

Ward: Prestwich - St Mary's

Item 01

Applicant: Irwell Valley Housing Association

Location: Park Hotel, Lowther Road, Prestwich, Manchester, M25 9GP

Proposal: Extend the time limit for implementation for planning application 49718 for three years for the erection of three storey block of 30 apartments with car parking and associated works

Application Ref: 53800/Full

Target Date: 04/08/2011

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a deed of variation to ensure the proposed development is carried out in accordance with the original Section 106 agreement. Should the deed of variation not be signed and completed within a reasonable period, it is requested that the application be determined by the Assistant Director of Planning, Environmental and Regulatory Services Division under delegated powers.

Description

The application concerns the cleared site of the former public house, the Park Hotel which was situated at the junction of Lowther Road and Gale Road. The surrounding area is residential in character comprising of semi - detached and detached 2 storey houses. The site is overgrown and there are mature trees on parts of the site, seven of which are subject to a Tree Preservation Order.

Planning permission was granted in July 2008 for the erection of a 3 storey block of 30 apartments set in an L shaped configuration next to the highways frontages.

The block would be a traditionally designed brick building with a hipped concrete tiled roof and the design would feature some elevational indentations and balconies to the 2nd and 3rd floors.

The main pedestrian access would be from the corner of Lowther Road and Gale Road with vehicular access to the north east of the site off Lowther Road. There would be a car park with 30 spaces, including 2 disabled spaces provided to the easterly side of the apartment block.

With the exception of a poplar tree at the rear of the site, all of the trees under a Tree Preservation Order would be retained, although there would be several minor unprotected trees which would be removed. It is proposed to plant 11 new trees, including 6 near the Lowther Road and Gale Road junction and 5 more within the car park area.

A brick bin store with a hipped roof would be situated close to the vehicular entrance between the entrance and the open private amenity area. There would also be a cycle store in a similar design to be situated at the southerly far end of the car park.

The previous planning permission was accompanied by a Section 106 agreement for a contribution towards off site recreation provision.

The proposed development involves the extension of time to the above proposal. The justification for extending the time period is that the economic climate has restricted the viability of the development, and the economic circumstances and the state of the housing market had put the scheme in abeyance.

Relevant Planning History

44729 - Erection of 3 storey block of 27 apartments with car parking and associated works -

Withdrawn 17/01/2006

49718 - Three storey block of thirty apartments with car parking and associated works -

Approve with Conditions 29/07/2008

09/0017 - Enforcement case - Untidy site - 16/04/2009

Publicity

Two letters of objection received from Nos 112 Lowther Road and one e-mail (no postal address) which raise the following issues:

- The development would create a social ghetto;
- Would there be compensation for local residents if damage were to be done to their houses when works commence;
- The heavy goods vehicles would make road conditions worse;
- The scheme should be houses not a block of apartments.

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

Consultations

Wildlife Officer - No objection.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/6	Public Art
EN4	Energy Conservation
EN4/1	Renewable Energy
EN4/2	Energy Efficiency
EN7	Pollution Control
EN8	Woodland and Trees
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD11	Parking Standards in Bury
PPS3	PPS3 - Housing
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Principle - The proposed development was granted planning permission in November 2008 and the applicant has not been able to commence the proposal due to the economic downturn.

This application is seeking to extend the life of the planning permission by a further three years. The changes to regulations in October 2009 permitted this process with the only issues necessary to consider were any changes in policy since it was first approved.

As such, the principle of the development has been accepted already in very recent times.

Policy changes - The substantive changes since the original approval in July 2008 are the Regional Spatial Strategy (RSS) published in September 2008, Supplementary Planning Document 7 - Managing the Supply of Housing Land in Bury (Revised January 2009) and Recreation Provision in New Housing Development (updated June 2011).

At the time of the approval, there were restrictions on new housing development, with one of the exceptions to the policy to allow residential development offering 100% affordable or special needs housing. The previously approved scheme provided 100% affordable housing and the applicant was a Housing Association and therefore an approved Registered Social Landlord. On this basis the development was acceptable in principle.

Revisions to the RSS identified there was no longer a significant oversupply of housing land in Bury and as such SPD 7 was revised to reflect these changes, with the requirement to provide 100% affordable housing being no longer necessary.

The applicant is the same Housing Association and an approved Registered Social Landlord and therefore intends to provide 100% affordable housing. However, on the basis of these policy changes, the condition regarding Affordable Housing has been amended on this application in accordance with the Bury Unitary Development Plan and Development Control Policy Guidance Note 5 - Affordable Housing Provision in New Residential Developments.

Planning Obligations - The original planning permission was accompanied by a Section 106 agreement for a contribution towards recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and Supplementary Planning Guidance Note 1 - Recreation Provision in New Housing Development.

A deed of variation has been drafted to ensure that the proposed development is carried out in accordance with the updated SPG Note 1 and the Section 106 agreement has been amended to reflect the changes. The applicant has been notified of the amendments to the Section 106 and has in principle accepted the Draft Agreement.

Response to Objectors - The concerns raised regarding an apartment development as opposed to houses was raised in the previous application. Central government advice in PPS 3 promotes the provision of a good mix of housing types and the proposed development of apartments would contribute to the creation of mixed communities and house types in the area. As such the proposal would comply with policy guidance.

The concerns expressed about the type of residential occupiers that would be accommodated is not a material planning consideration.

Noise, disturbance and damage to the roads during the construction phase would be covered under separate legislation of the Environmental Protection Act and Highways Act.

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 height, design and appearance of the development is acceptable. The provision made for car parking and amenity space is adequate. The impact on surrounding houses is acceptable, as is the impact on protected trees within the site.
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 3132/1.01A, 3132/1.02, 1081_01, 3132/2.11(E), 3132/2.13 (C), 3132/2.14(C), 3132/2.15 A, 3132/2.16, 3132/2.17,

Arboricultural Survey Ref 1081/DR.05 (July 2005), Design and Access Statement, Design Statement, Crime Impact Statement, Geo-Environmental Investigation REC Report 41867p1r0. and the development shall not be carried out except in accordance with the drawings hereby approved.

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

3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

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

4. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The trees to be planted apart of the scheme shall have a girth at planting of not less than 20cm as measured at 1 metre of ground level. The landscaping scheme 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.

5. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a method statement concerning the work to be carried out within the vicinity of the retained trees. The development shall not commence unless and until the measures required by the approved scheme have been implemented to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design, EN8 - Woodland and Trees and EN8/1 - Tree Preservation Orders of the Bury Unitary Development Plan.

6. No development shall commence unless and until the Affordable Housing Provision is approved in writing by the Local Planning Authority. The development hereby approved shall provide Affordable Housing pursuant to Bury Unitary Development Plan Policy H4.1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments. The development shall fully incorporate the Affordable Housing Provision in accordance with the approved details.

Reason. To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy H4.1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments.

7. No apartment shall be occupied unless and until details of the public artwork provision have been submitted to and approved by the Local Planning Authority. The artwork shall accord with the requirements of Development Control Policy Guidance Note 4 - Per Cent for Public Art. The approved artwork shall be completed to the written satisfaction of the Local Planning Authority and before 15 of the apartments are occupied.

Reason - To ensure that the development would contribute to satisfying the need for public art and to create additional visual interest in the street scene and to

promote a sense of well being pursuant to Policy EN1/6 - Public Art of the Bury Unitary Development Plan and the associated Development Control Policy Note 4 - Per Cent for Public Art.

