

**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

**The Planning Control Committee at its previous meeting on 19th July requested a site visit.**

### **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** - The area of driveway to the front of the house would be permeable in order to avoid excessive surface water run-off on the highway. 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 follow the proposed fall and 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:** Bury East - Moorside

Item 02

**Applicant:** McClung Dunne Partnership

**Location:** Windacre Works, Mather Road, Bury, BL9 6RA

**Proposal:** Conversion of former dye works to 8 no. dwellings

**Application Ref:** 54011/Full

**Target Date:** 19/08/2011

**Recommendation:** Approve with Conditions

### **Description**

The property is a stone mill building located off a narrow access track that runs from Mather Road in a northerly direction, connecting once more at its northernmost end. The mill is constructed with a number of 'northern lights' and there are a number of openings along the westerly elevation fronting on to the access track. To the south of the site, parts of the former mill have been part demolished and to the east of the site is a lodge.

To the west of the site are detached residential properties with gardens backing on to the access track. To the immediate north of the site, and attached to the premises is a separate property.

The application is seeking the conversion of part of the site for the creation of 8 residential units. with a partial demolition of the central portion of the northern lights where parking provision would be laid out for 10 vehicles with a further 6 to be provided in the northernmost courtyard.

### **Relevant Planning History**

41506 - Outline residential development (apartments) - Approved 21/1/04

44535 - Outline - Conversion of existing building into 6 apartments; new 3 storey block of 12 apartments - Refused 9/9/05 -for the following reasons:

- insufficient information including levels, relationship to adjoining land and details of the building to be converted to enable them to be properly assessed.
- absence of a flood risk assessment ;
- servicing and car parking provision is inadequate;
- proposed foot way on Mather Road reduces the available width of the carriageway to a sub standard level which would be detrimental to the free flow of traffic.

Appeal dismissed 20/7/06.

### **Publicity**

36 properties on the following streets have been notified: Cornfield Close, Thames Close, Mather Road, Charnley Street, Windacre House, Wheatfield Close, and Egerton House were consulted on 24/6/11 and 2/8/11. As a result of this publicity, 2 letters of objection have been received from Windacre House. Points raised include:

- There has been no notice served upon adjoining owners.
- The culvert is not indicated on the plan that adjoins the sluice.
- The development would introduce a sensitive land use on to the site, which would force the objector to erect fencing to comply with insurance obligations.
- The width of the access is inadequate and there would be risk of accidents through poor visibility. There are no details of how access would be improved.
- Cars could not pass each other thus causing congestion.
- There would be overlooking from windows in plots 6, 7 and 8, spoiling the use of the objector's garden and privacy.

- The applicant has connections to officers in the planning department.
- The applicant has no control over the use of the sluice.
- Fence barriers to the sluice would be insufficient if it simply met the Building Regulations as proposed.

### **Consultations**

**Traffic Section** - No objections. Add conditions concerning car parking provision and access arrangements.

**Drainage Section** -

**Environmental Health Contaminated Land/ Air Quality** - No objections. Add standard conditions concerning contaminated land.

**Environmental Health Pollution Control** -

**Public Rights of Way Officer** - No objections.

**Environment Agency** - No objections add conditions to respond to flood risk issues.

**Greater Manchester Police - designforsecurity** - No objections.

**United Utilities (Water and Waste)** - No objections.

**Fire Service HQ Greater Manchester** - No objections.

**Electricity North West Ltd** - No response.

**Wildlife Officer** - No objections.

**G M Archaeological Unit** - No objections.

**Baddac** - No objections. Add condition for Lifetime Homes to be provided.

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

OL5/2	Development in River Valleys
OL1/2	New Buildings in the Green Belt
OL1/4	Conversion and Re-use of Buildings in the Green Belt
EC2/2	Employment Land and Premises
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
PPS25	PPS25 Development and Flood Risk
HT5/1	Access For Those with Special Needs
RT2/2	Recreation Provision in New Housing Development
EN7/3	Water Pollution
HT2/4	Car Parking and New Development
PPS23	PPS23 Planning and Pollution Control
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
PPS9	PPS9 Biodiversity and Geological Conservation
EN1/2	Townscape and Built Design

### **Issues and Analysis**

**Principle** - The building whilst formerly has been used for employment purposes in the past, since the Council has conducted its employment land review in preparation for the Core Strategy, the site is no longer considered suitable for employment retention. As such the site can be developed for alternative uses.

