above in this report.

**Amenity Space** - UDP Policy RT2/2 requires residential development to make provision for

open space. Below 50 units, the policy allows for provision to be provided by commuted sum. The building provides for limited open space provision but does have rooftop amenity space for informal recreational use for the apartments. In addition to this, the development is accompanied with heads of terms for a commuted sum for £10,946.88 for off site provision in accordance with the policy and SPD1.

**Affordable Housing** - UDP Policy H4/1 makes provision for affordable housing to be sought from new residential developments exceeding 15 units. The scheme includes this provision with a range of units identified throughout the building. 6 units would be affordable, which would be an appropriate level for the development and meet policy requirements and comprise 3 No. 1 bed units and 3 No. 2 bed units throughout the development. This provision would be ensured through a s106 agreement.

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

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

The development would bring existing vacant upper floor areas into use within a building that is in need of significant investment and regeneration. The scheme would provide for parking to meet the requirements of the development and policy, together with issues to ensure crime and disorder are minimised, that affordable housing and off-site recreation provision would also be provided for and appropriate levels of amenity and commercial viability is maintained through conditional controls. The development would comply with Unitary Development Plan policies 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 numbered 10/172 - 01, 10/172 - 02, 10/172 - 03, 10/172 - 09 rev J, 10/172 - 10 rev D, 10/172 - 11 rev B, 10/172 - 12 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples and specifications of the materials to be used in the external elevations including gating, window and door frames, fire escape staircase and repair brickwork shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The car parking and the provision of the spacing to provide appropriate turning facilities, as indicated on the approved plans shall be surfaced, demarcated and made available for use before any of the residential units are first occupied. The parking provision shall remain available for the residential use hereby approved, be used solely in connection with the residential conversion of the building and shall not otherwise be developed, closed off or partitioned to provide for less than the 12 spaces as shown on drawing number 10/172-09 rev J.  
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.

5. No development shall commence unless and until a scheme to provide independent forced ventilation to the residential apartments has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and made available for use before any of the residential apartments are first occupied.  
Reason - To ensure that there is ventilation available to the residential units without the need or reliance upon openable windows, which would otherwise render the residential units unacceptably affected by surrounding non residential uses to the detriment of residential amenity and the impinging upon existing commercial operations in the immediate vicinity of the site pursuant to Unitary Development Plan Policy EN7/2 - Noise Pollution and H2/2 - The Layout of New Residential Development.
6. The sound insulation of the party walls and floor/ceilings shall be improved in accordance with the method outlined in the Building Research Establishment Digest 293 (or similar method), the details of which shall be submitted to and approved by the Local Planning Authority and implemented prior to the occupation of the flat.  
Reason. To reduce nuisance from noise to the occupiers of the proposed dwellings and commercial uses within the building pursuant to Unitary Development Plan Policy EN7/2 - Noise Pollution.
7. No development shall commence unless and until measures to provide for security at the entrance to the building from York Street and the car park entrance from Croft Street have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before any of the apartments hereby approved are occupied.  
Reason - To ensure that levels of security and protection are incorporated into the scheme pursuant to Unitary Development Plan Policy EN1/5 - Crime and Design and its associated Supplementary Planning Document SPD3 - Planning Out Crime.
8. The provision for waste and the storage of refuse and the replacement gates to Queen Street shall be implemented and made available for use before any of the dwellings hereby approved are occupied and thereafter be maintained.  
Reason - To ensure that waste and refuse is provided for for the residential conversion pursuant to H2/2 - The Layout of New Residential Development.
9. The elevational treatments including the clearing away of advertisements, removal of render, brickwork repair and window repair/reinstatement and window frame repair/replacement shall be carried out in accordance with the approved drawings in full before any of the residential units are first occupied.  
Reason - To ensure that the building is repaired to the approved level of finish pursuant to Unitary Development Plan Policies EN1/2 - Townscape and Built Design and EN1/7 - Throughroutes and Gateways.
10. The opening in the building shall be fitted with a roller shutter door or a similar approved type which does not project outwards at any time during or after operation to the written satisfaction of the Local Planning Authority and shall thereafter be maintained as such.  
Reason - To ensure that there are no conflicts between the operating opening door and pedestrians using the footway pursuant to Unitary Development Plan Policy HT6/1 - Pedestrian And Cyclist Movement.

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

**Ward:** Bury East - Redvales

Item 03

**Applicant:** Ms Yasmin Sharif

**Location:** 201 Manchester Road, Bury, BL9 9HL

**Proposal:** Installation of new shop fronts to include 'open mesh brick bond type' roller shutters

**Application Ref:** 53742/Full

**Target Date:** 23/05/2011

**Recommendation:** Approve with Conditions

### **Description**

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

The application is for new shop fronts on the ground floor to the Manchester Road and Parkhills Road frontages. The shop front is of 'traditional design' and will be constructed of timber. They also incorporate 'open' style security shutters and the existing doorways to the former public house.

### **Relevant Planning History**

53436 - Change of use and external alterations to former public house to form 3 retail shops (A1) and 1 cafe (A3) / hot food take away (A5) on ground floor and 4 flats above. - Refused at the Planning Control Committee on the 16/02/2011 and is now subject to an Appeal to the Planning Inspectorate.

### **Publicity**

18 immediate properties at were notified on the 29th March 2011 at 2-4, Parkhills Road, 192, 194, 203, 205, 205A, 205B, 207, 209, Parkhills Car Centre, Staff of Life and Stanley Conservative Club, Manchester Road as well as the Fishpool Residents Association. As a result of this publicity a petition objecting to the application has been received signed by 27 residents of Heaton Fold objecting to the application and these objections can be summarised as follows:

- Too many takeaways in the area already
- Insufficient parking and servicing will led to highways hazards
- Intensification of the use on the site will be detrimental to the use of Heaton Fold and particularly restrict the residents access to the road
- There is no need for more shops
- The area is residential

The petitioner has been notified of the Planning Control Committee meeting.

### **Consultations**

**Baddac** - No objections

**designforsecurity** - No objections

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

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

EN1/7 Throughroutes and Gateways

EN1/8 Shop Fronts

HT5/1 Access For Those with Special Needs  
S1/4 Local Shopping Centres

### **Issues and Analysis**

**Shop fronts** - These need to be assessed against Policy EN1/8 - Shop fronts as well as EN1/5 - Crime Prevention and HT5/1 - Access for those with special needs.

The proposed new shop fronts are of a traditional timber design. The general detailing and layout relate well to the ground floor of the building and the retention of the existing doorways to serve the retail activity is welcomed.

The new shop fronts incorporate 'open mesh' type roller shutters for night time security. The new doorways are fully accessible for people with disabilities. As such in principal they comply with the requirements of UDP Policies EN1/5 and HT5/1.

The standard of design and detailing of the shop fronts is of a high standard and better than many of the other shop fronts in the Parkhills Local Shopping Centre. Subject to a condition requiring full details of the method of construction and colour of the shop fronts it is considered that they will comply with UDP Policy EN1/8.

**Objections** - The objections raised in the petition relate solely to the use of the site and no comments are made about the design or impact of the shop fronts of recognised planning matters.

The principle of retail use at ground floor is accepted in legislation and does not require planning permission. The change of use from a pub (Use Class A4) to retail use (A1 - shop or A3 cafe) is accepted as not needing permission within the General Permitted Development Order. As such the use of the ground floor for a shop or shops is not a consideration within the terms of this application. In March 2011 the Council received a letter from the Rt Hon Greg Clark MP following the Chancellors statement reminding Councils that economic growth was important and the Councils should support growth and should wherever possible say 'yes' to development, except where this would compromise the key sustainable development principles.

The only consideration is that of whether or not the new shop fronts are acceptable in terms of their design, how they relate to the building and streetscene, that they are accessible for people with disabilities and provide an adequate level of security. In this case all of these requirements are met and as such the objections cannot be substantiated.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-  
The proposal involves the installation of shopfronts to a former Public House in a Local Shopping Centre. The proposal will have no greater impact on the character of the building or the area than the existing frontage and will ensure the future use of this prominent building on a Gateway into the town centre of Bury and as such complies with unitary development plan policies. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings numbered 06C, 07B, 08D, 09C and 10 together with the design and access statement and the development shall not be carried out except in accordance with the drawings hereby approved as amended by condition 3 below.

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

3. A detailed schedule of the construction details and materials to be used for the external alterations, including the new shop fronts and doors, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials and methods of construction specified shall be used for the completion of the building works.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies EN1/2 - Townscape and Built Design and EN1/8 - Shop fronts of Bury Unitary Development Plan.

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

**Ward:** Bury East

Item 04

**Applicant:** Thornfield Properties (Bury) Ltd

**Location:** The Rock Marketing Suite, Derby Way, Bury, BL9 0NJ

**Proposal:** Change of use of marketing suite to mixed use (comprising A1, A2, A3, A5 and B1 uses)

**Application Ref:** 53761/Full

**Target Date:** 12/05/2011

**Recommendation:** Approve with Conditions

### **Description**

The site is located between the Moorgate PCT building and the car park associated with the Moorgate Retail park. The site fronts onto Derby Way and is level, although slightly elevated to the street.

Planning permission was granted in December 2008 for a temporary two storey building for use as a marketing suite for the nearby Rock development. The building is 6.15 metres in height and is constructed from a mix of materials. The building was temporary as it was envisaged that the building would be used as a marketing suite for the apartments at the nearby Rock development and as such, a future use was not foreseen. The building is of a permanent construction and it's internal layout reflects the layout of two of the apartments. The site is accessed through the Moorgate PCT car park and contains a small car park of 6 spaces.

The proposed development involves the change of use of the building to the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurant and cafes), A5 (hot food takeaways) and B1 (business). This would allow the building to become more attractive to potential investors although due to the scale of the building it is likely that only one end use would be brought forward.

### **Relevant Planning History**

50608 - Erection of 2 storey marketing suite, including two show flats, with associated parking and landscaping for a temporary period of 5 years at The Rock Marketing Suite, The Rock, Derby Way, Bury. Approved with conditions - 15 December 2008

### **Publicity**

5 neighbouring properties (Comet, KFC, Moorgate Retail Park, Bury Fire Service, Moorgate Primary Care Centre) were notified by means of a letter on 18 March and a site notice was posted on 25 March 2011.

Two letters have been received from Medic X, 5 Godalming Business Centre and Bury Primary Care Trust, which have raised the following issues:

- Concern about litter and vermin in the area.
- The PCT confirms that the car park is private land over which the application site has a right of access. The proposed development should not rely upon the use of this parking area.
- The proposed uses would increase the strain on parking, which is of short supply and of vital importance to the medical centre.
- The proposed uses would intensify the access onto Derby Way.
- The proposed uses may extend opening hours into the early evening.
- The proposed uses may result in the congregation of individuals around the car park.

The objectors have been notified of the Planning Control Committee.

## Consultations

**Traffic Section** - No objections, subject to the inclusion of a condition relating to car parking.

**Drainage Section** - No objections.

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

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

**Waste Management** - No response.

**Design for security** - No objections.

**Baddac Access** - No comments.

**Fire Officer** - No objections.

## Unitary Development Plan and Policies

EC5/1	Office Development in Bury Town Centre
EC6/1	New Business, Industrial and Commercial
EN1	Built Environment
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
S1/1	Shopping in Bury Town Centre
S2/1	All New Retail Proposals: Assessment Criteria
S2/6	Food and Drink
S3/1	New Retail Dev Opportunities Within or Adj Town Centres
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
Area	The Rock/Moorgate
BY8	

## Issues and Analysis

**Principle** - The existing marketing suite is of a permanent construction and as such, there would be no concerns about the structural integrity of the building. The building maintains an active frontage to Derby Way and the choice of materials and design would match that of the nearby Rock development and the PCT building. As such, the building is well design and would not be a prominent feature within the streetscene.