8. No development shall take place unless and until the details of the means of enclosure in and around the development has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried other than in accordance with the approved details.
Reason: In the interests of amenity and to secure a satisfactory development pursuant to policies EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan:
9. The development shall be carried out in accordance with the Code for Sustainable Homes standards and shall achieve a rating greater than zero. No development shall take place unless and until an appropriate assessment certificate has been submitted to the Local Planning Authority
Reason: To secure the sustainability principles of the development of the site pursuant to the provisions of PPS1 - Climate Change Supplement (2007) and Policies EN4 - Energy Conservation, EN4/1 - Renewable Energy, EN4/2 - Energy Efficiency of the Bury Unitary Development Plan.
10. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground 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 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 is 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 and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
11. Following the provisions of Condition 10 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.
12. 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 validity 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.

13. Following the provisions of Condition 10 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.
14. No development shall take place unless and until the details of the exterior lighting have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed prior to the first occupation of the apartments.
Reason: In the interests of amenity and to secure a satisfactory development pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/5 - Crime Prevention and EN7 - Pollution Control of the Bury Unitary development Plan.
15. The windows shown on the south elevation of the apartment block shall be fitted with obscure glazing and this type of glazing shall continue to remain in place
Reason: In order to protect the amenities of the adjacent residential properties by avoiding a loss of privacy through overlooking, pursuant to Policy H2/1 - The Form of New Residential Development of the Bury Unitary Development Plan.
16. The development hereby approved shall not be first occupied unless and until the highway improvement works indicated on approved plan reference 3132/2.11 Rev. E, including the reinstatement of the redundant vehicular accesses onto Lowther Road and Gale Road to the adjacent footway levels, have been implemented to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design in the interests of road safety.
17. The car parking indicated on the approved plan reference 3132/2.11 Rev E shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied.
Reason. To ensure adequate off-street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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

Ward: Bury East - Moorside

Item 02

Applicant: Silver Point LLP

Location: Land at Silver Point Business Park, Hornby Street, Bury, BL9 5AQ

Proposal: Erection of 2 storey office block (Class B1)

Application Ref: 53864/Full

Target Date: 27/07/2011

Recommendation: Approve with Conditions

Description

The site is located at the junction of Hornby Street and Moor Street and consists of a 2 storey blue clad office block. There is an existing car park to the north of the building which is accessed from Hornby Street.

There is a DIY retail store and associated car park to the east of the site, and vacant land and car park to the north. There are residential properties opposite to the west on Hornby Street and Peel Way passes to the south.

The proposed development involves the erection of a 2 storey office block consisting of 3 independent units with separate entrances which would face the existing Silverpoint building. There would be ramped access which leads from the car park area and would serve both the existing and the proposed new building.

The building would be located directly to the north of the existing office building on the footprint of the single storey annex building, which is to be demolished as part of a proposal approved in June 2011 (reference 53865). This development comprised of the refurbishment of the 2 storey office building and conversion into 8 separate office units.

There are 47 parking spaces in total within the existing site car park. Of these, 32 are allocated for the existing offices. 12 spaces in total would be allocated for the new building - 4 spaces designated specifically for each of the individual units. There would be 3 additional shared disabled spaces.

Relevant Planning History

46481 - Temporary portacabin for Office Use (Class B1) - Approved 20/10/2006.

53412 - Lawful Development Certificate for the existing use of premises as offices (Class B1) - Lawful Development 01/12/2010

53865 - Refurbishment of existing 2 storey office building and conversion into 8 no. office units (Class B1); Demolition of existing annex and associated improvement works to car park and access. - Approve with Conditions 02/06/2011

53880 - Non-illuminated acrylic letters mounted to side of building - Approve with Conditions 04/05/2011

Publicity

The neighbouring properties at Nos 1,3,5 Hornby Street; 1-53 (odds) Brunswick Street; Wickes, Moor Street; Bury Fire Station, The Rock, Paradise Mill, John Street were notified by means of letter on 3/6/11.

Site notice posted 10/6/2011.

Two letters of objection received from No 3 Hornby Street. Addressed separately to the planning department and highways department; and one letter of objection from No 23 Brunswick Street. which raised the following issues:

- The new building would reduce the car parking further - at least 15 spaces - yet it will

increase demand on the site and on nearby streets;

- The site is advertised for sale or let so why is the development needed?
- This entire area is congested and many elderly people nearby are affected by it;
- The traffic problems are difficult enough during the working day;
- There are already offices there;
- The company using the car park leave the gates left open which encourages people to congregate. There is already an issue of anti social behaviour on Tesco car park.

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

Consultations

Traffic Section - No objection subject to condition.

Drainage Section - No objection.

Environmental Health Contaminated Land - No objection subject to conditions.

Design for security - No objection. Recommend secure by design standards.

Wildlife Officer - No objection.

Fire Officer - No objection. Informative to applicant regarding access requirements.

Baddac Access - Seek clarification why the new build development does not have a true level approach rather than the proposal via an extension of the raised/ramped access needed for the conversion which would produce a convoluted approach to the new building. Raises the issue how the office units in the new building accommodate the provision of lifts.

Unitary Development Plan and Policies

EC1/1	Land for Business (B1) (B2) (B8)
EC3/1	Measures to Improve Industrial Areas
EC5/1	Office Development in Bury Town Centre
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN7	Pollution Control
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD11	Parking Standards in Bury
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Principle - Unitary Development Plan Policy EC1/1 - Land for Business, General Industry and Warehousing Uses supports development including B1 offices on this site.

UDP Policy EC5/1 - Office Development in Bury Town Centre states the main location for office development will be in Bury town centre.

The site is allocated as land suitable for office development and there is an existing building in office use. There is associated parking provision within the site and being located in Bury Town Centre is close to public transport. As such, the proposal is acceptable in principle and complies with UDP Policies EC1/1 and EC5/1 subject to the considerations below.

Siting and Design - The building would be located in the south east corner of the site on the footprint of a single storey annex building, which is to be removed as part of the refurbishment of the existing offices. It would be adjacent to the boundary with the DIY retail store and at the furthest most point from the nearest residential properties on Hornby Street. Its position behind the existing Silverpoint building would screen it from the approach from Moor Street and Peel Way and it would only be visible outside the site from Hornby Street.

The proposed building's scale and design would reflect that of the existing office building, in that it would be 2 storey in height with externally clad panels and metal window frames and is designed to have a modern and contemporary appearance. The roof would have a mono

pitch and would be no higher than the adjacent offices. The entrances would be defined by modern doors and glazed surrounds with suspended awnings over the doors.

As such, the siting and design of the proposed development is considered acceptable and would comply with UDP Policy EN1/2 - Townscape and Built Design.

Parking - There are currently 51 parking spaces provided on site. The site as a whole would provide 47 spaces in total for the proposed development and the existing offices. Supplementary Planning Document 11 - Parking Standards in Bury states that the maximum provision for a B1 office is 1 space per 25 square metres of floor space which would equate to 16 spaces. For the proposal, this would provide 12 spaces and 3 shared disabled spaces. However, these are maximum standards and the site is located within the town centre and has good access to public transport. On this basis, the level of parking is acceptable and would be in accordance with UDP Policy HT2/4 - Car Parking and New Development and SPD 11 - Parking Standards in Bury.

Access - The provision of disabled parking spaces, a disabled toilet in each unit and the potential to provide a lift is welcomed. The proposed ramp would be accessed via the car park and located between the two office buildings would provide disabled access to both buildings. Details of the gradient of the ramp were subject to a condition as part of the refurbishment to the existing offices, and as such a condition is included as part of the approval of this application.