UDP Policy H1/2 - Further housing considers that housing should be located where there is adequate infrastructure, within the urban area, to accommodate new residential development thus to minimise the pressure upon more peripheral open land and Green Belt. The site is not within the Green Belt and is on the edge of the urban area., where there is adequate services and infrastructure. As such, the site would be considered to be a suitable one for residential purposes complying with the policy.

Given the above considerations, the proposals seek the retention of the main former mill structure. The only demolition involved within the scheme involves parts of the former northern lights in the central lower section of the mill, which would be demolished in part to provide outdoor amenity space. The scheme shows the retention of the appearance of the northern lights from Mather road so that the industrial feel of the building is retained.

Flood Risk and sequential considerations - PPS25 provides up to date considerations on issues concerning flood risk. The proximity of the building in relation to the lodge to the immediate east means that in the event of over-topping through increased water or rainfall, surrounding properties would be at risk. The proposals seek to introduce more sensitive end uses into the building than currently exists. It is for the Local Planning Authority to determine whether or not sequentially this is appropriate given the potential risk of flooding. The scheme has demonstrated that the risk of flooding has been dealt with and as such the proposals in principle can be accepted.

On this basis the conversion of the property into residential is considered to be acceptable in principle.

**Layout & Appearance** - The development would provide 8 two-bed units focused upon a central courtyard which would also provide parking for 16 vehicles. Due to the levels of the surrounding land, and levels within the site, most of the properties would be on three levels. The lower level would be at the parking level with the main residential accommodation at first and second floor. Each property would have its own balcony and there would be a shared amenity area.

The external walls and roof light appearance would be maintained, including the main building's roof where the accommodation would be. This is to ensure that there would be no further impact from the proposal upon the River Valley allocation surrounding the site and to retain the industrial feel to the structure. There would be no requirement for any extensive areas of walls to be rebuilt and the structure would remain intact. Limited demolition is proposed, over the parking area, to allow natural light and passive ventilation to occur, with sections of the roofing area retained and slated roofing as the covering. A small area of demolition is also proposed to open up the amenity space to the north east of the site, overlooking the lodge.

The lodge elevation would be left largely alone, with the exception of repairs and replacement to window/door frames. No additional openings are proposed, only an amendment to two openings, to narrow them. Subdivision of the building would be entirely internal and as such there would be no perception of this from outside and would use existing piers to achieve this.

The elevation to the access lane would be retained with new doorways and shutters removed to again preserve the industrial heritage of the building.

Given the above, it is considered that the scheme would comply with H2/1 and OL5/2.

**Flood Risk** - This application is accompanied with a flood risk assessment unlike a previous scheme that had been refused. The assessment provides a clear understanding of how water would be handled and prevent the site from flooding in the event of extreme water levels rising in the lodge. It argues that any threat of increasing water levels would be mitigated from affecting the site by increasing the sluice wall and relying upon the dam levels being over-topped elsewhere. The Environment Agency would prefer some limitations to be made upon the development to require works to the sluice cross-wall, and the applicant confirms that approximately 2.4m can be lowered within the site ownership to below the general level of the dam to provide a preferential overflow in case of culvert blockage or under-capacity and thus reduce the likelihood of the dam over-topping. This would be a similar width to the weir into the sluice from the reservoir and can be reduced to a similar level or lower. The raised sluice wall proposed to defend the building will therefore need to be returned to the back of the building close to the cross-wall and be constructed along the back wall of the building to provide the necessary width of overflow channel. The Environment Agency are content for this to be conditioned and it will provide a reduction in flood risk to areas downstream by reducing the likelihood that the dam will overtop and fail catastrophically.



With regard to the proposed uses of the basement level of the units at the southern end of the site, the applicant is able to confirm that he will accept a condition that these rooms are restricted to 'low vulnerability uses.

**Access** - In terms of UDP Policy H2/2, the layout of the development includes the unadopted highway that leads to the site from the south. The access road is narrow and would not allow vehicles to pass each other. However, the length of road involved would be such that there would be adequate views of vehicles using the road without the need for further widening or passing bays. Vehicular access points would be recessed into the building such that vehicles entering the site or leaving the site would be clear of the access road allowing other vehicles to pass or be seen.