The proposed site is located close to the town centre and is in close proximity to the recently opened Rock development. The proposed uses would be appropriate within a town centre and would bring a vacant building back into use. The proposed uses would not conflict with the surrounding area, would be accessible by public transport and would not lead to an overconcentration of hot food takeaways or food uses in the immediate vicinity. The issues of highway safety, parking and impact upon the amenity of the neighbouring users will be considered later in the report. As such, the proposed development would be acceptable in principle and would not impact upon the vitality and viability of the town centre.

Therefore, the proposed development would be in accordance with Policies EC5/1, S1/1, S2/1, S2/6 and Area BY8 of the adopted Unitary Development Plan.

**Visual Impact** - As mentioned above, the existing building was built to act as a marketing suite for the adjacent Rock development. As such, the design of the building and mix of materials are modern and reflect the approach on the adjacent sites. The building maintains an active frontage onto Derby Way and the main entrance would be on the northern elevation. No external changes are proposed as part of this application and as such, the proposed development would fit well within the streetscene. Therefore, the proposed development would be in accordance with Policies EN1/2, EC6/1, S2/1 and S2/6 of the adopted Unitary Development Plan.

**Impact upon surrounding area** - The proposed uses would all generate a degree of noise and disturbance, as did the existing use. The site is located in close proximity to the town centre and there are no residential properties in the immediate vicinity. In addition, the noise



generated would not be significant. As such, the proposed retail, financial services, office and leisure uses would be appropriate within the town centre and it is considered that the hours of opening should not be restricted. The proposed development would not have an adverse impact upon the amenity of the surrounding properties.

The proposed cafe and hot food takeaway uses would require a flue to be installed. A future operator has not been secured for the site and as such, no specific details of a flue have been submitted with the application. The agent has confirmed that the proposed flue would be located on the eastern elevation of the building and would not be unduly prominent, subject to the inclusion of a condition relating to the detailed design and specific location.

One of the objectors has raised concerns relating to litter and vermin. There would be adequate space within the forecourt to enable the provision of a litter bin and this would be secured by a condition. Therefore, the proposed uses of a cafe and a hot food takeaway would not have an adverse impact upon the amenity of the neighbouring properties.

Overall, the proposed development would be in accordance with Policies S2/1, S2/6 and EC6/1 of the adopted Unitary Development Plan.

**Highways issues/parking** - The existing marketing building has a small car park of 6 spaces, including 1 disabled bay. The proposed development would be accessed from Derby Way via the adjacent car park to the Moorgate PCT building. The PCT's car park is privately owned, but the owners of the former marketing suite have a right of access over this land.

The current use of the building is as a marketing suite, which would have generated visits to the site. As such, the proposed development would not significantly increase the number of vehicles accessing the site. In any case, the visibility splays at the junction of Derby Way and the PCT car park are acceptable. Therefore, the proposed development would not have an adverse impact upon highway safety.

The site is located within the town centre and is in close proximity to the newly opened Rock Triangle development. The small car park of 6 spaces and 1 disabled bay would provide an acceptable level of parking for staff. It is envisaged that visitors to the application site would link their trips to the main retail area and would use the multi-storey car park on Derby Way with spaces for 1250 vehicles. The PCT car park is privately owned and is managed by traffic wardens. As such, the operators of this car park have the power to control the use of the car park, while still maintaining access to the application site. The site has good access to public transport. As such, the level of parking provision would be acceptable.

The Traffic Section has no objections to the proposal. Therefore, the proposed development would be in accordance with Policies HT2/4, EC6/1, S2/1 and S2/6 of the adopted Unitary Development Plan.

**Response to objectors** - The concerns about litter and vermin, hours of opening, parking and access have been addressed within the main report. The design for security team has no objections to the scheme. The site is open and would benefit from being in use and natural surveillance into the early evening. As such, the proposed development would not have a significant adverse impact upon anti-social behaviour.

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

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

The proposed development would be acceptable in principle and would not have an adverse impact upon the amenity of the neighbouring properties. The proposed development would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

## Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Location plan, 877-030 Rev J 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. In the event of uses A3 and A5 operating from the premises, then prior to the commencement of the development hereby approved, details of the size and type of a litter bin shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed on the forecourt of the premises before the use commences.  
Reason. In the interests of amenity pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. In the event of uses A3 and A5 operating from the premises, then no development shall commence unless or until full details of the location of a flue and a detailed scheme for treating/dispersing fumes and odours so as to render them inoffensive to local residents, has been submitted to and approved by the Local Planning Authority. A written statement from a competent person shall be included with the submitted scheme, that the proposed scheme will achieve the requirements of adequate treatment/dispersion under all normal operating circumstances. The approved scheme/equipment shall be installed prior to the use hereby approved being first brought into use and shall be used and maintained in accordance with the manufacturers and installers instructions.  
Reason. To safeguard the amenities of the occupiers of nearby residential and office accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

**Ward:** Ramsbottom + Tottington - Tottington

Item 05

**Applicant:** Mr Michael Chung

**Location:** Meadowcroft Farm Barn, Harwood Road, Tottington, Bury, BL8 3PX

**Proposal:** Erection of a 10.6 M high Vertical Axis Wind Turbine(resubmission)

**Application Ref:** 53797/Full

**Target Date:** 18/05/2011

**Recommendation:** Approve with Conditions

### **Description**

The site is within a rural part of Tottington and is designated within Green Belt and Area of Special Landscape. The site is adjacent to the applicant's residential dwelling and garden with outbuildings and garages within the domestic curtilage. Adjacent to the applicant's house, to the east is another residential house, Meadowcroft Farm, which shares a privately gated entrance. The site is accessed from Harwood Road via a single lane road and is elevated above the land to the south and Tottington Village.

The application seeks the erection of a micro wind turbine which would be sited 50m from the applicant's house and 55m from Meadowcroft Farm. It's design is unusual insofar that it operates on small 3 blade vertical axis rather than double bladed rotational arms, which tend to be the more common design. It would have a total height of 10.6m and maximum width of 3.3m. The turbine would be fixed on a concrete base and coated in a grey powder finish.

The applicant states the installation of the turbine would provide a significant proportion of their energy needs, improve overall efficiency and feedback surplus electricity into the National Grid.

### **Relevant Planning History**

51665 - Replacement conservatory at the rear - Approve with Conditions 07/10/2009

52381 - Erection of vertical wind turbine - Withdrawn by Applicant 11/06/2010

53601 - Installation of 10.6 metre high vertical wind turbine - Withdrawn by Applicant due to lack of information 22/02/2011

### **Publicity**

51 letters were sent to properties on 25/3/2011 at Nos 58 - 74 Harwood road; 1-5 Claybank Cottages, Cann Street; Claybutts Croft, Claybutts Cottage, Claybutts Farm, Stormer Hill Closes Farm, Cann Street; Mums Harris Farm, Howarths farm, Yeomans Farm, Isherwoods farm, Watling Street; 4-20, 16a, 26, 28 (evens) Watling Street; Sheep Hill Farm, White Paddocks Lodge, Meadowcroft Farm, White Hill Farm, White Paddocks Farm, White Hill, Fur Acre Cottage, Four Acre Farm, Sheep Hill, White Paddocks, All Harwood Road; Ralph Moor Farm, Windmill Farm, Ralph Moor House, Windmill Cottage, Hillcrest, Leaside, All Turton Road; 73 Redman Gate, Affetside.

A Site Notice was posted on 31/3/2011.

As a result of the publicity, four letters of objection received from No 58 Harwood Road, 20 Watling Street, Holcombe View 1 Claybank Cottages, Clay Butts Farm which raises the following issues:

- Detrimental impact on the countryside and the Green Belt;
- Effect the value of their property;
- Is of no benefit to anyone else other than the applicant;
- There are enough high metal structures around Affetside;

- If everyone chose to erect a turbine the area would look a mess and the open visual landscape lost forever;
- Concern there would be noise pollution
- Concern of television, radio and mobile phone reception interference;
- Potential drainage issues;
- Turbines are not an efficient producer of electricity;
- The turbine blades cause a flicker or stroke effect which can affect animals and humans;
- Effect on birds in the area.

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

### **Consultations**

**Drainage Section** - No objection.

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

**Environmental Health Pollution Control** - No objection subject to condition relating to noise.

**Public Rights of Way Officer** - Public Footpath Number 71 Tottington serves as part of the access road and care should be taken to protect the public during construction.

**Manchester Airport - Planning & Infrastructure Department** - No objection.

**Bolton Council** - No comments received.

**Ministry Of Defence Safeguarding Organisation** - No objection.

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

OL1	Green Belt
OL7/2	West Pennine Moors
MW1	Protection of Mineral Resources
EN9/1	Special Landscape Areas
EN7/2	Noise Pollution
PPS1	PPS1 Delivering Sustainable Development
PPS22	PPS22 Renewable Energy
PPG2	PPG2 - Green Belts
PPS7	PPS 7 Sustainable Development in Rural Areas
EN4/1	Renewable Energy
OL1/5	Mineral Extraction and Other Dev in the Green Belt
EN1/1	Visual Amenity

### **Issues and Analysis**

**Policies** - PPG2 - states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The purposes of Green Belt are:

- to check unrestricted sprawl;
- prevent neighbouring towns merging;
- assist in safeguarding the countryside from encroachment;
- preserve the setting and special character of historic towns;
- assist in urban regeneration.

PPG2 also states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reason of siting, materials or design. In cases where development is regarded as inappropriate in the Green Belt, PPG2 states that it is for the applicant to show why permission should be granted.

PPG2 regards development including engineering and other operations as inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

UDP Policy OL1/2 - advises that new development in the Green Belt is inappropriate unless it is for a number of purposes including agriculture, forestry, outdoor recreation and limited extension/alteration of dwellings.

UDP Policy OL1/5 - Mineral Extraction and Other Development in the Green Belt - development is inappropriate unless it maintains the openness and does not conflict with the purposes of including land in the Green Belt. Proposals for other development is inappropriate and by definition harmful to the Green Belt and would only be permitted if it can be demonstrated that there are very special circumstances.

UDP Policy EN9/1 - Special Landscape Areas - any development which is permitted will be required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. Unduly unobtrusive development will not be permitted in such areas.

PPS7 - Sustainable Development in Rural Areas seeks to:

- raise the quality of life and the environment in rural areas;
- promote sustainable patterns of development;
- promote the development of English regions by improving their economic performance;
- promote sustainable, diverse and adaptable agriculture sectors

PPS22 - Renewable Energy seeks to promote development which facilitates renewable energy resources. Environmental and economic benefits of all proposals are material considerations which should be given significant weight in determining whether proposals should be granted planning permission.

UDP Policy EN4/1 - Renewable Energy will encourage proposals for the provision of renewable energy sources subject to compliance with other policies and proposals of the Plan. In particular, the policy seeks to ensure that proposals:

- do not involve an unacceptable loss of amenity;
- would not have an adverse impact on the setting of ancient monuments, Conservation areas, Listed Buildings;
- would not have an unacceptable adverse impact on areas of Green Belt, Special Landscape Areas and areas of ecological importance;
- would not result in a health and safety risk or nuisance to the public;
- where necessary include an environmental assessment;
- would not have an unacceptable adverse impact on the natural environment.

**Principle** - In assessing the proposed development against the above policies, there is 'policy tension' in terms of supporting the wind turbine to meet national renewable energy targets, encouraging sustainable development and the impact the structure would have on the openness of the Green Belt and Special Landscape Area.