Response to objector - Whilst there would be a reduction in the overall parking provision on site, the spaces would be allocated to the offices and as such there would be more overall management of the parking on site. Given the town centre location and access to public transport, the proposed parking is considered to be acceptable.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and would not have an adverse impact on the amenity of neighbouring properties or the visual amenity of the area. The proposed development would not be detrimental to highway safety or have an adverse impact on parking provision.

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 3146 01 Rev B; 3146 02; 3146 08 Rev B; 3146 09; 3146 10 Rev A; 3146 15 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 car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained at all times, unless otherwise agreed in writing with the Local Planning Authority.
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.

4. Prior to the commencement of the development hereby approved, full details of the gradient of the access ramp shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the units hereby approved being first brought into use.
Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policy HT5/1 - Access for Those with Special Needs of the Bury Unitary Development Plan.
5. No development shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
 - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in

writing;

- A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

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

9. Following the provisions of Condition 9 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and

A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

Ward: North Manor

Item 03

Applicant: Mr Mark Falshaw

Location: Nabbs Farm, Rowlands Road, Bury, BL9 5LJ

Proposal: New portal framed building for agricultural use

Application Ref: 53911/Full

Target Date: 02/08/2011

Recommendation: Approve with Conditions

Description

The application site is an established working dairy farm which is accessed from Rowlands Road and is close to the junction with Walmersley Road. The site itself lies to the south of Rowlands Road and is on the western fringe of the main farm complex and other agricultural buildings which comprise the farming business. There is open land to the north, west and south and the area is designated as Green Belt, Area of Special Landscape and River Valleys. The nearest residential properties are to the east some 60m away.

The proposal is for the erection of a new agricultural building to house the dairy cattle. It would be 55m long, 27.4m wide, 4.6m to the eaves and 7.6m high to the ridge, with a footprint of approx 1510sq m. It would be constructed of timber spaced boardings with a fibre cement roof. It would replace an existing building, (to be demolished) 30m long, 18m wide and 6m total height (550m² in area), which is dilapidated, no longer fit for purpose and not large enough to accommodate the growing herd of cattle.

The building would be located to the west of the existing outbuildings, utilising part of the adjacent field.

Relevant Planning History

44372 - Ice cream parlour, farm shop & tea room - Withdrawn by Applicant 23/05/2005

45559 - Farm shop, ice cream parlour, tea room & associated car park - Approve with Conditions 05/04/2006

Publicity

Properties notified on Walmersley Road and Rowlands Road.

Site notice posted on 12/5/2011.

Press advert in The Bury Times on 12/5/2011.

No correspondence received as a result of the publicity.

Consultations

Traffic Section - No objection.

Drainage Section - No objection subject to condition and informatives notes for the applicant.

Environmental Health Contaminated Land - No objection.

Public Rights of Way Officer - No footpaths affected.

Wildlife Officer - No objection.

Unitary Development Plan and Policies

OL1 Green Belt

OL5/2 Development in River Valleys

EN9/1 Special Landscape Areas

OL1/2 New Buildings in the Green Belt

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
OL4	Agriculture
OL4/5	Agricultural Development
EN8/2	Woodland and Tree Planting

Issues and Analysis

Policies - PPG2 - Green Belt - identifies the construction of new buildings for agriculture as an appropriate form of development in the Green Belt stated in para 3.4.

The guidance also states that the visual amenities of the Green Belt should not be injured by proposals for development in the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials and design.

OL1/2 - New Buildings in the Green Belt - The construction of new building in the Green Belt is inappropriate unless for a specific purpose, which includes agriculture and forestry.

SPD 8 - New Buildings and Associated Development in the Green Belt - advises that new agricultural buildings should form part of a group rather than stand in isolation and should relate to existing buildings in size and colour. New development should relate to landscape features such as woodland or hedgerows and not harm the view of the skyline.

In relation to siting and visual design, SPD 8 states that large buildings are difficult to site unobtrusively on hill terrain as they are visually intrusive. New buildings should also respect the existing field boundary pattern.

EN9/1 - Special Landscape Areas - Strictly controls development in Special Landscape Areas and requires development to be sympathetic to its surroundings in terms of visual impact. High standards of design are expected and unduly obtrusive development is not permitted.

The Council's Landscape Character Assessment identifies the site as being within the Council's 'Pennine Settled Valley Pasture' character type. Development should be assimilated where they respect the nature of the open valley, special attention should be made to massing and scale of proposed buildings and materials used, as these can be seen from long distances. Large scale warehouse development should be avoided when possible as it would be unsympathetic to the open character.

OL4/5 - Agricultural Development - Buildings should be designed in such a way as to minimise their visual impact on the landscape having regard to height, materials, landform and landscaping; relate well to existing farm buildings; and not have an unacceptable impact on the amenity of any neighbouring dwellings.

Principle - The proposed building, by virtue of it being for agricultural purposes, would be an appropriate use within the Green Belt, acceptable in principle and would comply with National and Local Planning Policy and Guidance.

The main consideration of the application therefore, is the size of the proposed building, its relationship to the existing farm settlement and impact on the openness of the Green Belt and Area of Special Landscape.

The proposed building would be almost 3 times the area of the building to be demolished, with an increase in footprint from 550 m² to 1510 m². It would be 55m long, 27m wide and 7.6m high it would be substantially larger than the existing building and bigger than what would normally be considered acceptable in the Green Belt. In this respect, it is for the applicant to demonstrate very special circumstances to justify the need, size and position of what is proposed.

Applicant's Case - The applicant has submitted additional information to support the justification for the need of the proposed building. In essence, the need for the building centres around the poor condition of the existing building which is no longer fit for purpose

for housing cattle, and that a larger building would help to feed and accommodate the farm's expanding cattle herd indoors, which would enable compliance with current regulations.

The applicant has put forward a robust case for the need for a new building:

- All the existing agricultural buildings are in use, either to house livestock, food storage or machinery.
- The existing cattle buildings are beyond repair and need replacing and would be demolished as part of this application.
- A visit from Farm Assurance (a body that checks on animal welfare) commented on the high ratio of livestock to buildings, which the applicant has sought to address with this application.
- The existing building houses 100 cows and all feeding is carried on outside. The applicant's passport states that the applicant has 349 animals on the farm, 150 are milk cows. Farm Assurance suggested it would be beneficial for the cattle to be fed inside which is something not currently achieved. Milk production for the farm this year dropped due to the bad weather and the outdoor feeding arrangements.
- The building would ensure that the dairy business would continue to be successful commercially for the foreseeable future.

In addition, the needs of the farm and how the dairy business operates on a day to day basis are very prescriptive in terms of where buildings, slurries and silos are positioned and how drainage is treated. There are also set requirements for the size of building needed to accommodate a number of cattle, and how the building is laid out internally.

To further strengthen the case for special circumstances, the applicant has put forward a justification for the need for the size and position of the building.

The reasons for this are:

- The width of the building is determined by the required size of the cubicles and passages;
- Ventilation of the building is of paramount importance which dictates the height of the building;
- The building cannot be situated anywhere else within the farm due to costs and practical reasons. The section of land behind buildings 10 and 11 (see layout plan) is not practical due to the flurry store and silo. A new silo would incur costs of £60,000;
- The position of the slurry store is ideal next to the new building, feeding is close by and there is a continuous flow for milking;
- The building provides the required space, and is necessary for the future of the farm.

Siting and Appearance - SPD8 states that new buildings should normally form part of a group and relate to existing buildings in size and colour. The existing cattle shed would be demolished and the new building would sit on part of this footprint. The proposed building would be set within the cluster of the existing farm complex, albeit it would project an additional 25m to the west into the adjacent field. It would be constructed of timber spaced boarding, the colour of which is to be conditioned.