Furthermore, the scale of development and associated vehicles with the density of the use would mean that the highway is sufficient enough to cope with the scale of development likely to use the.

Following consultation with the Traffic Section, they confirm that they are content with a planning condition to require highway works to be carried out to provide suitable access to the site, when approaching from the south. It is accepted that the access is narrow and constrained. development.

The scheme seeks to be Lifetime Homes compliant and whilst some details are indicated that this can be the case there will be a requirement for further details to come forward. Two disabled parking provision would be provided within the scheme and level access can be achieved into the properties. On this basis, the proposals would comply with HT5/1.

**Demolition** - The scheme involves a small element of demolition within the central area of the scheme and the removal of part of the structure fronting on to the lodge to allow the amenity space to have an outlook. Demolition has always been shown on the plans and the application has been consulted upon, on this basis.

**Amenity Space** - In terms of UDP Policy H2/2 and RT2/2, residential developments are required to make provisions for general amenity space. The scale of the development would mean that there would not be a requirement to contribute to off site provision. The building is historic, though not listed nationally or locally and therefore, it is working with the space that the building itself can provide. The scheme provides balconies to the internal courtyard area and general amenity area within the car park. A further walkway would be provided to the front of the building overlooking the lodge, where there would also be an amenity area. Given the scale and nature of the development and its general location, the provision of amenity space is considered to be appropriate and compliant with policy.

**Ecology** - The building has been assessed for bats and concludes risks to be low. The site is also within a Wildlife Link and Corridor. Given these situations the proposals make minimal changes to the site and the building such that there would be no impact upon protected species or ecology. As such the proposals would not conflict with PPS9.

**Response to objections** - The applicant has confirmed twice that notice has been served upon the objector and delivered to the property by hand. As the objector has made their comments upon the proposals and is well aware of the application it is considered that it is appropriate to entertain the application and that the objector has not been prejudiced in continuing the determination process.

The objector was re-notified by the Local Planning Authority to inform him of the position of the culvert, the inclusion of the access track and fencing details for the protection of residents next to the sluice. There is still a difference of opinion over legal ownership of this structure and its control mechanisms and liabilities. However, these are matters between the land owners and developers themselves to resolve.

In terms of overlooking, the outlook from these properties would be away from the

neighbouring property and overlooking a walkway and lodge. There would be no overlooking of the main private garden to Windacre House. Units 6 and 7 have windows in the side elevation overlooking the lane, but again do not overlook the objector's main garden area, solely a small pathway to the sluice.

Access to the site has been dealt with in the main report.

The applicant does have a connection to an officer within the Council but the applicant himself is not an officer of the Council. That said, the application is being put to the Planning Committee to determine and is not being determined by Officers to ensure that correct probity is maintained in the determination process.

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

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

The proposed development would ensure the longevity and reuse of a building which is no longer required to be maintained for employment use. The proposals would bring about minimal intervention or change to the building and would provide sufficient parking, amenity space and outlook without impact significantly beyond the site itself. The proposals would not unduly affect any other property and the scheme proposals have taken appropriate steps to deal with flood risk. The scheme would comply with the Unitary Development Plan Policies and there are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 1, 2, 3, 4, 5, 6, 7 and 8 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. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.  
Reason - To ensure that the site achieves appropriate levels of drainage pursuant to PPS25 and Unitary Development Plan Policy EN7/3 - Water Pollution.
4. No development shall commence unless and until full details of a scheme for the improvement of the surface of Mather Road between the existing limits of adoption to the south of No. 101 Mather Road to the northerly site boundary have been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority. The details subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied, unless otherwise agreed in writing with the Local Planning Authority.  
Reason - To ensure good highway design in the interests of road safety pursuant to Unitary Development Plan Policies HT2/4 Car Parking and New Development and H2/2 - The Layout of New Residential Development.

5. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the extension hereby approved being brought into use.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
6. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Unitary Development Plan Policy HT2/2 - The Layout of New Residential Development.
7. The automatic gates to the enclosed parking area shall be recessed a minimum of 5m as indicated on the approved plans.  
Reason - To enable a vehicle to stand clear of Mather Road whilst the automatic gates are opened in the interests of highway safety pursuant to Unitary Development Plan Policy H2/2 - The Layout of New Residential Development.
8. No development shall commence unless and until details of the sluice/defence wall and cross wall reconstruction have been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the existing and proposed levels, wall construction and maintenance regimes details. The approved details shall be fully implemented and be operational before the development is first occupied and subsequently be maintained as approved.  
Reason. To reduce the increased risk of flooding to the site and beyond the site downstream pursuant to PPS25 New Development and Flood Risk.
9. The development hereby permitted shall, on the lower levels of units 1-4 inclusive, be designed as non-habitable room uses on the lower level and be subsequently maintained as such unless otherwise approved in writing, by the Local Planning Authority.  
Reason - To mitigate the impact of flooding on the proposed development and future users pursuant to PPS25.
10. 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.
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. 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.
13. In the event of the demolition not being carried out before spring 2012, the site and buildings shall be re-surveyed to determine bat risk that may arise as a result of the proposed demolition. A programme of mitigation shall be submitted to and approved in writing by the Local Planning authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS9 - Biodiversity and Geological Conservation.
14. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year unless otherwise approved in writing with the Local Planning Authority.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS9 - Biodiversity and Geological Conservation.
15. Prior to the commencement of development, elevational materials, design and height details relating to gating and fencing to the amenity area shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented as part of the approved development.  
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 03

**Applicant:** Governors of St Joseph's Primary School

**Location:** St Josephs RC Primary School, Queen Street, Ramsbottom, Bury, BL0 9JJ

**Proposal:** Two storey extension to form four classrooms & temporary classroom.

**Application Ref:** 54110/Full

**Target Date:** 17/08/2011

**Recommendation:** Approve with Conditions

### **Description**

The application site is a primary school which is located in a predominantly residential area comprising of mainly terrace properties on the fringe of the Ramsbottom Conservation Area. To the north is a playing field which is part of the school grounds, with terraced properties to the east, south and west of the building.

The site rises gently from north to south towards Garnett Street and from east to west towards Thelma Street, and the building is set lower than the playground which is located to the rear of the school. The building is single storey, and constructed of red brick with large window openings framed by cream headers and sills fronting Queen Street. The north eastern end of the building is currently occupied by a single storey toilet block and various external areas with storage sheds.

The proposal is for a 2 storey extension to provide 4 additional classrooms which will allow the school to develop this area as the Key Stage 2 Junior section, and is a direct result of a detailed assessment carried out of the school which showed that 6 of the 7 classrooms are well below the current design requirements in terms of floor area. The site is constrained by space and the most suitable area for development would be north eastern part of the building. The existing toilet block and sheds would be demolished and the 2 storey element would split the new floor levels above and below the existing, which would allow the extension to sit within the existing front building line and follow the ridge height of the existing school.

A temporary potable cabin would be required for approximately 20 weeks whilst works take place and be located on the playground.

Elevations would be red brickwork to match the existing and cream brick for header and sill courses to mirror the existing. The window fenestration would reflect the scale and regularity of the existing facade in white upvc. The blue slate roof would continue from the existing building with a gable end to reflect the south west elevation.

There would be no increase in staff or pupil numbers. The proposals are designed to provide the school with the correct sized classrooms and ancillary spaces which are currently below standard. The proposed development is also based on BB99 Space Requirements.

### **Relevant Planning History**

48202 - Canopy to Reception Class - Approved 11/10/2007

43414 - Single storey nursery extension - Approved 17/11/2004

40949 - Extension to the school hall - Approved 30/7/2003

### **Publicity**

82 letters were sent to properties at Nos 42-68 (evens) Thelma Street; 1-25 (odds) Moors

View; 1-17 (odds) Spring Close; 33-61 (odds) Queen Street; 16-32 (evens) Major Street; 31-73 (odds) Garnett Street on 29/6/2011.