National guidance contained in PPS22 is very supportive of renewable energy and local authorities are advised that, when considering proposals in the Green Belt under PPG2, examples of very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Key principle VI of PPS22 states that small scale projects can provide a limited but valuable contribution to overall output of renewable energy and to meet energy needs both locally and nationally, and therefore Local Authorities should not reject planning applications simply because the output is small. Additionally, Supplementary to PPS1 - Planning and Climate Change, emphasises that tackling climate change is a key Government priority for the planning system and that local planning policies should be designed to promote, not restrict, renewable and low carbon energy and supporting infrastructure.

Regional guidance in Regional Spatial Strategy Policy EM17 states that maintaining the openness of the Green Belt and acceptability of the location/scale of the proposal and its visual impact on character/sensitivity of the surrounding landscape should be taken into account but not necessarily be used to rule out development.

The applicant has demonstrated the proposed wind turbine is a continued commitment to reduce dependency on fossil fuel consumption, lower green house gases and pollutants and

reduce fuel bills to the property. These include:

- the installation of a mini sewer system which produces clean portable water back into the system,
- a replacement extension fully insulated which requires little heating,
- and geo-thermal heating which has significantly reduced the carbon dioxide consumption. The applicant expects the erection of the wind turbine would result in the property being self sufficient in electricity production, with surplus being fed back into the National Grid.

In terms of Green Belt policy, there is a presumption against this type of development in the Green Belt unless it can be demonstrated there are exceptional circumstances which would out-weigh the in-principle harm caused to the openness of the Green Belt.

The wind turbine would be modest in scale and located in a field adjacent to the applicants property. The applicant has carried out a sequential approach to the siting of the turbine to reduce its impact on the openness of the Green Belt, which would be close to the perimeter of a field which is bounded by conifer trees. The turbine would be modest in height and when viewed against the backdrop of a pylon, some 50m in height, and within an expanse of surrounding countryside, it is considered that impact on the Green Belt would be minimal.

This particular location is also in an area of high wind speed and would therefore the turbine would operate more efficiently.

Given that the wind turbine would significantly contribute to the energy requirements of the applicant's property without undue visual impact, it is considered that special circumstances have been demonstrated, which would outweigh the harm caused by the location of the turbine.

As such, the proposal is considered acceptable in principle and would justify the grant of planning permission, and complies with UDP Policies OL1/5 - Mineral Extraction and Other Development in the Green Belt, EN9/1 - Special Landscape Areas EN4/1 - Renewable Energy and PPS22 - Renewable Energy.

**Visual amenity** - The wind turbine would be 55m from the nearest neighbouring property which is directly adjacent to the applicant's house. The turbine would be largely screened from their view by intervening features including a detached store/garage and conifer planting along the boundary of the field. There has been no objection from this property.

Although it may be visible within the immediate vicinity to walkers or passers by, the height of the turbine would not be significant in size, especially when viewed in context with the pylons and set within an expansive landscape. As such, it would not be visually overbearing in terms of the outlook from the surrounding countryside and residential properties further afield. Visual impact of the turbine would be further mitigated by it being finished in grey galvanised colour.

It is therefore considered there would be no conflict with UDP Policies EN4/1 - Renewable Energy, OL1/5 - Mineral Extraction and Other Development in the Green Belt and EN9/1 - Special Landscape Areas

**Residential amenity and noise** - The location of the turbine would be 50m away from the applicant's house and 55m from the neighbour's dwelling. Supporting information states the resulting oscillation of the air is in a frequency range not audible by human beings, there are no mechanics to turn the blades and no associated equipment which would produce any noise. As such, there should be no concerns regarding noise generation, provided that this accords with the product specification and it is considered the proposals would comply with UDP Policy EN7/2 that seeks to limit the impact of noise pollution. There has been no objection raised by the Environmental Health Pollution Control Section.

**Response to objectors** -

The objections consider that there would not be a benefit to the wider community as a result of the development. The proposals represent a sustainable approach to the production of energy by reducing reliance upon fossil fuel based energy. Furthermore, any residual energy produced can be fed back in to the main grid, which is used by the wider community.

The turbine does not have the long rotary blades usually associated with turbines. The blades operate on a vertical axis and are 2.3m long which reduces its visual impact on the surrounding landscape.

There is no evidence that micro turbines have injured birds or wildlife.  
Effect on property values are not a material planning matter to consider.  
Impact on television, radio and mobile phone reception interference are covered under separate legislation regulated by OFCOM.

### **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 acceptable as it would not adversely affect the character of the Green Belt and Area of Special Landscape nor have an adverse impact on the amenities of surrounding residents.  
There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings DWG/01site layout and elevation of turbine; Ropatec Noise Declaration; Design and Access Statement and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The wind turbine hereby approved shall be maintained to operate and perform in accordance with the manufacturers specifications to ensure that noise generated by the wind turbine does not exceed the specified noise levels prescribed within the product specification sheet produced by Ropatec and other documentation accompanying the application.  
Reason - To maintain the residential amenity of the residents surrounding the site and pursuant to Unitary Development Plan Policy EN7/2 - Noise Pollution.
4. The wind turbine hereby approved shall be removed from site to the written satisfaction of the Local Planning Authority within 3 months of it ceasing operation.  
Reason. In the interests of the visual amenity of the area pursuant to Unitary Development Plan Policies OL1/5 - Mineral Extraction and Other Development in the Green belt, EN1/2 - Townscape and Built Design and EN9/1 - Special Landscape Areas.
5. All the external surfaces of the wind turbine shall be a grey powder coated finish as stated in the Design and Access Statement.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 - Visual Amenity of Bury Unitary Development Plan.

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



**Ward:** Bury East - Moorside

Item 06

**Applicant:** Havencare Funeral Service

**Location:** 217 Bell Lane, Bury, BL9 6HT

**Proposal:** 2 no. externally illuminated fascia signs; 1 no. externally illuminated hanging sign; 2 no. externally illuminated signs to gable elevation and 1 no. non-illuminated sign to rear elevation.

**Application Ref:** 53811/Advertisement

**Target Date:** 10/06/2011

**Recommendation:** Approve with Conditions

### **Description**

The application site is the former New Inn public house at 217 Bell Lane which has undergone a permitted change of use to a funeral directors. The site is a corner plot bounded to south by Bell Lane and beyond that residential properties, to the west by Aldi foodstores Ltd, to the north by an industrial unit/compound and to the east by Huntley Mount Road. The immediate vicinity of the application site is characterised by mix of land uses being predominantly residential to the south of the site and commercial to the west and north.

The application is for the addition of new signage to the building comprising of two fascia signs to the front elevation to be externally illuminated with overhead trough lights with cream lettering on a brown background, size 3000mm x 450mm x 50mm. The two gable ends will each have an identical sign of cream lettering on a brown background with external overhead trough lighting size 2.4m x 1.2m. The rear elevation will have a non-illuminated sign of cream lettering on a brown background, size 1400mm x 1100mm. There will also be a hanging sign at first floor level of cream lettering on a brown background externally illuminated with overhead trough lights, size 900mm x 900mm.

### **Relevant Planning History**

53812 - Erection of 1.2m high wrought iron decorative fencing and gate to front and 2ft dwarf wrought iron railings to side (on top of existing walls) and 8 ft double wrought iron gates to replace existing timber gate - not yet determined.

### **Publicity**

20 letters sent on 18/4/11 to Nos 174-186, 192-210 (evens) Bell Lane; 223 Bell Lane; Aldi Foodstore Ltd, Bell Lane and 2 Huntley Mount Road.

One letter of objection was received (address withheld) which raises the following issue:

- Concern about illuminated signs glaring through windows.

The following comment was received from No 196 Bell Lane:

- Not happy about illuminated signs unless they are turned off by 2100 hours.

The following comment was received from 223 Bell Lane:

- Is concerned about the appropriateness of illuminated signage for this type of business; is pleased with the external upgrade of the building (not relevant to this application); have no issues with the actual signage itself.

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

### **Consultations**

None

## Unitary Development Plan and Policies

EN1/9 Advertisements

### Issues and Analysis

**Policies** - UDP Policy EN1/9 relates to adverts and signage and states that proposals should have regard to the character of the locality, scale of the existing building and land use and be considered on their impact on amenity and safety.

**Amenity** - The proposed signs would not be out of character for the land use and buildings which characterise the commercial and residential context of the area.

Furthermore it is considered the proposed signs on the front elevation would relate well to the main architectural features of the host building and that the signs would not cut across its strong architectural lines which are a feature of its design.

The signs do not have a cumulative impact and are considered not to have a detrimental impact visually or on the amenity of adjacent occupiers. The signs are considered to be acceptable in terms of their number, size and scale in relation to the host building.

As a comment has been received expressing concerns about the illumination of the signs affecting residential amenity at night, as this is considered to be a reasonable concern a condition shall be added to limit times the signs are illuminated to times outside the hours of 21:00 - 0:800.

**Safety** - The proposed signs are not considered to be a hazard to pedestrians as the illumination will be non flashing and in particular regard to motorists would not be sited at a busy signalised junction. However the application does not state the luminance of the signs. It is recommended for a Zone E3 (small town centres and urban locations) level of luminance of 800 cd/m<sup>2</sup> by the Institution of Lighting Engineers - Technical Report No.5.

As such a condition will be limiting the level of luminance to 800 cd/m<sup>2</sup>.

Having regard to the above the proposal is acceptable as it complies with UDP Policy EN1/9 - Advertisements.

**Response to objector** - The issues of impact on residential amenity have been covered in the report above.

**Recommendation:** Approve with Conditions

### Conditions/ Reasons

1. The luminance of the sign(s) hereby approved shall not exceed 800 cd/m<sup>2</sup>.  
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to Bury Unitary Development Plan Policy EN1/9 - Advertisements.
2. The signs hereby approved shall not be illuminated outside the hours of 21:00 to 08:00 daily.  
Reason. To protect the residential amenity of nearby occupiers pursuant to Bury Unitary Development Plan Policy EN1/9 - Advertisements.

For further information on the application please contact **Mark Kilby** on **0161 253 7639**

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 07

**Applicant:** Mr Holt

**Location:** Land at the end of Dorothy Street, Ramsbottom, Bury

**Proposal:** Erection of 3 garages and 2.1m high boundary fence

**Application Ref:** 53813/Full

**Target Date:** 06/06/2011

**Recommendation:** Approve with Conditions

### **Description**

The rectangular site measures 0.03ha and is located immediately to the south-west of houses on Lansdowne Close and Maybury Close. The gable of No.14 Maybury Close runs adjacent to the shared side boundary. There are garages to the north-west, around the area of hardstanding in front of the site. The site is access from Bolton Road West by a partly hardsurfaced single track road.

It is proposed to erect a block of three garages with a footprint measuring 9m by 6m. The walls would be rendered and the roof would be dual pitched to a maximum ridge height of 3.9m. The roller shutter garage doors would be powder coated black.

The new building would be located centrally within the plot with a permeable gravel forecourt to the front and a grassed area at the rear. A weld mesh fence, 2.1m high, would run around the side and rear boundary and connect into the existing wall at the front and boundary fencing along the shared side boundary with No.14 Maybury Close. It is also proposed to render the existing block built wall at the front and finish with a coping.

### **Relevant Planning History**

52829 - Block of seven garages - Withdrawn 20/09/2010. This application was deemed unacceptable in terms of its size and intensity of use.

### **Publicity**

Twenty neighbouring households were notified by letter dated 12/04/2011: 61 - 77(odds) Bolton Road West, 1 - 11(odds) and 10 - 14 (evens) Maybury Close and 14 Lansdowne Close.

One letter of objection received from occupiers of 14 Lansdowne Close and concern expressed by occupiers of 61 and 69 Bolton Road West. Objections are summarised below:

- Approval could lead to the possibility of a house being built on the site.
- The site is a mess and could be made more visually pleasing.
- The building is too high.
- The unused area at the rear would be unlit and a security risk.
- Concerns about surface water drainage and flooding.
- The existing access road would be made worse.