The adjacent barn is 7.8m high and the proposed build would be 7.6m in height and would therefore be partly screened viewed from the approach from the east.

In terms of long range views, the building would be visible from the south and west. However, the applicant had agreed to incorporate a landscaping bund which would screen the building from this viewpoint and minimise its impact on the surrounding area. From this vantage point, the building would also be seen against the backdrop of the farm complex as a whole and within the cluster of the other agricultural outbuildings and barns.

Given its position within the farm settlement and that the proposed materials are typical for agricultural purposes within the Green Belt, the location of the building is considered not to have a seriously detrimental impact on this sensitive area or the Green Belt and Special Landscape Area.

Response to Applicant's Case - It is accepted that there is a clear need for the development in terms of inadequacy of the existing buildings to meet standards required. Although the building would be substantial in size, it is considered that the reasons given above justify the size and position of the building. It is considered that very special circumstances have been demonstrated which would outweigh any harm which would be caused to the openness of the Green Belt and Special Landscape Area, and as such complies with planning policies.

Slurry store - The new building would also provide a covered area to store feed and to protect the feeding areas for the cows. As a result, the feed would no longer be affected by rainwater which would in turn reduce the amount of slurry produced. The existing slurry store would therefore be acceptable and there would be no requirement to increase the size of this area.

Residential amenity - There are no residential properties nearby which would be affected by the siting or use of the building.

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 agricultural building would be a necessary addition to the existing farming building, which would be an appropriate use within the Green Belt. There would not be an adverse impact on the Special Landscape Area or character of the area. There are no highways issues and no impact on residential amenity.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings - Revised layout and red edge plan P4632-02 Rev A; Proposed building layout P4451-01; Revised plan and elevation P4632-01 received 19/5/2011 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. No development shall commence until details of a foul & surface water drainage scheme has been submitted to and approved by the Local Planning Authority. The approved scheme only shall be implemented prior to the building hereby approved first being brought into use.
Reason. To ensure the appropriate disposal of foul and surface water from the proposed development pursuant to Bury Unitary Development Plan Policy EN7/2 - Pollution Control.
4. No development shall commence unless and until the form, height, position and extent of the landscaped bund has been submitted to and approved by the Local Planning Authority. The bund shall be implemented and constructed in

accordance with the approved details, and it shall be in position before the building hereby approved is occupied.

5. No development shall commence until details of a landscaping scheme have been submitted to, and approved in writing by, the Local Planning Authority. It shall be implemented not later than 12 months from the date the building(s) is first brought into use or within 3 months of completion of the building, whichever is the sooner. 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.

6. A sample panel of the colour of the proposed timber boarding 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 and OL1/2 - Green Belt of Bury Unitary Development Plan.

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

Ward: Bury West - Elton

Item 04

Applicant: Bury Council - Planning Division

Location: Woolfold Gap Recreational Route, Off Brandlesholme Road, Bury

Proposal: Construction of ramped access for cyclists & pedestrians to connect Woolfold Recreational Park to Brandle Avenue; with associated works

Application Ref: 53922/Full

Target Date: 23/06/2011

Recommendation: Approve with Conditions

The application was deferred for a site visit at the last Planning Control Committee.

Description

The site consists of a strip of land between 15 and 17 Brandle Avenue. The Brandle Avenue part of the site is grassed with a hedgerow and tree forming the boundary on one side and a 2 metre high timber fence on the other. The site connects Brandle Avenue to the former railway line. The remainder of the site has many trees, some of which are self seeded.

Planning permission was granted in February 2010 for an extension of the Kirklees Trail from Pickering Close to Brandlesholme Road. This extension follows the route of the former railway line and passes along the back of Brandle Avenue. A second permission was granted in February 2011, which realigned the position of the path and amended the levels along the first 125 metres. The construction of the trail is underway currently.

The Trail formed part of a national bid (Sustrans Connect 2) to the Big Lottery Fund, which aimed to complete missing links in important pedestrian and cycle routes. The bid was determined using a public telephone vote and Sustrans' Connect 2 won with 42% of the vote. Sustrans have 5 years to deliver the Connect 2 programme.

The proposed development involves the provision of a new pedestrian link access link between Nos 15 and 17 Brandle Avenue and the provision of two ramped accesses to the trail. The proposed link would specifically serve the residents on the Bankhouse estate and children walking or cycling to Woodbank School from the Tottington Road area and beyond.

Relevant Planning History

51876 - Extension of the Kirklees Trail, from Brandlesholme Road to rear of 12 Pickering Close; works include provision of a 3 metre wide path; street lighting, land shaping, construction of new bridge and associated works at Woolfold Gap recreational Route, Bury. Approved with conditions - 17 February 2010

53542 - Variation of condition No. 2 of planning permission 51876 to include a realignment of the path at Darlington Close and at Brandlesholme Road and changes to levels for first 125 metres of the path at Woolfold Gap Recreational Route, Bury. Approved with conditions - 15 February 2011

Publicity

27 neighbouring properties (1 - 17, 19 - 35 (odds) Brandle Avenue; 21 Hawthorn Avenue) were notified by means of a letter on 3 May and site notices were posted on 10 May 2011.

One letter of support has been received from Sustrans, which has raised the following issues:

- Sustrans is a charity that is enabling people to travel to work by foot, bike or public transport and to help people choose healthier, cleaner and cheaper journeys.
- Sustrans is working as a partner with the applicant to fund and deliver the extension to

the Kirklees Trail.

- Support the creation of the new link as it is essential to making the route as accessible as possible to as many neighbouring areas as possible.
- There is a lack of alternatives - the only alternative would be via a section of Brandlesholme Road, which is a busy and congested route.
- The concerns of the immediate neighbours are understood, but we believe that the route and planting treatments together would mitigate these concerns.
- While the risk of anti-social behaviour cannot be ruled out, it is not felt that this risk should outweigh the benefits to the wider population.

One petition containing 66 signatures has been received and has raised the following issues:

- There is an existing access to the trail via a route behind Nos 175 - 151 Brandlesholme Road and an overgrown but passable route from Hebburn Drive.
- Proposed development would lead to an increase in crime in the surrounding area.
- The character of the quiet area would be changed.
- The proposed development would lead to increased parking on Brandle Avenue.
- Brandle Avenue is mainly occupied by elderly and retired residents, who are concerned about extra noise, traffic and passers by generated by the ramp.
- Safety concerns relating to cyclists in an area where there are elderly residents.
- Impact of the proposed development upon anti-social behaviour.

13 letters have been received from the occupiers of 1, 2, 5, 11, 13, 14, 17, 23, 25 Brandle Avenue; 56 Fairlands Road; 23 Hawthorn Avenue, which have raised the following issues:

- Access to the recreational route should be from Brandlesholme Road and not Brandle Avenue.
- Impact of the proposal on anti-social behaviour.
- Impact upon parking in the area.
- Would provision be made to prevent motorcyclists from accessing the route.
- Problems with parking at school times.
- Guidance from Sustrans states that cycle routes should be located in front of houses rather than around the backs.
- Proposed development would lead to more crime and break-ins within the area and Architectural Liaison Officer should be consulted.
- Proposed development would bring about problems with litter.
- The applicant is Bury Planning Department, which is a clear conflict of interest.

An email has been received from Councillor Cresswell, which has raised the following comments:

- Object to the scheme.
- Share the concerns of the residents with regard to security and anti-social behaviour.

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

Consultations

Traffic Section - No objections.