Six letters of objection received from Nos 41, 45, 49 Queen Street, 31, 37, 47 Garnett Street which raises the following issues:

- The proposal will obstruct the countryside views from Queen Street;
- Residents enjoy living here because of the rural vistas and the extension will be an eyesore and block significant sunlight onto the street and houses;
- They would be better placed in investing in adequate parking for the school on the unused section of the field to help relieve the numerous issues caused - inconvenience and damage to cars;
- If built the extension should only be single storey;
- It would appear to increase the school building by 30%;
- The height of the ridge would make the roof appear huge;
- The school has steadily grown in size over the years;
- Increase in traffic, particularly on Kiln Street which is unadopted and used as a cut through. This road is full of pot holes and uneven and consideration should be given to resurface the road;
- The school has only a few designated parking spaces, with staff parking on the crowded side streets, and the extension will create more of a problem;
- The houses on Queen Street are in a conservation area and the extension would be detrimental to the integrity of the area;
- Local children can no longer play on the school field;
- The school building is no longer fit for purpose and perhaps needs re-building than keep tagging bits on;

Comment received via e-mail no address given which raises the following:

- Access should be maintained from Buchanan Street to Thelma Street with gates only closed when access to the playing field is required as previously agreed with the school;
- By maintaining the ridge height from the existing school, the height of the new extension at the gable end will mean the building is very imposing and dominating at the south western end. A lower pitched roof would not be detrimental to the structure and would be more in keeping with the height and character of the surrounding buildings.

Those who have expressed an interest have been informed of the Planning Control Committee Meeting.

### **Consultations**

**Drainage Section** - No objection.

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

**Design for security** - No objection. Recommend standards of the Secured by Design scheme.

**BADDAC** - Welcome the revised plans received to demonstrate a level approach has been incorporated.

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

PPS23 PPS23 Planning and Pollution Control

CF2 Education Land and Buildings

EN1/2 Townscape and Built Design

HT2/4 Car Parking and New Development

HT5/1 Access For Those with Special Needs

### **Issues and Analysis**

**Principle** - Unitary Development Plan Policy CF2 - Education Land and Buildings seeks to consider favourably proposals for the provision, improvement and dual use of educational facilities.

UDP Policy EN1/2 - Townscape and Built Design has regard to factors including external

appearance and design of the proposal, relationship to the surrounding area, materials, access, parking and servicing provision and landscaping.

The proposed development would replace existing teaching facilities which are currently of an unacceptable standard and would allow the school to teach to modern curriculum standards. As such, the proposal is considered acceptable subject to impact on the surrounding area.

**Residential amenity** - The extension would result in an increase in roof height from the existing single storey extension that is currently there. This has raised some concerns from residents who live opposite on Queen Street in terms of loss of views and loss of light. However, the roof would be no higher than the existing ridge and the bulk and massing would be no more than the main building. The extension would be located to the north of these properties 16 m away from their front elevation. As such, it is considered there would not be a significant loss of sunlight.

Whilst there is no "right to a view" in planning terms, the position of the extension would have some impact on the outlook from these houses. However, the proposed increase in height and expanse of the new building would not be substantial and the open aspect adjacent to the staff car park and the playing fields to the north east would be maintained. As such, the size and position of the extension is considered not to be of detriment to the amenity of the residents of these properties.

The proposed temporary classroom would be single storey prefabricated building, 14.5m x 4m x 3m. Positioned centrally in the school playground it would not effect nearby residential properties.

The proposal is therefore considered acceptable and would comply with UDP Policy EN1/2 - Townscape and Built Design.

**Design and Appearance** - The proposed extension has been designed to complement the existing building by maintaining the same roof height and pitch and continuing the line of the front elevation. Although it would essentially be a 2 storey extension, the split floor levels would utilise the difference in gradients of the site and the extension would appear as a natural continuation of the existing school building. When viewed from the rear, the lower ground floor would not be visible and the building would have a single storey appearance.

Materials would match that of the school, comprising of red facing brick work, similar window openings and cream facing brickwork soldier course to the headers and sills.

As such, the proposal is considered to be in keeping with the existing school and complies with UDP Policy EN1/2 - Townscape and Built Design.

**Traffic and parking** - There are currently 5-6 parking spaces available for staff within the school grounds and these would be retained. The proposals would not result in an increase in staff or pupil numbers and as such there is no requirement to provide additional spaces.

The school is aware of the parking problem in the area and encourage their staff to park responsibly and be considerate to surrounding neighbours. Due to the school hours, the majority of the staff have left before residents return home in the evening, which relieves some of the pressure on parking in the area. In addition, the school have a travel plan which promotes car sharing and encourages parents to park further away and walk to the school.