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

### **Consultations**

**Traffic Section** - No objection.

**Drainage Section** - No comment.

**Environmental Health** - No objection.

**designforsecurity** - No comment.

**Baddac Access** - No objection

## **Unitary Development Plan and Policies**

OL5/2 Development in River Valleys

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

### **Issues and Analysis**

**Use** - Historically the land has been part of the surrounding garage colony for a number of years and is currently being used for parking, having had garages on the site up until about 6 years ago. As such is considered that the use is established and the proposed garage block is suitable within this location, immediately adjacent to the existing built up area of Ramsbottom.

**Design and Appearance** - The rectangular garage block has a conventional design with rendered walls and a hipped roof. It would not be particularly prominent from the public arena as it is in a relatively secluded location with a 2m high wall along the front and would be generally in keeping with the immediate surroundings.

The existing boundary wall along the front would be improved by the proposed rendered finish. The proposed new paladin weld mesh fence to the side and rear is one that is often seen around parking and garage sites and would not appear congruous in this river valley location. The proposed garage and fencing complies with UDP Policy EN1/2 Townscape and Built Design.

**Residential Amenity** - Given that the garages are intended for domestic use only and would not be used for more unneighbourly commercial/business activities, there are no serious concerns with regard to residential amenity. This would be reinforced by an appropriate condition restricting commercial/business usage or outside storage. The proposal therefore complies with UDP Policy H3/1 Assessing Non-conforming Uses.

**Access** - Whilst Dorothy Street, linking the site with Bolton Road West, is uneven in parts, it is of a sufficient standard to accommodate vehicles using the garage colony. As such the proposal complies with UDP EN1/2 Townscape and Built Design.

**Drainage** - It is not considered that drainage on the site would be significantly affected given the proposal to retain the grassed area at the rear and the proposed permeable surfacing at the front and the applicant has indicated he could link into an existing drain at the side of the site. However it is considered appropriate to attach a condition requiring surface water drainage details to be submitted prior to commencement of development. This would likely take the form of a direct link into an existing drain or the provision of a soakaway.

**Objections** - An approval for garaging does not imply that permission would be given for a house on the site as each proposal is taken on its own individual merits.

With regard to the size of the building, it is not considered that it is overly large with eaves to 2.5m and ridge to a height of 3.9m. It is considered that the appearance of the site, which is currently used for parking with some outside storage, would be improved by the scheme which includes rendering the existing boundary wall and conditions that control the appearance and use of the site.

Security of the site is considered to be suitable given the natural overlooking from adjacent properties and boundary fencing.

With regard to drainage, a condition requiring details is considered to be appropriate in this case.

Given that the site has been used for parking for a number of years, with or without garaging, the impact on the access road would not be significant.

Given the nature and scale of development, it is considered that the proposal is acceptable and complies with UDP Policies of the Unitary Development Plan.

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

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

The proposed garage block is considered appropriate in scale and would not appear out of keeping with the adjacent garage colony and residential estate. The proposal is considered acceptable and complies with UDP policies listed. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to revised drawing numbered A2332/02/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. Details of the exact colour of render to the existing boundary wall and elevations to the proposed garage and proposed roof shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The weld mesh fence hereby approved shall be powder coated dark green, to the written satisfaction of the Local Planning unless otherwise agreed in writing, and thereafter maintained.  
Reason. In the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
5. The proposed garages shall only be used for the purposes of car parking and shall not be used for any other purpose, including commercial storage without the written approval of the Local Planning Authority.  
Reason. To ensure adequate car parking provision is retained pursuant to Policy H2/3 -Extensions and Alterations of the Bury Unitary Development Plan and Associated DC Guidance Note 6- Extensions and Alterations.
6. There shall be no external storage of vehicles or materials without the written permission of the Local planning Authority.  
Reason: In the interests of visual amenity pursuant to UDP Policy EN1/2 Townscape and Built Design.
7. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.  
Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal pursuant to UDP Policies EN5/1 New Development and Flood Risk and EN7 Pollution Control.

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

**Ward:** Prestwich - Sedgley

Item 08

**Applicant:** PTS Property Ltd

**Location:** Unit 2, Sedgley Gardens, George Street, Prestwich, Manchester, M25 9LW

**Proposal:** Change of Use of ground floor Unit 2 from retail (Class A1) to restaurant (Class A3)

**Application Ref:** 53823/Full

**Target Date:** 01/06/2011

**Recommendation:** Approve with Conditions

### **Description**

The application site is a ground floor retail unit within a three storey building which comprises of retail units at ground floor and apartments above. It is located within Sedgley district shopping centre at the junction of George Street and Bury New Road and is on the site of the former George Hotel.

The application is for a change of use of the ground floor unit 2 from retail (Class A1) to restaurant (Class A3). The opening hours would be Mon - Sat 07.30hrs to 22.00hrs with Sundays and Bank Holidays 11.00hrs to 16.00hrs.

### **Relevant Planning History**

43920 - 523 square metres retail development - 24 no. apartments with associated parking & public open space including tennis court - AC 24/08/05

45575 - Variation of condition 2 on application 43920 to permit basement to be used for use class A2 or leisure spa & beauty therapy unit with minor amendments to position of block fronting Bury New Road - AC 07/04/06.

### **Publicity**

74 notification letters were sent on 08/04/11 to addresses at 2,4,5,7,11 George Street, Flats 1-5 7 George Street, Flats 1-6 9 George Street. 1-7 Sedgley Gardens 9,11,11A,11B,13,13A,15,15A,15B,16,17,17A,17B,18,19,20,22,21,21A,23,23A,24,24A,26,27,28A,28-30,32,34,36,38,40,40A 42,44,46,48,50,52,54 Bury New Road. 1,3,3A,5 Kings Road, 16 & 17 Jesmond Avenue, 18 Arlington Avenue, 2 Richmond Avenue. Site notices were posted on 13/04/11 at George Street and Bury New Road. Objections have been received from 22 Bury New Road and 12 Arlington Avenue.

22 Bury New Road comment that :-

- The area is already over subscribed with an excess of food outlets and they name a number in the vicinity.

The comments from 12 Arlington Avenue in summary are:-

- Extra car parking has been generated by the Sainsbury store
- They are unable to park in their own road due to shoppers who don't or can't park in the small car park to the rear of the units
- There is already a high number of food shops, take-aways, cafes and restaurants in the Sedgley area, we do not need another
- Driving conditions are dangerous at the busy but uncontrolled junction at Bury New Road, George Street and Kings Road.
- There is often illegal parking from those using the Sainsburys store and another food outlet will only serve to further endanger pedestrians and motorists.

The objectors have been notified of the Planning Control Committee.

## Consultations

**Environmental Health (Contaminated Land/ Air Quality)** - No objection.

**Environmental Health (Pollution Control)** - No comments received to date.

**Environmental Health (Public Health)** - No comments received to date.

**Greater Manchester Police (designforsecurity)** - No objection.

**Baddac** - No objection.

## Unitary Development Plan and Policies

S1/3 Shopping in District Centres

S2/3 Secondary Shopping Areas and Frontages

S2/6 Food and Drink

HT5/1 Access For Those with Special Needs

## Issues and Analysis

**Principle** – The application site is subject to UDP Policy S2/3 - Secondary Shopping Areas and Frontages which seeks to maintain retailing Class A1 as the predominant use at ground floor. Changes of use are assessed on their merits and the following factors such as design and appearance of the frontage, provision of a display window at ground floor, access for the mobility impaired and any possible noise and disturbance.

The proposal would result in approximately 49% of the identified shopping frontage being in non A1 retail use and where in excess of 40% Policy S2/3 requires additional factors to be taken into account. The location and prominence of the proposal in the frontage. The number, distribution and proximity of other premises in non retail uses or with planning permission for such uses and the nature and the character of the proposed use and level of activity associated with it.

The unit is located at the corner of the building with an entrance on Bury New Road. The identified frontage runs from this building down to No.9 where there is a mix of uses including retail, cafes and takeaways. The adjoining unit on Bury New Road is a retail use trading as a Sainsburys store. The proposal would bring a currently vacant unit into use and with the windows providing an open active frontage.

As this is a district shopping centre where a range of uses would expect to be found and there is a fairly dense residential area close by it is not considered that the proposal would result in an over concentration of A3 use that would affect the vitality and viability of the centre.

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

**Visual amenity** – There are no proposed external changes to the building. The plans indicate that extraction equipment would be located to the south side gable wall of the building which faces the side elevation to No.23 Bury New Road. No details are provided with the application and a condition is added for details to be submitted and approved prior to any use commencing.

**Residential amenity** - There are apartments directly above the unit and the opening hours would be up to 22.00hrs. As this is a district centre where there is a level of activity night and day it is not considered that the proposal would cause any significant increase in noise or disturbance. A condition is added for the opening hours as indicated on the application.

**Parking and Servicing** - The unit has no off street parking of its own. There is a public car park to the rear on George Street, which was re surfaced and laid out as part of the original approval for the retail use on this site, and on street parking on side roads. Bury New Road is also a main route from Whitefield through to Prestwich in a high access area for public transport. As such it is considered that no off street parking should be required for this change of use.

A bin store for the existing development is located to the rear accessed off George Street.



**Access** - The unit is at ground floor with level access to the front entrance and would then comply with UDP Policy HT5/1 - Access for Those with Special Needs.

**Response to objection** - The issue relating to the number of food outlets has been dealt with in the report above.

The unit has an existing retail use (Class A1) and parking was assessed as part of the redevelopment of the site from the former public house. This included improvements to the public car park to the rear of the units in relation to parking provision. It is not considered that the change of use to a restaurant use with similar opening hours to many of the adjacent businesses would create any significant increase in traffic than the existing use the unit has permission for.

Illegal parking is not a matter controlled by planning.

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

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

The proposed development is acceptable in principle and would maintain an active frontage within the centre. The proposal would not impact upon the visual amenity of the area or the amenity of any neighbouring residents.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered A01, D01, L01, G02, G07 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. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the use commences; any works approved shall be implemented to the written satisfaction of the Local Planning Authority before the use commences.  
Reason. In the interests of amenity pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. The use hereby permitted shall not be open to customers outside the following times: 07.30 - 22.00 hrs Monday to Friday and 11.00 - 16.00 hrs Sundays and Bank Holidays.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

**Ward:** Radcliffe - West

Item 09

**Applicant:** Mr Imtiaz Ali

**Location:** 125 Stand Lane, Radcliffe, Manchester, M26 1JR

**Proposal:** Extraction flue to front elevation (Resubmission of 53649)

**Application Ref:** 53828/Full

**Target Date:** 24/05/2011

**Recommendation:** Approve with Conditions

### **Description**

The site is a detached two storey brick building located at the junction of Stand Lane and Thornley Street which currently operates as a hot food takeaway at ground floor with a self contained flat above. There are residential properties to the side on Stand Lane, directly opposite and to the rear and the car park to a day nursery across Thornley Street to the side.

The application is for an extraction flue within the front roof slope which has already been installed. It is proposed to create a false chimney 0.9m wide and 0.9 - 1.4m high to enclose the flue which would be clad in brick slips.

### **Relevant Planning History**

52068 - Change of use of ground floor from shop (Class A1) to hot food takeaway (Class A5) - Refused 11/02/2010

52296 - Change of use of ground floor from retail (Class A1) to hot food takeaway (Class A5); Extraction flue at rear (resubmission) - Approved with Conditions 27/05/2010

53649 - False chimney to cover extraction duct to front elevation (retrospective) - Refused 25/03/2011

53650 - A: 2 No. non illuminated fascia signs (signs 1 & 2) (retrospective)

B: 4 no. non-illuminated wall signs (signs 3,4,5 & 6) (retrospective) - Split Decision 22/03/2011

### **Publicity**

25 notification letters were sent on 30/03/11 to addresses at 71 Greendale Drive, 11,13,16,18 King Street, 102,118, 109-123,125a, 127-133,136 & 280 Stand Lane, 2-6 Woodvale Road.