Drainage Section - No response to date.

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

Public Rights of Way Officer - No objections.

Landscape Practice - Recommend the use of a mixed native hedge to deter access to adjacent dwellings. Seek a management plan for any planting.

Designforsecurity - No objections, but have concerns relating to use of the trail by motorbikes.

Baddac - Welcome the scheme, but seek level resting points in the proposed ramps and handrails should be provided.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/2	Noise Pollution
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
OL1/2	New Buildings in the Green Belt
OL5/2	Development in River Valleys
RT3/3	Access to the Countryside
RT3/4	Recreational Routes
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/3	Cycle Routes
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
PPG2	PPG2 - Green Belts
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

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

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

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

The principle of providing a recreational route and the associated bridge was established with the grant of planning permission in February 2010 (51876) and February 2011 (53542). As such, the proposal of a trail has been accepted in principle. The proposed development would form a link to the approved trail and as such, would improve and extend the network of footpaths and cycle routes. Therefore, the principle of the development would be in accordance with Policies OL1/2, RT3/3 and RT3/4 of the adopted Unitary Development Plan and PPG2.

Need - The proposed development is required to allow a link from the Bankhouse estate to the Kirklees Trail. The idea of the link to the Trail originated with Sustrans, who have considerable experience elsewhere, believe that a link would encourage more use of the Kirklees Trail by people on the Bankhouse Road estate and Woodbank Primary School. Currently, the nearest public rights of access to the trail are at Garside Hey Road and at the entrance to Brandlesholme Road. The residents of the Bankhouse estate would have to do a significant detour of some 400 metres to access the trail from Brandlesholme Road. The route suggested by the objectors, is not a public access and as such, any users would have to use Brandlesholme Road. The applicant states that the link path was discussed at meetings of the Friends of Kirklees Valley and with the Headteacher of Woodbank Primary School and neither raised objections. The proposed development would be provided to encourage more people to walk and cycle and making it pleasant and convenient is critical in achieving this.

Design and impact upon the surrounding area - The position of the proposed path would be between 3 and 8 metres from the rear boundaries of the residential properties. The proposed path surfacing would be 2.1 metres wide and would slope down to the existing trail, preventing overlooking into the rear gardens of the neighbouring properties. The plans

indicate that no trees would be removed as part of the proposal and a mixed native hedge, including thorny species would be planted along the rear boundary of the dwellings to discourage access and to provide screening. Therefore, the proposed development would not be visually prominent in the area and would be in accordance with Policies EN1/2 and EN8 of the adopted Unitary Development Plan.

Crime/anti-social behaviour - Guidance from Sustrans states that cycle routes should be located in front of houses rather than around the backs. It is preferable for houses to face a cycle route/highway, but this is not always possible and it does not automatically follow that these routes would lead to increased problems with crime. The proposed plans indicate that provision of a hedge along the boundary with the dwellings, which would discourage access. In addition the trail would be at a lower level, which would deter access into other people's property. Similar links to trails are in place near residential properties in Stockton Drive, Bowes Close, Keld Close and Sunnywood Close, some of which have been longstanding access routes. To date, there is no increase in anti-social behaviour or crime at these points. Designforsecurity, GM Police's architectural liaison unit have been consulted on the application and has no objections, but have concerns relating to use of the trail by motorbikes. As such, it is proposed to include a condition requiring a report to be completed after the trail has been used for 3 months, assessing the issue of anti-social behaviour and to detail appropriate measures to deal with any issues arising. Therefore, the proposed development would not have an adverse impact upon crime and safety and would be in accordance with Policy EN1/5 of the adopted Unitary Development Plan.

Response to objectors

The issues of crime, anti-social behaviour and access to the trail have been addressed within the main report. The aim of the proposed development is to encourage people to cycle or walk rather than use the car and as such, the proposed development would not lead to an increase in parking in the surrounding area. The plans indicate that a lockable removable bollard would be located at the entrance with Brandle Avenue, to prevent access by motorcyclists. Litter bins would be provided along the trail and the trail would be maintained and litter picked by the Council.

The application has been processed in accordance with the Town and Country Planning General Regulations 1992, which deals with applications on land owned by the Council. There is no conflict of interest as the decision will be taken by the Planning Control Committee, which has no responsibility for the management of the land. The management of the land is undertaken by the Estates department.

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 design. It would not have a significant adverse impact upon the amenity of the neighbouring residents, nor would it have an adverse impact upon crime and anti-social behaviour and would be accessible for all. The proposals would comply with relevant UDP Policies and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered DL89/002, DL89/003 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. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:

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

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

6. Prior to the commencement of the footpath link hereby approved, full details of the species of the hedgerow to be located at the back of the residential properties shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the path is first brought into use.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8 - Woodland and Trees of the Bury Unitary Development Plan.

7. A written report describing any incidence (s) of crime and disorder or anti-social behaviour relating directly to or arising from the use of the link path shall be submitted to the Local Planning Authority three months after first usage of the development with a further updated written report being submitted 6 months after first usage.

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

Reason. To monitor the perceived incidence of crime and disorder relating to this site and pursuant to Policy EN1/5 - Crime Prevention 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 05

Applicant: Lancashire Taverns

Location: Shoulder Of Mutton, Holcombe Village, Ramsbottom, Bury, BL8 4LZ

Proposal: Change of use of part of car park to walled sitting area and re-marking of car parking spaces; Re-surfacing of existing beer garden at the rear and erection of new fence

Application Ref: 53955/Full

Target Date: 06/07/2011

Recommendation: Approve with Conditions

Description

The site is the car park and sitting area at The Shoulder of Mutton Public House which is situated at the junction of Lumb Carr Road and Helmshore Road within the heart of Holcombe Village. It is a Grade II Listed Building and set within the Conservation Area.

The frontage of the pub is directly adjacent to the main road and there is a car park to the north east which includes an outdoor seating area; with access into the car park from Holcombe Village and Chapel Lane. Directly adjoining this property are 2 cottages, No 1 Alba Street to the south elevation and 3 Alba Street to the east elevation. Opposite is the Mala restaurant and a row of residential terrace properties.

The building itself is a 2 storey solid stone construction with feature quoins to the main building. There is a red brick extension to the rear of the property which is a suspended structure supported on the existing stone walls with steel beams and a steel column, and an open void area underneath used for storage. The roofs of the pub are pitched with slate covering, apart from a small flat roofed area to the south elevation.

The pub has 3 sitting areas at the moment, one at the rear and two adjacent to the car park.

This application is in two parts. The first is to re-surface and provide screen fencing to the seating area at the rear and the second is to re-locate the sitting area on the car park and to provide a low walled enclosure around this re-located seating area.

All materials proposed are timber and natural stone. The stone will be of a finish and colour to match the listed pub building.

Relevant Planning History

00549/E - Proposed seating area & fencing to bin store. - enquiry completed 15/01/2010 - this application has resulted in the current scheme.

51696 - External alterations and replacement flue - approve with conditions 08/10/2009

51697 - Listed Building consent for structural and maintenance repairs, external and internal alterations and replacement flue - approve with conditions 08/10/2009

51701 - 2 no. Externally illuminated letter signs; 2 no. Externally illuminated wall boards; 1 no. Amenity board - approve with conditions 16/10/2009

52754 - Certificate of lawfulness for proposed bin store - lawful development 23/06/2010

09/0348 - Change of use of land and fencing - 16/10/2009

Publicity

Immediate neighbours at 1 to 4 Lumb Carr Road, Higher House and Higher House Cottage, Moor Road, 2 and 3 Helmshore Road, 18 to 34 (evens) Holcombe Village, 1 Cross Lane, 1 and 2 Alba Street, Holcombe were written to on the 11th May 2011, a press advertisement was published in the Bury Times on the 19th May 2011 and a site notice placed on the

same date.