Given there would be no loss of existing parking and no additional staff or pupils, and that the extensions are designed to improve the standard of teaching accommodation, the development is considered acceptable and would comply with HT2/4 - Car Parking and New Development.

**Access** - Although the new proposals would introduce new levels, access to the building would generally be improved. Currently, disabled access to the school is not possible via the main entrance and is achieved by a convoluted route around the school and via the hall. The new extension would have level access to its main lower ground floor exit/entrance and a disabled lift would give direct access to the main and upper floors. As such, the proposal would be an improvement on the existing situation and comply with UDP Policy HT5/1 - Access for Those with Special Needs.

**Temporary portable cabin** - Due to financial constraints, the works would need to be phased, with phase 1 comprising of the relocation of the toilet block into a classroom area and the construction of the lower ground floor classroom and its stair access and associated toilet area. As part of phase 1, the cabin would provide a temporary classroom for approximately 20 weeks which would be a condition of an approved scheme.

**Response to objectors** - The objections which relate to loss of views, light, increase in traffic and parking have been covered in the above report.

The size and design of the extension would maintain the character and appearance of the existing school building and is appropriate to the surrounding area. Access through the gates to the car park and use of the playing field are managed by the school and are not within the remit of this planning application.

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

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

The proposed extension is considered to be acceptable in terms of siting, design and materials and would not be detrimental to the amenity of nearby residents or impact on their visual amenity. There would be no adverse impact on parking or access to the site. 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. 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.
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. This decision relates to drawings N/2007/01; N/2007/14; N/2007/11; N/2007/08; N/2007/10B; N2007/13A; GG001 2; and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
6. The permission hereby granted for the temporary portable classroom is for a limited period only, and the building comprising the development for which planning permission is hereby granted is required to be removed following the completion and first occupation of the extension as part of the Phase 1 development, and the land reinstated to its former condition to the written satisfaction of the Local Planning Authority.  
Reason. The development is of a temporary nature only pursuant to Unitary Development Plan Policy CF2 - Education Land and Buildings.

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

**Ward:** Whitefield + Unsworth - Pilkington Park

Item 04

**Applicant:** Mr Ayaz Khawaja

**Location:** 231 Bury New Road, Whitefield, Manchester, M45 8QP

**Proposal:** Change of use from bank (Class A2) to restaurant (Class A3)

**Application Ref:** 54177/Full

**Target Date:** 14/09/2011

**Recommendation:** Approve with Conditions

### **Description**

The site is located within the All Saints Conservation Area and the building is on the draft local list, due to its scale, general arrangement, tall stepped and dutch style gables and terracotta detailing. The building has three storeys and is constructed from red brick with a slate roof. The site is accessed from a single track access at the rear of the site with a small car park for approx 9 cars.

There are commercial properties to the north and east of the site and Whitefield Metrolink station is located to the southeast. There are residential properties to the west and open space to the south, with offices beyond.

The proposed development involves the change of use of the ground and first floors from a bank (Class A2) to a restaurant (Class A4). A mezzanine level would be provided and a door would be provided in the southern elevation. The car park at the rear would be enlarged to provide 13 spaces.

### **Relevant Planning History**

None relevant.

### **Publicity**

56 neighbouring properties (211 - 231 (odds), 235 - 249 (odds), 250 - 268 (evens), 282 - 284 Bury New Road; Morrisons, 2 kiosks, 5 Stanley Road; Freddie's Forge, Unit 3, Bank Street; Whitefield Methodist Church, J E Crarke, Elms Street; 3 - 9 (odds), 12 - 18A (evens) Church Lane) were notified by means of a letter on 21 July and a press notice was posted in the Bury Times on 28 July. Site notices were posted on 22 July 2011.

5 letters have been received from the occupiers of 7, 12 Church Lane; Roma Delicatessen (268), 277 Bury New Road; 360 Ringley Lane, which have raised the following issues:

- Another restaurant in the area would put the existing restaurants out of business.
- There are enough restaurants in that area of Whitefield.
- Concerns that the proposed access road is not suitable for increased levels of traffic
- More parking provision is required.
- The type of restaurant should be provided.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objections in principle. Further comments awaited.

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

**Environmental Health - Pollution Control** - No objections, subject to the inclusion of conditions relating to flues and noise.

**Conservation Officer** - No objections, subject to the inclusion of a condition relating to the detailed design and appearance of the flue.