One objection has been received from 71 Greendale Drive whose comments in summary are:-

- The chimney should not have been put up in the first place and the applicant is getting a second chance to resolve things;
- The applicant has a blatant disregard as planning granted a rear chimney which is in the wrong place, the wrong size and smells come from it;
- The floors have not been soundproofed.

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

### **Consultations**

**Environmental Health (Pollution Control)** - No objection subject to a condition relating to fumes and odours treatment.

**Baddac** - No objection.

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

S2/6 Food and Drink

EN1/2 Townscape and Built Design  
EN7/1 Atmospheric Pollution

### **Issues and Analysis**

#### **Visual amenity and impact on the surrounding area**

UDP Policies EN1/2 and S2/6 are relevant in the consideration of the proposals.

EN1/2 – Townscape and Built Design which considers the external appearance and design of a proposal, its relationship to the surrounding area and materials.

Policy S2/6 – Food and Drink has regard to the environmental impact of any ventilation flues and/or ducting.

The duct is located in a prominent position on the roof slope to the front and as existing appears out of place and visually intrusive on the street scene. The proposal to create a brick clad frame would result in the flue having the appearance of a chimney stack which would not be out of character with the area as brick chimneys are seen on the adjacent residential properties on Stand Lane. A condition is required for samples of materials for the chimney cover to be submitted and approved.

**Residential amenity** - The chimney like appearance would be of a more acceptable appearance in terms of outlook from the residential properties opposite and adjacent who can view it.

A condition is required to ensure the flue meets adequate requirements regarding odours treatment, which would ensure that there is appropriate protection of residential amenity in terms of noise and smells. The condition would require appropriate filtration to be installed and maintained to ensure that its functionality and filtering effectiveness is maintained.

**Response to objection** - The proposal requires planning permission and although retrospective the applicant has been given the opportunity to apply and have the application properly assessed. The objectors refers to issues with the flue to the rear which was part of a separate approval and is currently being dealt with by the Planning Enforcement Team.

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

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

The proposal would not have a detrimental impact upon the visual amenity of the building or the area or the amenity of any neighbouring residents.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The development shall be carried out within 3 months of the date of this permission.  
Reason. The application is retrospective and currently incomplete and to ensure that the development assimilates into the street scape pursuant to Unitary Development Plan Policy EN1/2 - Townscape and Built Design.
2. This decision relates to drawings numbered Sheet 1 & 2 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Within one month of the date of this decision a detailed scheme for treating/dispersing fumes and odours so as to render them inoffensive to local residents shall be submitted to and approved by the Local Planning Authority. A written statement from a competent person shall be included with the submitted

scheme, that the proposed scheme will achieve the requirements of adequate treatment/dispersion under all normal operating circumstances. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.

Reason. To safeguard the amenities of the occupiers of nearby residential and office accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

4. Samples of the materials to be used for the chimney cover 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.

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

**Ward:** Bury West - Elton

Item 10

**Applicant:** Waldon Telecom on behalf of Vodafone Ltd and 02 Ltd

**Location:** Prospect Service Station, 124 Brandlesholme Road, Bury, BL8 1AU

**Proposal:** Prior Notification for 15 metre high streetworks pole with 6 no. antenna and equipment cabinets

**Application Ref:** 53845/Full

**Target Date:** 30/05/2011

**Recommendation:** Prior Approval Required and Granted

### **Description**

The site is located within a existing operating petrol filling station. A shop building is located along the eastern boundary of the site and the proposed mast would be positioned to the north of the shop in an area, which is currently used for bin storage.

To the north of the site is the access road to the backs of the residential properties beyond. The access road is approximately 2.5 metres higher than the site. There are further residential properties to the east and west of the site and a former mill has been converted to live/work apartments to the south.

The proposed development includes the installation of a 15 metre high streetworks telecommunications pole including 6 antennae and a equipment cabinet. The proposed mast would be shared by two operators.

### **Relevant Planning History**

50013 - Replacement sales building, canopy, wash bays, pump islands, customer parking, ATM and new underground storage tanks at Prospect Service Station, 124 Brandlesholme Road, Bury. Approved with conditions - 22 August 2008.

### **Publicity**

132 neighbouring properties within 150 metres of the site were notified by means of a letter and a site notice was posted on 11 April 2011.

5 letters have been received from the occupiers of 6 Woodhill Street, 127, 140 Brandlesholme Road and 25 Lichfield Drive, which have raised the following issues:

- Object as the proposed mast would be in close proximity to a school and residential properties.
- Why is a large antennae allowed to be installed in a service station, when mobile phones cannot be used?
- Impact upon human health and children in particular.

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

### **Consultations**

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

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

**British Waterways** - No objections

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

EN1/1 Visual Amenity  
EN1/2 Townscape and Built Design  
EN1/4 Street Furniture  
EN1/10 Telecommunications  
EN7 Pollution Control

### **Issues and Analysis**

**Health Issues** - Current government guidance (PPG8) with respect to health risk, states that providing such proposals meet the ICNIRP guidelines, local authorities should not need to 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** - 11 alternative sites were put forward by the agent and include Woodbank Cricket Club, the Garside public house, Wharfside apartments and installations near Woodbank Surgery, opposite Purbeck Drive, Brandlesholme Close and near Woodbank gardens. These sites included installations on existing structures and buildings, site sharing and installations on greenfield sites and were discounted for the following reasons:

- the site would result in network interference,
- the site provider was not interested,
- the site would not provide the required level of coverage,
- the installation would be visually prominent,
- there would be insufficient space for the required equipment,
- the presence of underground services.

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 within the existing bin store area to the north of the shop building. Two eurobins would be sufficient for a shop of this size and two bins could be accommodated within this area as well as the proposed mast.

The proposed development would be screened by the existing timber fence and the higher land to the north. The proposed mast would be viewed in the context of the existing garage structures and as such, would not be a unduly prominent feature in the locality. The adjacent property, No. 126 would not directly overlook the proposed development. The mill building to the south has been recently converted to live/work apartments. However, the proposed mast would be some 36 metres from the apartments and the proposed mast would be mostly obscured by the existing shop building and the canopy for the service station. As such, the proposed development would not have a significant impact on the amenity of the occupiers of the nearby properties. As such, the proposed development would be in accordance with Policies EN1/2 and EN1/10 of the adopted Unitary Development Plan.

**Parking and servicing** - The proposed mast would be located within the area, currently used for bin storage and as such, would not impact upon the parking or servicing provision at the site.

### **Response to objectors**

The issues relating to human health and the impact upon residential amenity have been addressed in the main report. Woodbank County Primary School would be over 230 metres away from the proposed mast and as such, the proposal would not have an adverse impact upon the users of this building.

The proposed development of telecommunications equipment would be located outside of the petroleum 'hazardous zones'. There is currently no effective way to prevent the use of mobile phones within the 'hazardous zones' and as such, there is a blanket ban. In addition, service station forecourts are licensed and any building works on the forecourt must be approved by the Petroleum Officer in the Fire and Rescue Service before any

works can take place.

### **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 A, 300 A, 400 A, 500 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. The colour of the mast and related equipment hereby approved shall be as indicated on the application form and approved plans, unless otherwise agreed in writing with the Local Planning Authority.  
Reason. In the interest of visual amenity pursuant to Policy 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:** Ramsbottom and Tottington -  
Ramsbottom

Item 11

**Applicant:** Openreach

**Location:** O/S Rose And Crown, 96 Carr Street, Ramsbottom, Bury, BL0 9EG

**Proposal:** Prior approval notification for installation of proposed telecommunications cabinet

**Application Ref:** 53867/Telecom Determination **Target Date:** 03/06/2011  
(56 Days )

**Recommendation:** Approve with Conditions

### **Description**

This application is for Prior Approval for the siting and appearance of a telecommunications cabinet for the provision and maintenance of Super Fast Fibre Optic Broadband communications. (SFFO)

The proposed cabinet would be sited at the back of the footway adjacent a stone wall beside the front elevation of the Rose and Crown public house at 96 Carr Street, Ramsbottom. The cabinet would face Carr Street. The proposed siting of the cabinet would be within the Ramsbottom Conservation Area.

The proposed cabinet would be 1.20 metres in length and 0.45 metres in depth with a height of 1.60 metres. The footprint of the cabinet would have an area of 0.54m<sup>2</sup>. The volume of the cabinet would be 0.86m<sup>3</sup>.

In this type of application the Local Planning Authority can only make a determination on siting and appearance of the proposed cabinet.

### **Relevant Planning History**

53689 - Prior approval notification for installation of proposed telecommunications cabinet - Withdrawn by Applicant 16/03/2011. The new application is a result of negotiations following this one being withdrawn.

### **Publicity**

17 Ducie Street, Ramsbottom was notified by letter sent on the 08/04/11 having responded to a site notice of the previous application.

A site notice was posted on an adjacent lamppost on the 09/04/11 followed by a press advert published in the Bury Times on 14/4/11.

A letter was received from No 17 Ducie Street that raise the following issues:

- Will look out of place and destroy special character of this part of Ramsbottom Conservation Area;
- Will be visible for some distance when approaching the Rose and Crown, especially from Tanners Street;
- There would be two boxes only a short distance apart (100 yards down Carr Street) with the Conservation Area;
- Could consideration be given to whether another cabinet is needed so close to the one at 53 Carr Street?;
- Could it be located across the road next to an existing junction box?

A letter was received from No 15 Ducie Street, Ramsbottom and raised the following issues:

- Contravenes policy on Conservation Areas;



- Height and size will spoil 19 Century Architecture;
- It would be subject to damage by cars which leave the road on the bend during icy/poor weather;
- Siting it at a dangerous road junction is not sensible;
- Noise created by internal fan is unacceptable to residents:
- Noise from fan will have a detrimental effect on human health;
- It will takeaway the Rose and Crowns' seating area hitting the business hard.

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

### **Consultations**

**Traffic Section** - No objection

**Conservation Officer** - No objections, subject to two conditions, the height of the cabinet should not be above that of the stone wall to which it would be adjacent and cabinet should be finished in a suitable colour.

**Environmental Health Pollution Control** - No objection, the noise generated by the internal fans would not be detrimental to residential amenity and any noise level would be lower than existing background levels. The Council has not received any complaints about noise from these cabinets where they have been installed in other parts of the borough.

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

EN2/1 Character of Conservation Areas  
 EN2/2 Conservation Area Control  
 EN7/2 Noise Pollution  
 EN1/10 Telecommunications  
 EN1/11 Public Utility Infrastructure

### **Issues and Analysis**

**Policies** - Unitary Development Plan Policy EN2/1 - Character of Conservation Areas seeks to preserve or enhance the character or appearance of the Borough's Conservation Areas.

UDP Policy EN2/2 - Conservation Area Control - says development within a Conservation Area will only be acceptable if it preserves or enhances the special character or appearance of the area.

UDP Policy EN7/2 - Noise Pollution - will not permit development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users; or development close to a permanent source of noise.

UDP Policy EN1/10 - Telecommunications - Says the Council will give favourable consideration to proposals for new telecoms developments.

UDP Policy EN1/11 - Public Utility Infrastructure - The development of operational facilities for public utility provision will be permitted where this is necessary to implement the objectives of the UDP or to meet statutory obligations and environmental standard, and is consistent with other policies and proposals of the UDP.

**Need for the Development** - The proposed cabinet would be connected to both the existing copper telecoms spine and also the new fibre optic cable spine set within the existing underground ducting. The new cabinet has to be located close to the existing green cabinet (across the road outside No.2 Tanners Street). The cabinet provides a conversion from fibre optic cable to copper cable and then feeds the signal into the wider telephone network through the existing green cabinet.