One objection has been received from 3 Alba Street which is attached to the PH and the objection can be summarised as follows:

- the land at the rear of the Public House used as a sitting area, is not part of the land originally used by the Public House;
- the lane at the side is used as an agricultural access and the use of the land at the rear for a sitting area could endanger the users;
- access to the land is via the public footpath and licensing restricts the removal of glasses from the Public House;
- the use of the land affects the residential amenity of their property through noise and disturbance associated with the use;
- the use of the land will allow underage drinking.

The objector has been informed of the Planning Control Committee.

Consultations

Traffic Section - no objections

Public Rights of Way Officer - no objections

Holcombe Society - no comments received

The Ramblers Association - no comments received

Baddac - no objections

Unitary Development Plan and Policies

OL1	Green Belt
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN9/1	Special Landscape Areas
S2/6	Food and Drink
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
PPG2	PPG2 - Green Belts

Issues and Analysis

Policy - UDP Policy EN2/1 - Character of Conservation Areas seeks to preserve or enhance the character of the Borough's Conservation Areas and is concerned with measures to:

- retain, replace and restore features of historical and architectural interest;
- retain and enhance landscape features;
- initiate and promote environmental improvements;
- bring unused buildings into beneficial use;
- promote design guidelines to ensure sympathetic development.

EN2/2 - Conservation Area Control allows development only if it preserves or enhances the special character or appearance of the area and has regards to the nature of development in terms of bulk, height, materials, colour, design and detailing, and the relationship to the surrounding area.

UDP Policy EN 2/3 - Listed Buildings seeks to actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features.

In considering applications for Listed Building Consent or works to Listed Buildings, regard will be had to the following:

- the impact of the proposal on the historic fabric of the building;
- the relationship of any extension in terms of height, size, design;
- the need to protect the setting;

- the impact of associated ancillary facilities and infrastructure.

PPG2 and UDP Policy OL1 - Green Belt - 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.

UDP Policy S2/6 - Food and Drink - states that the following factors are material considerations amongst other matters:

- the amenity of nearby residents;
- parking and servicing provision;

Visual amenity -

The proposed works to both the existing sitting area at the rear of the PH and the moving of the sitting area at the side of the Public House would use traditional materials and would be in a style to match the existing property and area within which they are located. As such they will not impact adversely on the character of the area or the Public House and as such the proposals would comply with EN2/1, EN2/2 and EN2/3.

Residential amenity - There are 2 residential properties which are immediately adjacent to the public house; 1 Alba Street attached to the western elevation fronting the main road and No 3 Alba Street to the south or rear, both set lower than the pub and opposite the footpath that runs between them and the rear sitting area. Issues have been raised about the ownership and use of this land in the objection that has been received. Having checked with the owners it would appear that the land has been in the ownership of the Public House for over 10 years and used in conjunction with that use for over 10 years. As such the use for purposes ancillary to the operation of the Public House do not require a separate approval and is lawful.

The application that is being considered involves the hard surfacing of this area and the provision of a screen fence to protect the amenity of the residents that overlook the site. It has been agreed with the applicant that no lighting would be provided to this area and as such the hours of use will be restricted to day light hours but the applicant has indicated that he would restrict house of use should the Committee feel that this was necessary.

The moving of the sitting area at the front would not impact on any properties residential amenity.

As such it is considered that the proposal would comply with S2/6 in this regard.

Parking and access - The relocation of the parking area at the side of the property would formalise the area and provide a clearly defined area to be used. The new stone wall would reflect the method of construction and material of the existing stone wall fronting the site and restrict access to defined points. Specific routes would be marked on the ground to facilitate access to the sitting area and level access would mean that it can be used by people with disabilities. The re-marking out of the car park would mean that the current number of spaces would be maintained.

Subject to appropriate conditions on the marking out of access routes and car parking it is considered that the application would comply with UDP Policy S2/6 in this regard.

Public right of way - the access to the rear garden is via a Public Footpath that links Holcombe Village to Kay Brow. This is a well used path and the use of the sitting area would not impact on the operation of this and as such there are no objections from a highways point of view.

Objection - the objection raises three principal issues, one the use of the land, secondly access issue to the land at the rear and thirdly licensing restrictions.

The use of the land has been dealt with in the main body of the report. The access is via a well used public footpath that is also used by farmers accessing the fields adjacent. The use as an access to these fields is on an occasional basis and as it is over a public right of way the farmer needs to take special care when using it. Given that the sitting area is only to be used in daylight hours, it is not considered that this would be a justification for refusing the application. The issue of licensing restrictions is one for consideration by the Licensing

Committee itself and as such is not a planning consideration in this case.

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 application for the refurbishment of the existing sitting area and the relocation of another are considered to be in accordance with the policies of the Unitary Development Plan as they will not have any greater impact of the residential amenity of the neighbours than the existing uses and the re-located sitting area will be accessible to the disabled and designed in such a way that it will not harm the setting of the Listed Building adjacent or the character of the Conservation Area within which it is located.

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 cy2-01, 02revB and 03 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the pointing, mortar, method of construction and other materials to be used for the fencing, stone wall and surfacing shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only these material shall then be used in the construction of the approved structures.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design, EN2/1 - Conservation Areas, EN2/2 - Conservation Area Control and S2/6 - Food and Drink of Bury Unitary Development Plan.
4. The amended car parking and pedestrian route indicated on approved plan reference cy2-02A shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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

Ward: Radcliffe - North

Item 06

Applicant: c/o Neil Pike Architecture Limited

Location: 87 Church Street, Ainsworth, Bolton, BL2 5RD

Proposal: Variation of Condition 2 of 52380 - Approved drawings - Alterations in the design of the roof of two storey outrigger at front and rear, alteration of position of house.

Application Ref: 53981/Full

Target Date: 12/07/2011

Recommendation: Approve with Conditions

Description

This application seeks retrospective permission for alterations to a scheme previously approved in May this year.

The application site is on the eastern edge of Ainsworth Village and is washed over by the Green Belt, West Pennine Moors and is an Area of Special Landscape. There are residential properties to the west and south and land to the north and east is open countryside. The dwelling replaces a red brick detached bungalow that sat centrally within the plot with a vehicular access onto Church Street. The immediate neighbour at No.85 is a detached bungalow with a gable with two obscure glazed windows facing the site. Further west along Church Street are a mix of two storey houses and flats. There is a tarmac single track road running north from Church Street along the eastern/side boundary of the site.

The replacement house is located centrally within the plot, slightly forward of the adjacent bungalow. The dormer bungalow would have 4 bedrooms and an integral garage. The main roof ridge would be 8.9m with two small dormers and two outriggers incorporating accommodation within the roofspace at the front and rear. A balcony on the rear would be incorporated into the roof plane. The walls would be finished in a red facing brick and the roof covered in grey tiles. The access point would remain as existing and there are no trees of significance affected.

A Design and Access statement was submitted with the application.

The main changes to the approved scheme include:

- The house as built is approximately 1.8m further forward than that previously approved.
- The house as built is approximately 800mm further away from the side boundary with No.85 than previously approved.
- The eaves height of the front and rear gabled outriggers has been raised by 1.2m
- The gabled outriggers at the front and rear have been part hipped.
- The level of infill from the original ground level has been raised by approximately 200mm.