**Designforsecurity** - No response.

**Baddac** - Seek confirmation of a route from the car park to the entrance.

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

EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN2	Conservation and Listed Buildings
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN7	Pollution Control
EN7/2	Noise Pollution
S1/3	Shopping in District Centres
S2/3	Secondary Shopping Areas and Frontages
S2/6	Food and Drink
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD11	Parking Standards in Bury
PPS5	PPS5 Planning for the Historic Environment

### **Issues and Analysis**

**Principle** - Policy S1/3 states that the Council will support proposals for new shopping development within the district centres, providing that such development is of a size, scale, function and character appropriate to serve the needs of the local area.

Policy S2/6 states that the Council will have regard to the following factors, when considering proposals for restaurants:

- the amenity of nearby residents by reason of noise, smell, litter and opening hours;
- whether the proposal would lead to an overconcentration of Class A3 uses, which would adversely affect the character of the centre as a whole;
- parking and servicing provision and its effects in terms of traffic generation and movement;
- provision for the storage and disposal of litter; the environmental impact of any flues or ducting.

The previous use of the building was as a bank (Class A2) and as such, the proposed development would not lead to the loss of a retail unit (Class A1). There are 7 restaurants in this area of Bury New Road. However, the district centre covers 1380 metres along Bury New Road and as such, the provision of an additional restaurant would not harm the character of the district centre.

The issues relating to servicing and parking, impact upon nearby residents, litter and flues will be addressed later in the report. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies S1/3 and S2/6 of the adopted Unitary Development Plan.

**Impact upon surrounding area** - The proposed development includes the lowering of the existing opening on the northern elevation to form a door. The proposed development would retain and extend the jambs and stone sill and would represent a minimal alteration to the external appearance of the building. The proposed flue would be located on the northern elevation, which is partially screened by the existing commercial buildings. The exact design of the flue has not yet been determined and a condition relating to the detailed design and specific location will be added. The bins would be stored within the existing yard area to the north of the site and would be screened from view from Bury New Road. As such, the proposed development would not be harmful to the appearance and character of the building and the conservation area and would be in accordance with Policies EN1/2, EN2/1 and EN2/2 of the adopted Unitary Development Plan.

The proposed development would be located within a district shopping centre and would be some 24 metres from the gable of the nearest residential property. The Pollution Control

Section has no objections to the proposal, subject to the inclusion of conditions relating to the treatment of fumes and odours, noise and sound insulation. As such, the proposed development, subject to conditional control, would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy EN7/2 of the adopted Unitary Development Plan.

**Parking** - SPD11 states that the maximum parking standards for a restaurant use is 1 space per 7 square metres of public floorspace, which equates to 25 spaces. The proposed development would provide 12 spaces and 1 disabled bay. The site is located within 60 metres of the Metrolink station and is on a main bus route. As such, the proposed development has good access to public transport and in this instance, the level of parking provision is acceptable. Therefore, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

**Access issues** - The provision of a disabled toilet and disabled parking bay is welcomed. A ramped access would be provided from the car park to the main entrance using the existing paths. As such, the proposed development would be accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

### **Response to objectors**

Competition between existing businesses is not a material planning consideration and the proposed development would not harm the character of the district centre. The type of restaurant is not a material planning consideration and the issue of parking provision has been addressed in the above report.

The access road is used currently by a number of commercial properties along Bank Street and the residential properties fronting onto Church Lane. The application site has also used this access to serve the existing car park of approximately 9 cars. The proposed development would provide a car park for 13 vehicles (4 would be staff spaces) and as such, it is considered that the proposed development would not add significantly to the number of vehicles using this access.

### **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 a significant adverse impact upon the amenity of the nearby residential properties. The proposed development would not harm the character or appearance of the All Saints Conservation Area nor would it 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 1, 2, 3A, 4A, 5 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury

Unitary Development Plan.