The new cabinet has to be located close to the existing green cabinet in order to reduce the amount of copper cabling within the system. The advantage of this Super Fast Broadband service is that it provides as much fibre optic cabling within the system needed to attain the speeds required.

The proposed cabinet is considered to be Class **A(a)** A.1(e) development under Part 24 of The Town and Country Planning (General Permitted Development) Order 1995 in that the base area of the cabinet does not exceed 1.50m<sup>2</sup> and condition **A.2(4)(b)** does not exceed 2.00m<sup>3</sup> in volume. As such the proposed cabinet would be permitted development with regard to the above.

Under condition 4(a) (ii) - development on article 1(5) land (Ramsbottom Conservation Area) the local planning authority is required to make a determination on the siting and appearance of the proposed development.

**Principle** - The installation of telecoms cabinets, including those within Conservation Areas are permitted development providing that before beginning the development, the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required for the siting and appearance of the development. Essentially, small scale infrastructure development can take place without planning permission providing local authorities do not consider their siting to be seriously detrimental to visual and residential amenity and the to character and protection of Conservation Areas.

**Noise and Residential Amenity** - The cabinet is effectively a mini exchange providing the switching for the equipment and also a small cooling system. The cooling fans are rated at 40dB (Decibel) during the daytime and 35dB at night time. They would only function during periods of hot weather. The applicant states that this level of noise would be equivalent to a standard fridge compressor at a distance of 0.5m. This would also seem in line with other guideline equivalents - *Astralsound* ([www.astralsound.com](http://www.astralsound.com)) says 30 - 40dB would be roughly equivalent to a quiet auditorium. The cabinet will not be located next to any residential development. The fan cooling system within the cabinet is rated at such a level as not to represent a noise nuisance and would be lower than the existing background noise levels, therefore there would be no detriment to residential amenity. As such the proposed siting of the cabinet would comply with UDP Policy EN7/2 - Noise Pollution.

**Visual Amenity** - The cabinet would be sited within the Ramsbottom Conservation Area on the public highway adjacent to a stone wall next the Rose and Crown public house. It would be close to existing street furniture namely: a grit box, post storage box and a lamp post. This would protect the character and appearance of the Conservation Area as a whole by not allowing the spread of street furniture causing detriment to the character and appearance of the Conservation Area. As such it is considered the siting of the cabinet in this position is acceptable. To further mitigate its impact two conditions will be added. The applicant has agreed to the cabinet to be finished in a colour to match the stone wall, this will be RAL 7021 - Black Grey. And a condition ensuring the height of the cabinet when in position does not exceed the height of the stone wall behind it. As such the proposal complies with UDP Policy EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control.

**Alternative Sites** - The applicant has withdrawn a previous application for prior approval for this development (53689), where the cabinet was proposed to be sited further along the highway at the entrance to the car park for the Rose and Crown on the right hand side as seen from the highway. This site was not acceptable as the cabinet could have caused an obstruction to the visibility of vehicles leaving the car park or exiting the junction of Ducie Street and Manor Street. Furthermore the cabinet would have been seen in isolation and in a more prominent position which would have detrimental to the character and appearance of the Conservation Area. Also the cabinet has to be installed as close to the existing infrastructure as possible to avoid excessive degradation of the signal caused by excessive copper cabling in the system. As such the applicant's revised siting complies with UDP Policies EN1/10 - Telecommunications, EN1/11 - Public Utility Infrastructure and EN2/1 - Character of Conservation Areas.

**Economic Benefit** - The proposed cabinet installation forms a wider part of the Governments Digital Britain project. The cabinet will provide Super Fast Broadband connectivity to a majority of the population enhancing not only an individuals use of the

internet, but also that of the local economy benefiting a wide range of small/medium enterprises. It is therefore considered a vital part of the economic development of the Borough. As such the proposal complies with UDP Policy EN1/10 - Telecommunications and EN1/11 - Public Utility Infrastructure.

**Response to Objections** - Issues of the impact on residential amenity, noise, character and appearance of the Conservation Area, siting in relation to other cabinets have been covered in the above report.

Regarding the alternative siting the cabinet cannot be sited across the road adjacent to the existing cabinet because it would encroach on the carriageway and pedestrian safety.

Regarding the position of the cabinet, it is not going to be installed at a road junction.

The cabinet could be subject to damage by vehicles where ever it is sited.

Regarding the seating area, the cabinet would be sited on the public highway and would not interfere with outside seating arrangements.

### **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 cabinet has deemed consent subject to the approval of its siting by the local planning authority. The proposal would not cause detriment to residential or visual amenity or harm to the character and appearance of the Ramsbottom Conservation Area.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The height of the cabinet when installed including any supporting plinth or foundation shall not exceed the height of the stone wall adjacent to it.  
Reason. To protect the character of the Conservation Area pursuant to Bury Unitary Development Plan Policy EN2/1 - Character of Conservation Areas.
2. The cabinets' external colour shall be Black Grey in accordance with the RAL Colour Code - RAL 7021 Black Grey.  
Reason. To match the colour of the stone wall to which the cabinet will be adjacent and to protect the character of the Conservation Area pursuant to Bury Unitary Development Plan Policy EN2/1 - Character of Conservation Areas.

For further information on the application please contact **Mark Kilby** on **0161 253 7639**

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

Item 12

**Applicant:** Mr Winstanley

**Location:** 63 Sandy Lane, Prestwich, Manchester, M25 9PS

**Proposal:** Change of use from hair dressing salon (A1) to fish and chip shop, eat in and takeaway (Use Class A3 and A5).

**Application Ref:** 53886/Full

**Target Date:** 07/06/2011

**Recommendation:** Approve with Conditions

### **Description**

The premises is a currently vacant shop with A1 use, located within a parade of shops with residential accommodation above and the parade is within an allocated as a Neighbourhood Shopping Centre in the Bury Unitary Development Plan. There are 14 units in total; 7 are retail shops (Class A1), including the application premises, 2 hot food takeaways (Class A5), 3 health and beauty salons and a launderette (sui generis use) and a dental surgery (Class D1). The surrounding area is predominantly characterised by residential properties.

To the rear is an area for bin storage and some garages and a parking area which serves the residential flats above the shops.

Directly in front of the majority of the shops are double yellow lines, although there is parking on the opposite side on Sandy Lane and customer parking further along the row in front of the shops on Butterstile Lane.

The proposal seeks to change the use of the premises to a hot food takeaway (Class A5) with eat in facilities (Class A3). A ventilation flue would be fixed to the rear wall. Refuse/waste would be stored in the existing rear yard area. Proposed hours would be 11.30am to 2pm and 4pm to 8pm.

### **Relevant Planning History**

33181 - Change of Use from shop to hot food takeaway - Allowed on Appeal - 1998.

### **Publicity**

Twelve letters sent to properties at Nos 65, 65A, 67, 69, 78A, 80A, Sandy Lane; 83, 85, 87, 138, 140, Butterstile Lane on 14/4/2011.

Three letters of objection received from Nos 67 and 78A Sandy Lane and No 138 Butterstile Lane which raises the following issues:

- There are already 2 takeaways on this row;
- The litter from the takeaways is already appalling even though there are litter bins;
- The traffic and parking is already a problem and people park on double yellow lines and in front of driveways which will be made worse by the takeaway/eat in;
- It would encourage youths to congregate in the area;
- This is supposed to be a residential area and not a fast food outlet area;
- Some of the shop premises keep their wheelie bins at the front which is unsightly;
- It would have a detrimental impact on the other 2 takeaways (comment from No 67 Sandy Lane and No 138 Butterstile Lane).

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

### **Consultations**

**Environmental Health Pollution Control** - No objection subject to a condition to confirm

the ventilation scheme.

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

S1/5	Neighbourhood Centres and Local Shops
S2/6	Food and Drink
EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
EN7/2	Noise Pollution

### **Issues and Analysis**

**Policies and principle** - Unitary Development Plan Policy S1/5 - Neighbourhood Centres and Local Shops seeks to retain retailing as the predominant use in small neighbourhood centres and in new or existing local shops to cater primarily for the day to day needs of residents and businesses.

UDP Policy 2/6 - Food and Drink seeks to consider factors with regards to amenity of residents, whether the proposal would result in an over concentration of the use, parking and servicing provision, provision for the storage and disposal of refuse and customer litter and environmental impact of ventilation flues.

The proposal would bring into use an existing vacant unit, which would cater for the needs of local people as well as passers by. There is existing on street parking in the area and bin storage provision at the rear. There are 2 existing units in A5 use out of a total of 14 within this parade and as such it is considered there would not be an over-concentration of this type of use.

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

**Residential amenity** - The premises are located within an existing row of shops and the character of an A3/A5 use is one, which is generally considered to serve local needs. The proposed hours are modest, from 11.30am to 2pm and 4pm to 8pm and therefore noise and disturbance late at night would not be an issue for local residents or those living in the flats above.

The premises would also cater for people to eat inside and there is no reason for this to create any more disturbance than if it operated solely as a takeaway or continued in A1 use.

Litter is a problem generally associated with takeaways. However, the applicant has stated a bin would be provided for customers using the shop and a condition would be included as part of any approval.

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

**Parking** - The shops are located in a residential area which cater primarily for local needs and are within a reasonable walking distance for the majority of customers.

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 is considered not to have a detrimental impact on parking demand in the area and would comply with UDP Policy S2/6 - Food and Drink.

**Servicing and bin storage** - There is an existing a service yard area at the rear for bin storage and the applicant states a bin would be provided for customers within the shop. As such, there would be adequate provision provided for the proposed business which complies with UDP Policy S2/6 - Food and Drink.

**Flue** - The proposed flue would be installed on the rear wall of the premises. Although there are 2 other flues on the rear elevations of the adjacent food outlets, this area is not visible from the public domain, would be in a location so as not to be visually intrusive from the adjacent residential flats and as such it is considered there would be little if any impact on the visual or amenity of the area.

The applicant is required to submit a statement from a competent person that the ventilation system would achieve the requirements of adequate treatment, dilution and dispersion of fumes and odours and would be a condition of any approval.

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

**Response to objectors** - The issues raised with regards to parking and litter have been covered in the above report. Whilst there are two other hot food takeaways in the area, there are 11 other units and as such it is considered there is not an over concentration of the proposed use and competition is not a material planning consideration. There is no reason to assume that the change of use would cause encourage youths to congregate in the area.

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

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

The 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 1 - Existing plan and elevations; 2 - Proposed plan and 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. A written statement from a competent person shall be submitted with the proposed scheme which shall confirm that the proposed scheme will achieve the requirements of adequate treatment, dilution and dispersion of fumes and odours under all normal operating circumstances, such that there is no loss of amenity to local residents. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.  
The development shall be implemented prior to first use of development, in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority  
Reason. In order to prevent loss of amenity to local residents by virtue of fumes, odour and noise, pursuant to UDP Policy S2/6 - Food and Drink.
4. The premises shall not be open for customers outside the following times: 1100 to 2000 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. A litter bin shall be installed within the shop and made available for the use of customers before the use commences and maintained as such unless agreed otherwise in writing by the Local Planning Authority.  
Reason. In the interests of amenity pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

**Ward:** Prestwich - Sedgley

Item 13

**Applicant:** Mrs D Boyko

**Location:** 85 Windsor Road, Prestwich, Manchester, M25 0DB

**Proposal:** Change of use from a dwelling house to a beauty salon (sui generis) at ground floor and a flat at first floor including alterations to the front elevation.

**Application Ref:** 53887/Full

**Target Date:** 08/06/2011

**Recommendation:** Approve with Conditions

### **Description**

The application relates to an existing two storey dwellinghouse situated with a row of terraced commercial properties within a neighbourhood centre. No.83 is a greengrocer's and No.87 is a launderette. There is a tarmac hardstanding between the frontage and the public footpath along Windsor Road. There are no parking restrictions along the part of Windsor Road that fronts the shopping centre. At the rear there is an enclosed yard.