It is also noted that the streetscape plan, submitted as part of the previously approved application, showed the ridge of the neighbouring bungalow approximately 1.5m higher than it is in reality, gave the impression that the proposed ridge height would be more in line with the adjacent bungalow.

Relevant Planning History

52380 - Demolition of existing dwelling and construction of replacement dwelling - Approved 21/05/2010

11/0124 - Not built in accordance with the approved plans - Planning Application received 09/05/2011

Publicity

The following neighbours were notified by letter dated 18/05/2011.

83, 85, 140 -172(evens), 49 -57(odds) Cockey Moor Road and the Ainsworth Community Association.

Objections received from the Ainsworth Community Association, 85, 128, 138, 154 and 168 Church Street and 3 Delph Lane. Concerns are summarised below:

- The new dwelling has not been built according to the previously approved plans.
- It is too high and extends too far forward within the plot.
- The building is an eyesore and not in keeping with the village.
- The rear garden extends beyond the rear boundary and into the Green Belt.
- Raising levels will result in surface water running into No.85.
- Raising land levels may effect the party wall.
- New fencing along the side boundary may reduce light along the side of No.85.

Five representations have been received in support of the new dwelling from 51 and 57 Cockey Moor Road, 83 Church Street, 85 Bury Old Road, Paddock Leach Farm. Supporters generally state that the house is well designed and enhances the approach to the village.

All respondents have been notified of the Planning Control Committee meeting.

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health - No objection.

Public Rights of Way Officer - No objection.

Baddac Access - No objection.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

EN6 Conservation of the Natural Environment

OL1/2 New Buildings in the Green Belt

OL7/2 West Pennine Moors

EN9/1 Special Landscape Areas

EN7 Pollution Control

HT2/4 Car Parking and New Development

SPD11 Parking Standards in Bury

PPS23 PPS23 Planning and Pollution Control

SPD6 Supplementary Planning Document 6: Alterations & Extensions

SPD7 DC Policy Guidance Note 7 - Managing the Supply of Housing

Issues and Analysis

Principle - The principle of housing on the site is established and as such, subject to compliance with other policy considerations, the proposed development would be in accordance with Policy H1/2 Further Housing Development.

Green Belt - The site is washed over by the Green Belt and is within the existing settlement boundaries of Ainsworth. As such a replacement dwelling is acceptable and accords with Green Belt Policies.

Visual Amenity - It is noted that there are a number of different building styles along this part of Church Street, including bungalows, dormer bungalows and two storey houses and flats.

In raising the eaves height of the front and rear gabled outriggers, the pitch of the roofs is altered as is the general appearance of the dwelling previously approved. Whilst the result

is considered to be less attractive, it is not considered that the design change is so detrimental as to warrant refusing permission on these grounds.

It should be noted that the previously approved application was misleading in that it included a streetscape plan which indicated the height of the adjacent bungalow as approximately 1.5m higher than it was in actuality. Whilst the new building is higher than the neighbouring bungalow, by approximately 2.5m, this fact alone is not considered sufficient to raise an objection, particularly given the mix of house types and roof heights along the road.

The previously approved plan also indicated the new dwelling would be set back slightly from the line of the adjacent bungalow. The revised building position is now set forward by approximately 1.5m. In bringing the house forward, whilst it becomes somewhat more prominent on the streetscene, the main implication is the reduction in the amount of garden area and length of the driveway at the front of the house. The hardstanding in front of the garage measures 4.5m and this is reduced down to 3.8m at its narrowest point, in front of the gable outrigger. Whilst this restricts vehicular movements somewhat, the in-out arrangement would allow a car to enter and exit in forward gear without serious detriment to highway safety.

The new dwelling would not appear so incongruous on the street scene as to detract from the overall character of the area and is considered acceptable when assessed against the criteria listed in Policies H2/1 Form of New Residential Development, H2/2 Layout of New Residential Development and EN9/1 Special Landscape as well as guidance provided in SPD16 (Design and Layout of New Development).

Residential Amenity - The position of the house and configuration of the windows takes account of the neighbours. As such there are no serious overlooking issues and all aspect distances are satisfied. The proposal therefore satisfies UDP Policy H2/1 and guidance within SPD Note 6 that sets out various aspect standards.

Access and Parking - The proposed access and parking arrangements are considered to be, on balance, acceptable in that vehicles can enter and exit in forward gear. The proposal complies with UDP Policy HT2/4 Car Parking and New Development.

Drainage - All areas of hardsurfacing would be permeable in order to avoid excessive surface water run-off. Whilst the levels to the side of the house would be raised, it is not considered that this would cause undue problems with regard to the neighbour at No.85 as any run-off would be channelled into the existing surface water drainage system.

Curtilage - The location plan and proposed site layout indicates that the existing domestic curtilage of No.87 would be retained in its present form. It appears that the applicant has acquired a plot of land over the rear boundary, however this would not be part of the application site and would require planning permission to incorporate it into the garden. It is considered appropriate to attach a note to the applicant to this effect.

Objections - Whilst the new dwelling has not been built according to the previously approved scheme and the proposed alterations to the previously approved scheme are not ideal in terms of siting, massing and design, they are not considered to be so seriously detrimental to warrant refusing planning permission. The proposal is therefore, on balance, considered acceptable in terms of UDP policies listed.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
The replacement house complies with housing policy and guidance. It is considered to be, on balance acceptable on the street scene and would not have a significantly detrimental

impact on the amenity of the immediate neighbours. No highway concerns. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to revised drawings received 6/07/2011 numbered K496/02/F, 04/H, 05/H, 07/F, 09/F, 10/H and 16/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.
2. Samples of the materials to be used in the external elevations, areas of hardstanding and boundary treatment 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.
3. Within one month of the date of this decision full details the proposed boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The proposed side boundary fence shall not exceed 1.8m from the adjacent ground level of No.85 Church Street and the front wall shall not exceed 600mm above the adjacent pavement level. The approved details only shall be implemented as part of the approved development.
Reason - To secure the satisfactory development of the site and in the interests of amenity and highway safety pursuant to housing policies H2/1 and H2/2.
4. Within one month of the date of approval, a landscaping scheme including boundary planting shall be submitted to, and approved in writing by, the Local Planning Authority. It shall be implemented not later than 6 months from the date the dwelling 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.
5. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
6. The contaminated land Remediation Strategy (previously agreed under application 52380) for the site shall be implemented to the satisfaction of the Local Planning Authority prior to the development being brought into use. A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning

Policy Statement 23 - Planning and Pollution Control.

7. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
 - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.
- Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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

Ward: Prestwich - St Mary's

Item 07

Applicant: Yourspace Developments

Location: 408 Bury New Road, Prestwich, Manchester, M25 1BD

Proposal: Change of use from shop (A1) to hot food takeaway (A5)

Application Ref: 54006/Full

Target Date: 13/07/2011

Recommendation: Approve with Conditions

Description

The property is part of a commercial row of 12 premises comprising of retail shops, hot food takeaways, and a taxi booking office. There are other commercial premises on the opposite side of the road to the application site which further characterises the commercial context of the area.

There are two residential properties to the rear of the site, 7 and 9 Green Hill at a distance of 13m but considerably higher than the application site. The top of Green Hill is approximately two storeys higher than the application site, with the space in between the two levels is occupied by dense shrubbery and trees.

The application is for the change of use of the ground floor from a retail use (Class A1) to a hot food takeaway (Class A5), the installation of an extraction flue at the rear, with the first floor being retained for ancillary storage. The shop is situated within the main shopping area of Prestwich Town Centre and is part of the designated Secondary Shopping Area and Frontage of Bury New Road. The existing gross floor space of the premises is 51m² which is not proposed to be added to. There are no external alterations to the front and the groundfloor display window is to be retained. The proposed hours of opening are 08:00 to midnight daily.