4. No development shall commence unless or until a detailed design scheme for the flue on the northern elevation has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the building being first brought into use.  
Reason. In the interests of visual amenity pursuant to the following Policies of the Bury Unitary Development Plan:  
Policy EN2/1 - Character of Conservation Areas  
Policy EN2/2 - Conservation Area Control
5. 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 technically qualified fumes treatment 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 installation shall be so designed such that the maximum noise emitted does not exceed NR25 (Noise Rating) in the bedrooms of the nearest residential property, with the windows of that residential property being open in the normal manner for ventilation purposes. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions. The approved scheme shall be implemented prior to the first use of the building.  
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.
6. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the second floor flat, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.  
Reason. To protect the residential amenities of the nearby residential properties pursuant to Policy EN7/1 - Noise Pollution of the Bury Unitary Development Plan.
7. The car parking indicated on the approved plans (3A) shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan and SPD11 - Parking Standards.

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

**Ward:** Bury East - Moorside

Item 05

**Applicant:** Vodafone UK Ltd

**Location:** Pavement at Fernhill Business Park, Hardman/Every Street, Bury, BL9 5AA

**Proposal:** Installation of 20 m high street pole with shrouded antennas and equipment cabinets to facilitate site sharing

**Application Ref:** 54184/Full

**Target Date:** 06/09/2011

**Recommendation:** Prior Approval Required and Granted

### **Description**

The site is located next to the path near the raised planting areas at the end of Hardman Street and adjacent to Every Street. The site is surrounded by industrial buildings to all sides.

The proposed development involves the installation of a 20 metre high street pole, including 6 antennae, an equipment cabinet and an electrical meter. The proposed mast would be shared by two operators.

### **Relevant Planning History**

Nearby site

51231 - Installation of a radio base station consisting of 3 no. antennae, 2 no. dishes to a 18 metre high lattice mast; adjacent equipment cabinet and 2.4 metre palisade fencing at land at Fernhill Business Centre, Todd Street, Bury. Approved with conditions - 20 May 2009. Vodafone obtained the above consent for a site some 140 metres to the north of the current application site. This site has not been built out as acceptable terms cannot be reached with the land owners.

### **Publicity**

137 neighbouring properties within 150 metres of the site were notified by means of a letter on 13 July and site notices were posted on 19 July 2011.

One letter has been received from the occupiers of Fernhill Business Centre, which has raised the following issues:

- Concerns about health issues

The objectors have been notified of the Planning Control Committee.

### **Consultations**

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

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

**Baddac** - No objections

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

EN1/2 Townscape and Built Design

EN1/10 Telecommunications

HT6/1 Pedestrian and Cyclist Movement

PPG8 PPG8 - Telecommunications

### **Issues and Analysis**

**Health Issue** - Current government guidance in the form of PPG8 with respect to health

risk, states that "Providing such proposals meet the ICNIRP guidelines, local authorities should not need to consider those aspects or any concerns about them any further." In this case, the applicant has indicated that the proposal would meet the ICNIRP guidelines through the submission of a certificate.

**Supporting information** - 11 alternative sites were put forward by the agent and include Fernhill Business Centre, various sites along Walmersley Road, Seedfield Centre, St Johns Church and Hornby Street.

These sites included installations on buildings, greenfield sites and the redevelopment of an existing mast site and were discounted for the following reasons:

- the site provider was not interested;
- the site would not provide the required level of coverage;
- the site would be visually prominent;
- the redevelopment of the existing site would not be possible.

The proposed development is required to increase network capacity and to provide 3G coverage to the area. Sufficient information has been provided to justify the need for the proposed development in terms of improved coverage for both operators for the site.

Therefore, the proposed development would be in accordance with Policy EN1/10 of the adopted Unitary Development Plan.

**Impact upon surrounding area** - The proposed development would be located within an industrial area and a large mill separates it from the residential properties to the east. As such, the proposed development would not be visible to the residential properties on Hornby Street. The proposed streetpole has been designed to reflect the existing street furniture, including streetlights in the immediate vicinity. As such, the proposed development would not be unduly prominent in the streetscene and would be in accordance with Policies EN1/2 and EN1/10 of the adopted Unitary Development Plan.

**Highways issues** - The proposed development would be located to the south of the paved footpath and would not restrict access for pedestrians. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy EN1/2 and EN1/10 of the adopted Unitary Development Plan.

**Response to objectors** - The issue of health has been dealt with in the main report.

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

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

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

Therefore, the proposed development is considered to be acceptable.

There are no other material considerations that outweigh this finding.

**Recommendation:** Prior Approval Required and Granted

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
  
2. This decision relates to drawings numbered 100 2, 200 2, 300 2, 301 2 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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