It is proposed to change the use of the ground floor to a beauty salon with a new shopfront with ramped and stepped access. A new door on the frontage would allow separate access to the first floor flat.

### **Relevant Planning History**

31602/95 Change of Use from Shop to Dwelling - Approved 5/01/1996.

### **Publicity**

Surrounding neighbours at 59 - 95(odd) and 56 - 78 Windsor Road notified by letter dated 15/04/2011. Objections from 58, 62, 65 and 65a Windsor Road and a 168 name petition against the proposal. Concerns also expressed by the Sedgley Ward Councillor Ann Garner. Objections are summarised below:

- There are already parking problems in the locality due to parking up by Metrolink users and the general comings and goings of businesses and their customers along the shopping frontage. The proposal would make this situation worse.
- There is already an established hair and beauty salon within what is a small local shopping centre (No.65) and another is not needed.
- A business that compliments the existing shops would be better than one that duplicates an existing business.

The individual objectors and petition organiser have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objection.

**Environmental Health** - No objection.

**Baddac** - No objection.

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

S1/4	Local Shopping Centres
S2/1	All New Retail Proposals: Assessment Criteria
EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
EC4/1	Small Businesses



### **Issues and Analysis**

**Shopping Policy** - Policy S1/4 Local Shopping Centres seeks to maintain and enhance local shopping centres by encouraging the provision of a range of shopping facilities required to serve purely local needs.

Policy S2/1 All New Retail Proposals sets out specific assessment criteria against which applications will be considered. Factors to be considered include:

- the impact on the vitality and viability of a centre
- impact of traffic generation and servicing
- impact on amenity
- access
- parking and servicing.

**Commercial Use** - The site is located within a Neighbourhood Shopping Centre and was previously a retail shop unit before a change of use to residential was approved in 1996.

The use of the premises as a beauty salon should enhance the vitality and viability of the shopping parade. Whilst it is noted that there is already a hair and beauty salon within the shopping centre, at No.65 Windsor Road, this factor should not affect the determination of the proposal as economic competition is not a material planning consideration. As such, reverting the existing residential premises back to a commercial use is considered to be acceptable in principle given its immediate surroundings and complies with UDP Policy S1/4 Local Shopping Centres and S2/1 All New Retail Proposals: Assessment Criteria.

**Design and Appearance** - In terms of its appearance, the proposed shopfront would be in keeping with the design of the frontages on either side. The proposed new ramp and stepped access would facilitate disabled access without affecting the overall appearance of the frontage. As such the proposal would comply with UDP Policies EN1/2, EN1/8 and S2/4 in relation to design.

**Residential Amenity** - Given the site is within a well established shopping centre, the limited scale of the proposal and hours of operation, the new beauty salon should not have a seriously detrimental impact on the residential amenity of local residents.

**Access for the Disabled** - The proposal involves installing a new ramp and stepped access on the frontage which would improve access for the disabled. The improved access and new toilet facilities inside the premises are considered acceptable and comply with UDP Policy HT5/1 Access for those with Special Needs.

**Parking and Servicing** - There is on-street parking provision immediately in front of the shopping centre on Windsor Road. Bowker Vale Metrolink station is situated to the north east of the site and can be accessed from Windsor Road. Anecdotal evidence from residents suggests that there is a propensity for people to park up along this end of Windsor Road before taking the Metro into Manchester.

Whilst it is recognised that there are ongoing parking problems in the vicinity, caused to a significant extent by users of the nearby Metrolink, the proposed new beauty salon, given its modest size, is unlikely to have a materially detrimental impact on parking. It would be unreasonable to restrict further businesses from opening up within the existing local shopping centre because of problems arising from commuter parking.

Both the new salon and the flat above would have bins stored at the rear.

It is noted that there is no objection to the proposal from the Traffic Section.

**Objections** - The main objections, that of parking and the duplication of businesses/competition, have been addressed above.

## 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 change of use from house to beauty salon within what is an established shopping centre would be acceptable in principle and complies with UDP shopping policies. Given the local nature of the centre and the existing on-street parking facilities, it is not considered that the addition of a beauty salon to the centre would have a detrimental impact on parking in the locality or amenity of surrounding residents. The proposal complies with the 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 85WR/10 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. Details of the proposed finishing materials to be used in the new shopfront elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Hours of opening shall be confined to the following:-  
0800 hrs to 1800 hrs, Monday to Saturdays.  
1000 hrs to 1400 hrs, Sundays and Bank Holidays  
Reason. To safeguard the amenities of nearby residents pursuant to UDP Policies EC4/1 Small Businesses, EC6/1 Assessing New Business, Industrial and Commercial Development and S2/1 All New retail Proposals.

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

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

Item 14

**Applicant:** Mr Shafai

**Location:** Former Rainsough Brew PH, 49 Rainsough Brow, Prestwich, Manchester, M25 9XW

**Proposal:** Erection of three storey building comprising ground floor retail store, offices at 1st and 2nd floors and associated parking.

**Application Ref:** 53906/Full

**Target Date:** 10/06/2011

**Recommendation:** Approve with Conditions

### **Description**

The site is a vacant plot formerly occupied by the Rainsough Brew Public House which was demolished in 2010. The site is around 0.10 ha. in area, has residential development to the south on Halliwell Walk, a public house (The Plough) to the west, land forming part of Prestwich Forest park to the north, and a plot of vacant land to the east. The land slopes sharply down from the east to west with the residential properties on Halliwell Walk on higher ground and The Plough set at a lower level.

The proposal is for the erection of a 3 storey building which would comprise A1 retail shop at ground floor (200 sqm net) and office accommodation at 1st and 2nd floor (320 sqm total) with associated parking for the shops and office.

The block has been designed to take into account the steep slope by stepping down the ground floor level with the roof line maintained at a continuous height; 10.3m at its highest point. Elevations would comprise a mix of glazing and brick work with a glazed stair tower and lift to access the offices.

The development would front onto Rainsough Brow positioned in the north east part of the site and accessed via a single entry/exit point. There would be a 2m high brick/railing boundary along the southern perimeter and bin store area, beyond which would be a footpath to allow pedestrian access from the houses behind the site to Flashfields and leading to Rainsough Brow.

In terms of what is proposed, the development would comprise of:

Ground floor retail - There would be parking for 11 cars (including 1 disabled space). Deliveries would be via the main entrance which is located on the west elevation facing the car park. Proposed opening hours of the shop are 6.30am to 10pm Monday to Saturday and 10am to 4pm Sunday and Bank Holidays.

First and Second floor offices - There would be 9 parking spaces (including 1 disabled) located at the rear of the site. Access to the offices would be through the stair tower to the rear of the building and/or via a secondary door entrance on the front elevation.

### **Relevant Planning History**

Background - Following the closure of the pub, the empty building became subject to a number of arson attacks and vandalism, causing noise disturbance and anti social behaviour which has caused problems for local residents.

Planning permission was granted in 2008 for a residential development comprising 14 apartments in two separate blocks and associated parking. The decline of the residential market has proved this scheme is not to be economically viable and there has been no interest from other parties to develop the site for residential development.

The site as it currently stands is unsightly and detracts from the area and the applicant has made attempts to respond to the Council's concerns about the site by clearing it and to establish alternative proposals for its redevelopment.

44468 - Outline - Office development - Class B1 (Business) - Approve with Conditions 30/06/2005

44616 - Outline: Residential development (Resubmission) - Approve with Conditions 31/08/2005

45667 - Erection of block of 18 no. apartments - Withdrawn by Applicant 07/03/2006

46487 - Reserved matters - block of 16 no. apartments - Refused 27/09/2006

49570 - Demolition of public house & erection of block of 14 apartments - Approve with Conditions 17/09/2008

53488 - Demolition of existing public house and erection of petrol filling station and provision of underground storage tanks - Withdrawn - 18/01/2011

### **Publicity**

58 letters sent on 18/4/2011 to Crabtree Cottage and No 5, Rainsough Hill; 27-35 (odds) and The Plough Pub, Rainsough Brow; 2- 12 (evens) 1-11 (odds) Kersal Road; 1-5, and The Post Office, The Woodlands; 15-21, 21A, 25 (odds) Hilton Lane; 14 - 17 Cumbria Court, Kersal Lane; 6- 25 (evens), 1-11 (odds) Halliwell Road; 13-18 South Row.

Site notice posted 21/4/2011.

Three letters of objection received from Nos 5, 7 and 9 Halliwell Walk which raise the following issues:

- The site has caused many problems over the years with anti social behaviour and litter problems and the retail shop and offices would exacerbate these problems;
- There would be unacceptable noise from deliveries and continuous traffic from the retail shop and is not appropriate to the area;
- Another shop in the area selling alcohol and food would cause anti social behaviour as there is already a convenience store nearby;
- The shop would add to the litter and vermin problems in the area;
- The entrance walkway would be on their adopted land to the rear of their house would encourage anti social behaviour, crime and litter;
- Concern there would be access to Rainsough Brew from the rear of Halliwell Walk as it is often impossible in bad weather to access the Walk. Most local residents have to be able to access Rainsough Brew over the car park. Access is vital for all residents.

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

### **Consultations**

**Design for security** - Concern regarding the late night opening of the retail shop.

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

**Drainage Section** - No comments received.

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

**Waste Management** - No objection.

**Baddac Access** - Seek clarification of level access from the disabled spaces to the entrance. A revised plan has been submitted showing level access.

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

PPS23 Planning and Pollution Control

EN1/2 Townscape and Built Design

EN7/2 Noise Pollution

EN1/7 Throughroutes and Gateways

S2/1 All New Retail Proposals: Assessment Criteria

S2/5 New Local Shopping Provision

HT5/1 Access For Those with Special Needs

HT2/4 Car Parking and New Development

EC5/3 Other Office Locations

SPD11	Parking Standards in Bury
EN1/5	Crime Prevention
HT6/2	Pedestrian/Vehicular Conflict
PPS4	PPS4 Planning for Sustainable Economic Growth
EN8/2	Woodland and Tree Planting

### Issues and Analysis

**Policy Assessment for the Use** - Unitary Development Plan Policy S2/1 - All New Retail Proposals: Assessment Criteria supports new retail development proposals which accord with the following factors:

- (a) are within or immediately adjoin the main shopping area of existing centres;
- (b) sustain or enhance the vitality and viability of a centre;
- (c) are accessible by public transport;
- (d) are in conformity with other policies of the plan.

Assuming the issues of the principle can be overcome then the proposal should then be considered against the criteria (e) to (k) which takes into account the surrounding area in terms of design, scale and height, traffic and servicing; customers/visitors to the site; amenity of nearby residents and businesses by reason of noise, smell, litter, opening hours; access; parking and servicing and associated facilities where appropriate.

UDP Policy S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres seeks to support small scale local shopping provision within Class A1 subject to the following factors:

- whether or not there is a local need that cannot be met by existing provision in the area;
- the effect on the vitality and viability of established local shopping facilities;
- whether or not the proposed use would be more appropriately located within a recognised shopping centre;
- the availability of alternative vacant shop premises and/or the level of unimplemented planning permissions in the vicinity that could accommodate the proposed use;
- the potential nuisance that would be created for neighbouring residents;
- the parking and servicing provision associated with the proposed development and its effects in terms of road safety and traffic generation.

PPS4 - Planning for Economic Growth requires a degree of flexibility to enable new development to make effective and efficient use of previously developed land, ensure schemes are located in accessible locations and secure new investment.

PPS 4 identifies two instances where an Impact Assessment will be required for an in centre retail proposal:

- for applications in an existing centre which are not in accordance with the development plan and which would substantially increase the attraction of the centre to an extent the development could have an impact on other centres and;
- if located in or on the edge of a town centre, whether the proposal is of an appropriate scale of the centre and its role in the hierarchy of centres.