Relevant Planning History

None.

Publicity

The following neighbours were notified by letter dated 20/5/2011. No.s 401 - 407 (odds) Bury New Road. No.s 7, 9 and 11 Green Hill. No.s 400 - 416 (evens) Bury New Road.

One objection has been received from the occupier of No. 416 Bury New Road - Time for Tea and can be summarised as follows:

- Would lead to too many takeaways.
- Would attack already struggling businesses.
- Would create a dead frontage.
- Would add to litter.

The objector has been notified of the Planning Control Committee.

Consultations

Borough Engineer - No comments.

Pollution Control - No objection.

Planning Policy - No comments.

Baddac Access - No objection.

Unitary Development Plan and Policies

S1/2 Shopping in Other Town Centres

S2/3	Secondary Shopping Areas and Frontages
S2/6	Food and Drink
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
EN1/2	Townscape and Built Design

Issues and Analysis

Principle - Policy S2/3 - Secondary Shopping Areas and Frontages sets out criteria by which proposals for non-retail (A1) shall be assessed:

- the design and appearance of the proposed frontage.
- the maintenance or provision of a display window.
- access.
- noise and disturbance.

In addition, where the proposal would lead to more than 40% of any identified secondary shopping frontage being in non-retail (Class A1) use, the Council will also take into account the following factors:

- location and prominence of the proposal.
- the number and proximity of other premises in non-retail use.
- nature and character of the use and level of activity associated with it.

Policy S2/6 - Food and Drink considers proposals with regards to amenity of nearby residents, over concentration of uses, parking and servicing, storage and disposal of refuse, environment impact of flues.

Use - There are three hot food takeaways and one cafe within the secondary frontage, the change of use from an A1 retail unit to A5 hot food takeaway is considered acceptable given that the percentage of non-retail uses at 36% does not exceed the the 40% prescribed by Policy S2/3. Whilst the premises are currenly occupied, the lease ran out on the 31st May 2011 and the landlord has granted a six month licence to allow the tenancy to continue in the short term. As such the premises are soon to become vacant. The applicant also states the lease has been actively marketed as an A1 use since January 2011 without success. Whilst there is no other evidence of marketing submitted by the applicant a "To Let" sign has been present on the building for some time. It is therefore considered that the proposed change of use would in fact enhance the marketing of the shop by the addition of the duel A1/A5 use.

Should a A5 use be implemented there would be a permitted change back to an A1 retail use.

The scale and character of the use would not be detrimental to the area and would serve local needs, accessible by foot. The proposal is therefore considered to comply with UDP Policy S2/3 - Secondary Shopping Areas and Frontages.

Residential Amenity - The two residential properties at 7 and 9 Green Hill are sufficiently far away from the application site for there not to be any residential amenity issues regarding noise and disturbance. As such it is not considered necessary to impose any hours of operation. A condition will be added to ensure the correct installation and use of the extraction flue. As such, the proposal would comply with UDP Policy S2/6.

Visual Amenity. The only external alteration proposed is the flue, which would be at the rear of the building and would not be visible in the street scene and sufficiently far enough away the rear of 7 and 9 Green Hill not to impact on their visual amenity. Any signage would be subject to a separate application. In terms of visual amenity and streetscape, the proposal complies with UDP Policies EN1/2 Townscape and Built Design.

Parking and Access. No on-site parking is proposed. On the basis of the Council's

guidance of 1 space (max) per 8.5sqm (gross), the ground floor alone would require 6 spaces. The guidance however does state that parking should be assessed on an individual basis, depending on the nature of the site.

The proposal is in Prestwich Town Centre and close to Prestwich Metrolink station. This would comply with Objective A of SPD 11 to encourage the use of more environmentally friendly and sustainable modes of transport as well as being a development catering for local needs. On this basis, the proposal therefore complies with UDP Policies S2/6 Food and Drink, HT2/4 and Supplementary Guidance Note 11 relating to parking.

Pedestrian Access. There would be no change to the existing access arrangements and therefore there is no serious concern. The existing doorway is 800mm wide and as such would need to be widened to comply with the DDA 1995 and Part M of the current building regulations.

Bin Storage and Servicing. The existing yard area would serve as a bin store. It is assumed that the proposed business would be serviced as the other properties on the row. As such, it is considered that the rear yard area would be sufficient to comply with the requirements of UDP policy S2/6 with regard to refuse and servicing.

Response to objection -

That the proposal would lead to too many takeaways, this has been covered in the report. With regard to struggling businesses competition is not a planning issue. With regards to a dead frontage being created the proposal will retain the ground floor display window without any further alterations. There is a litter bin almost immediately outside the application site.

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 complies with the policies listed and would not be detrimental to the residential amenity enjoyed by nearby residents and having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the proposed development is acceptable because it would not cause demonstrable harm to interests of acknowledged importance.

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 408BNR/1 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The development hereby approved shall not be brought into use unless and until 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. 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.

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

Ward: Bury East

Item 08

Applicant: Thornfield Properties (Bury) Ltd

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

Proposal: Change of use from marketing suite to mixed use development comprising use classes A1, A2, A3, A5, B1, D1 and D2

Application Ref: 54021/Full

Target Date: 15/07/2011

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.

Planning permission was granted in May 2011 to allow for the change of use of the building to the following uses: A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), A5 (hot food takeaways) and B1 (business).

The applicant is seeking a composite planning permission for the change of use of the building to the following uses:

A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), A5 (hot food takeaways), B1 (business), a gymnasium, dance hall or indoor area for sports use and recreation (D2) and any use within class D1 (non residential institutions). 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.

53761 - Change of use of marketing suite to mixed use (comprising A1, A2, A3, A5 and B1 uses) at the Rock Marketing Suite, Derby Way, Bury. Approved with conditions - 24 May 2011

Publicity

7 neighbouring properties (Comet, KFC, Moorgate Retail Park, Bury Fire Service, Moorgate Primary Care Centre, Bury Primary Care Trust and Medic X) were notified by means of a letter on 2 June and site notices were posted on 10 June 2011.

One letter from Medic X, which has raised the following issues with regard to uses A1, A2, A3, and A5:

- 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 to use. 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 objector has been notified of the Planning Control Committee.

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to parking.

Drainage Section - No response.

Environmental Health - Contaminated Land - No comments.

Environmental Health - Pollution Control - No response

Waste Management - No response

Design for security - No objections.

Baddac - Seek a condition requiring submission of details of internal alterations, to ensure building remains accessible for all.

Unitary Development Plan and Policies

RT2	New Provision for Recreation in the Urban Area
RT2/1	Provision of New Recreation Sites
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, RT2, RT2/1 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, S2/6 and RT2/1 of the adopted Unitary Development Plan.

Impact upon surrounding area - The proposed uses would all generate a degree of noise and disturbance. The site is located in close proximity to the town centre, busy roads and there are no residential properties in the immediate vicinity. In addition, the noise generated is unlikely to 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, RT2/1 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. The visibility splays at the junction of Derby Way and the PCT car park are acceptable and have been built in accordance with the original consents. 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 immediate parking for staff. It is envisaged that for the majority of the uses, 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 and as such, the level of parking provision would be acceptable.

The proposed leisure uses are normally associated with a longer stay. It is considered that the proposed leisure uses would be unlikely to create a parking problem, due to the other parking facilities within the town centre, but the on-site provision is low for these uses.

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, S2/6 and RT2/1 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 N 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**