Planning for Town Centres: Practice guidance on need, impact and the sequential approach, provides advice on the sequential approach to site selection in relation to whether such units are available, suitable and viable.

UDP Policy EC5/3 - Other Office Locations permits small scale office development outside town and district centres which would provide a local service without detracting from the character of the area.

**Retail** - With regard to the scale of what can be considered to be local shopping provision, Policy S2/5 states that for the purposes of this policy, "local shops will be taken to include all shops with a gross retail floorspace of 200 sq m or below". Although the retail element of the proposal extends beyond the quoted floorspace figure (the net sales area would be 200 sq.m, the gross footprint would be 262 sq.m), it is not considered to be excessive and is still considered to fall within the remit of protecting the shopping role of established shopping

centres and would not cause amenity or traffic problems. To ensure that the retail provision does not exceed the current proposed net retail floorspace through a result of internal alterations, a condition should be imposed to restrict the floorspace to safeguard the vitality and viability of the adjacent centres.

In terms of Policy S2/1, the proposal would satisfy criteria (a) and (c) given it adjoins an existing centre and is in a location served by public transport. It is the potential impact that the proposal may have on the adjacent shopping centres in the area that needs to be considered in an attempt to overcome criteria (b) and (d) of Policy S2/1.

The relevant nearby centres to be considered are those at Rainscough Brow and Chapel Road.

The Retail Impact Assessment submitted with the application concludes that alternative sites are not suitable, available or viable options. Of the 14 units in the Rainscough Brow centre, only 3 out of 14 are in commercial use (the remaining 11 are residential) and there are no vacant units. Chapel Road centre has 5 units, all vacant. It was concluded this site would not support the proposed development as the units are too small, there is limited parking, inadequate servicing, delivery and bin storage areas, little passing trade and conflicts with residential amenity. It is considered the Retail Impact Assessment has sufficiently demonstrated that the 2 adjacent shopping centres are neither suitable, available or viable options.

The redevelopment of the proposed site for retail purposes would improve the derelict appearance of the site as well as bringing a beneficial use to the area. The proposal would bring into use a vacant and problem site with a positive use to the area and would enhance a service for local people.

The case put forward by the applicant addresses the policy issues and the proposal complies with S2/1 - All New Retail Proposals: Assessment Criteria (a) to (d) and S2/5 - New Local Shopping provision Outside Recognised Shopping Centres.

**B1 Office** - The proposal would provide 320 sqm of office space over 2 levels which could be used independently or by one operator. The development would contribute to the economic viability of the site without detracting from the character of the area and would not generate significant amounts of traffic.

Outline planning permission was granted in 2005 for office development and as such the principle of this use has previously been established. That the site lies vacant and in need of regeneration would further support the provision of a new office development.

As such, the proposal is considered acceptable in this location and would comply with PPS 4 - Planning for Economic Growth and UDP Policy EC5/3 - Other Office Locations.

**Siting and layout** - UDP Policy S2/1 considers proposals with regard to their environmental impact and takes into account design, scale and layout, traffic generation and servicing, safety of visitors, affects on amenity of adjacent residents or businesses, access and provision of adequate parking and servicing.

UDP Policy EN1/2 - assesses proposals with regards to external appearance and design in relation to height, scale, density and layout, relationship to the surrounding area, choice and use of materials, access for the mobility impaired, design and appearance of access, parking and servicing provision, landscaping and lighting.

The proposed building would be located to the front of the site and on a similar footprint to the previously approved residential scheme. The layout allows for parking for both the retail and office elements along the rear boundary and adjacent to the entrance which would allow an adequate servicing area for delivery vehicles. The main entrance to the retail shop would face onto the car park whilst maintaining an active shop front along the Rainscough Brow elevation. The existing vehicle entrance to the site would be widened and the

secondary entrance close to The Plough would be blocked off.

In regard to the layout, the proposal is considered to comply with UDP Policy S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres, S2/1 - All New Retail Proposals: Assessment Criteria and EN1/2 - Townscape and Built Design.

**Design of the building** - The proposed building would be 3 storeys and the same height as the previously approved residential scheme. The retail element building would provide a modern interpretation in comparison to the more traditionally built nearby shopping centres, and the 1st and 2nd floor elevations would be a mix of glazing and brickwork which would maintain some semblance of individuality being on a 'stand alone' plot. The glazed corner stair tower which provides access to the offices, whilst not visible when directly viewed from the front, would be visible from the approaches from Rainsough Brow and would relate well to the glazed front entrance of the shop.

The elevational drawings provide adequate detail of the appearance of the building which is considered to be acceptable in terms of design and massing and would respect the general character of the area and the relationship to the adjacent properties. As such, the proposal would comply with UDP Policy EN1/2 - Townscape and Built Design, S2/1 - All New Retail Proposals: Assessment Criteria and EC5/3 - Other Office Locations. The development is on an important Throughroute and, given the acceptable appearance of the frontage, it is also considered that there would not be a conflict with Policy EN1/7.

**Residential amenity** - The back elevations of the properties on Halliwell Walk are situated over 30m from the rear wall of the proposed building. As a guide, a minimum separation distance of 23m is generally required between a 3 storey building and a 2 storey building. As such, a reasonable degree of separation would be maintained to protect the amenity of the occupiers of these houses.

The stair tower would be located to the south east of the building and would not directly overlook any residential properties.

With regards to the relationship to the Plough Inn, it are located close to the site with the beer garden adjoining the south westerly boundary. However, the proposed car park would be located adjacent to the Plough Inn and there would be 2m high wall/railings on the boundary with the pub where the beer garden is at a significantly lower level. It is considered that the relationship with the Plough Inn is acceptable.

Pubs and derelict or vacant sites often have noise related issues or problems associated with vandalism and anti social behaviour. Whilst shops can generate a degree of noise, by comparison, noise issues tend to be less impacting, and in this instance a potentially "better neighbour". The offices would be privately occupied, during the daytime only and as such not be detrimental to the amenity local residents. It is therefore considered that the proposed development would give rise to less disruption than the pub and vacant site and would be in accordance with Policy 7/2 - Noise Pollution.

As such, the proposal is considered to be acceptable and complies with UDP Policies EN1/2 Townscape and Built Design, S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres and EC5/3 - Other Office Locations.

The design makes provision for a pedestrian route situated at the rear of the development to allow pedestrians to gain access from the houses behind the site to Flashfields on a permanent basis. One resident has objected to it citing concerns such as anti-social behaviour, criminal activity and litter and also claims that the pedestrian route would be on their land.

The proposed passageway is shown within the red edge plan and in ownership of the applicant. It is the same as that previously approved for the residential scheme. The route would be narrow but open to view from the development because the enclosure would include railings at eye level. Thus, it is considered that to maintain a local pedestrian route

as being proposed is acceptable.

**Highways issues** - UDP Policy HT2/4 - Car Parking and New Development requires new development to make adequate provision for their car parking and servicing requirements in accordance with adopted standards.

DCPG Note 11 requires a maximum standard of 1 space per 25 sq.m for the food retail unit and 1 space per 35 sq.m for the office. The scheme provides a total of 20 parking spaces including 2 disabled spaces, which is the maximum provision required by the Supplementary Planning Guidance. There is sufficient car parking provided for the development to comply with the Council's parking standards and satisfies UDP Policy HT2/4 and DCPG Note 11.

Whilst there is no designated servicing area for the retail unit, the proposed car park and area to the rear of the building would be adequate to accommodate a delivery vehicle used to service this size of store. The Highways Officer has raised no objection to the proposal and complies with Unitary Development Plan Policy S2/1 - All New Retail Proposals: Assessment Criteria.

**Security** - The designforsecurity team have raised concern that the late night opening of the retail unit would be vulnerable to robbery and recommended the opening hours be reduced.

Whilst retail premises can be prone to criminal activity, the opening hours are considered reasonable, in line with the same type of retail shops which are prevalent throughout the Borough and are what would be expected of a retail use in this location or any other. The security team have made recommendations on procedures which can be put in place to deter criminal activities or anti social behaviour to both the retail and office elements. These have been passed on to the applicant.

**Disabled Access** - A revised plan shows the disabled parking space for the retail shop would be located on a level plateau with the entrance to the shop and likewise the relationship of the disabled parking space to the offices. A lift would be provided within the stair tower and both the 1st and 2nd floor offices would have disabled toilet facilities.

The scheme provides adequate access and facilities and complies with HT5/1 - Access for Those with Special Needs.

**Landscaping** - There would be tree and low level planting along the boundary to the Plough and along part of the frontage to Rainsough Brow. Given the nature of the scheme, this is considered adequate and a scheme to submit further details would be conditioned.

**Response to objectors** - In response to the other objections raised which are not covered in the above report:

The derelict and vacant site has blighted the area with acts of anti social behaviour, vandalism and crime related activities and the development and the regeneration of the site would be beneficial to the area as a whole.

Given the size of the proposed store, the volume and number of deliveries would not cause undue noise and disturbance to local residents.

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

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

The proposed development is acceptable in principle, would bring into use and regenerate a vacant site and would not have an impact on the character of the surrounding area. It would be acceptable in terms of design, scale and height and would not unduly impact on the occupiers of the surrounding properties. The proposed development would not be detrimental to highway safety.



There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 2011/07/01; 2011.07.02 Rev C; 2011.07.03; ; 2011.07.04 Rev 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. 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.
4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. Following the provisions of Condition 3 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. The retail net sales area of the unit hereby approved shall not exceed 200 sq.m.  
Reason. In order to protect the shopping role of established centres and ensure there are no associated amenity of traffic problems in accordance with the Bury Unitary Development Plan Policy S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres.

7. No development shall take place unless and until a scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting of the area within the car park and the footpath for public use at the rear of the development shall be included within the details. The development shall not be carried out other than in accordance with the approved details.  
Reason: In order to provide a secure and acceptable environment pursuant to Policy EN1/5 - Crime Prevention of the Bury Unitary Development Plan.
8. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
9. The retail use hereby permitted shall not be open to customers outside the following times: 06.30 to 22.00 Monday to Saturday and 10.00 to 16.00 Sundays and Bank Holidays.  
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/1– All New Retail Proposals: Assessment Criteria of the Bury Unitary Development Plan.
10. The development hereby approved shall not be brought into use unless and until the access alterations indicated on approved plan reference 2011.07.02 Revision C, incorporating the reinstatement of the redundant vehicular accesses and creation of a new vehicular access onto Rainsough Brow, have been implemented to the written satisfaction of the Local Planning Authority.  
Reason: To ensure good highway design in the interests of road and pedestrian safety and to maintain the integrity of the adopted highway pursuant to Bury Unitary Development Plan Policy HT6/2 - Pedestrian/Vehicular Conflict and EN1/7 - Throughroutes and Gateways.
11. The footway visibility splays indicated on the approved plans reference 1230/07 Rev A shall be implemented to the written satisfaction of the Local Planning Authority before the development 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 Policy HT2/6 - Pedestrian/Vehicular Conflict.
12. The turning facilities indicated on the approved plan references 2011.07.02 Rev C, 1230/SP/07 Rev A and 1230/SP/08 Rev A shall be provided before the development is brought into use and the areas used for the manoeuvring of service vehicles shall subsequently be maintained free of obstruction at all times.  
Reason: To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Bury Unitary Development Plan Policy S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres
13. The foundations for the proposed 600mm high boundary walls shall not encroach under the adjacent adopted highway at any point.  
Reason: To ensure good highway design in the interests of road safety and to maintain the integrity of the adopted highway pursuant to Unitary Development Plan Policy HT6/2 - Pedestrian/Vehicular Conflict.
14. The car and cycle parking indicated on the approved plan reference 2011.07.02 Revision C 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.

15. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

