

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 01

**Applicant:** Irwell Street Metals Co Ltd

**Location:** Irwell Street Metals, Kenyon Street, Ramsbottom, Bury, BL0 0AB

**Proposal:** Portal frame extension to enclose current operations undertaken in service yard;  
Retrospective application for retaining wall and drainage and land stabilisation works

**Application Ref:** 54247/Full

**Target Date:** 21/10/2011

**Recommendation:** Approve with Conditions

### **Description**

The site is an established waste transfer station and recycling business which is located to the east of Ramsbottom town centre and on the fringe of the Conservation Area but not within it. To the north is a manufacturing unit and number of small scale industrial units/workshops, to the south a vacant tyre repair workshop, to the east is land designated as a Recreation Provision in the Bury Unitary Development Plan and to the west are terrace properties on Harrison Street.

The site itself is accessed off Kenyon Street and comprises a number buildings including the main waste processing building, transport office, administration offices, vehicle repair workshop and staff facilities. The site is split into two levels and rises steeply to the east, whereby the lower level is utilised for the site operations and the upper level for a small amount of skip storage with the remaining area landscaped.

There are existing access and egress points which are located to the north and south of the transport office and a service yard area which is accessed at the most northerly part of the site off Kenyon Street.

The company specialises in the waste management of commercial, industrial and municipal waste and includes collection, disposal, treatment, incineration and recycling. The business has been established for some 30 years and the company is committed to building on the success of their recycling processes and to make provisions to increase the efficiency of the operation.

There are 2 elements to this application - an extension to the existing waste processing building to enclose the operations currently undertaken in the service yard and retrospective consent for a retaining wall and on-site drainage works.

Extension to existing recycling facility - The extension would be 72m in length and 30m wide at the widest point, (reduced to 17.4m to follow the boundary of the site) and 14m high. The design would be a portable frame building and clad in materials and colour to match that of the existing building. The roof structure would be partly translucent and part solid clad to assist in providing natural light internally.

There would be a roller shutter door on the north elevation of the new build although the principle access to the site would be the existing points located adjacent to the transport office.

The extension would accommodate a picking station which would assist in the separation of recyclable materials. This process is best suited to an internal location and the extension would enable the sorting operations to be carried out within a contained building which not only protects the operation from the external elements, but protects the site from the public view.

Retrospective application for retaining wall and drainage and land stabilisation works - The proposal associated with the retrospective element is to form a retaining wall to stabilise the land and provide additional useable storage space and to incorporate a complete land drainage system. The wall has been erected to the east of the buildings to form a permanent retaining barrier between the contrasting levels on site and has been constructed from locally sourced stone.

Land drains have been installed along the perimeter of the hillside and at intervals from the east to west on the elevated land in order to stabilise the land which was previously subject to land slippages due to the persistent flow of water down the hillside.

Background - Planning permission was granted in 2002 for an extension to the transfer station building which was not implemented due to drainage problems on site and land ownership issues. The land was subsequently purchased by the applicant in 2009 and drainage works to protect the site, including the erection of a retaining wall were carried. It was since established planning permission was required for these works and therefore form part of this application.

### **Relevant Planning History**

46507 - Replacement of existing transport office - Approved 1/8/2006.

39133/02 - Extension to the transfer station building - Approved 23/7/2002.

36598/00 - New portal frame industrial building for waste transfer operations - Approved 28/9/2000.

11/0234 - Enforcement Case for unauthorised engineering operation - Received 6/6/2011  
Application received.

### **Publicity**

28 Letters sent on 28/7/2011 to properties at Irwell Saw Mills, Harrison Street; Nos 1,3,5,7,9,11,1,3,15 Harrison Street; Nos 1,5,7,9,11, Kenyon Street; Peel Bridge Mill, Ross Vale Tyres, Irwell Mill, Goulds, all on Kenyon Street; Irwell Saw Mills, Harrison Street; Units 1, 2, 3,4 Harrison Street; Nos 1,3,5,7,9,11,13, Peel Brow.

Site notice posted 16/8/2011.

Press notice in The Bury Times 4/8/2011.

No correspondence received as a result of the publicity.

### **Consultations**

**Drainage Section** - No objection subject to condition.

**Environmental Health Contaminated Land** - No objections subject to condition.

**Environment Agency** - No objection. Recommend an informative should there be changes to the boundaries where waste activity takes place.

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

EN2/2	Conservation Area Control
EN2/1	Character of Conservation Areas
EC2/1	Employment Generating Areas
PPS23	PPS23 Planning and Pollution Control
RT1/2	Improvement of Recreation Facilities
EN6/4	Wildlife Links and Corridors
OL5/2	Development in River Valleys
EN1/2	Townscape and Built Design
MW4/1	Assessing Waste Disposal Proposals
MW3/2	Waste Recycling and Bulk Reduction
EN1/5	Crime Prevention
EN7	Pollution Control
EN1/2	Townscape and Built Design

### **Issues and Analysis**

**Policies** - UDP Policy EC2/1 - Employment Generating Areas - The Council will seek to retain existing industrial areas and premises in employment uses for Business, General Industrial, Warehousing and Leisure and Tourism.

UDP Policy MW3/2 - Waste Recycling and Bulk Reduction - Without prejudice to other policies and proposals of the UDP, favourable consideration will be given to proposals which facilitate the economic recycling and reclamation of waste materials and bulk reduction of waste.

MW4/1 Policy - Assessing Waste Disposal Proposals - Development is acceptable in principle subject to the following considerations:

- impact on dwellings or other properties in terms of visual amenity, noise, dust, air pollution, surface water or groundwater pollution, smell, vibration or other nuisance;
- effect on land drainage, water supply or the water resources of the area;
- access, traffic generation, and road safety;
- impact on viability of agricultural holdings or unacceptable loss of agricultural land;
- effect on listed buildings, ancient monuments or conservation areas;
- impact on areas of recreational use or potential areas of special landscape, archaeological or geographical value, river valleys, areas of ecological or biological importance;
- satisfactory scheme of aftercare in the case of restoration to agriculture, forestry or amenity uses;
- satisfactory provision for leachate and landfill gas controls and dispersal during and after completion of tipping operations.

**Principle** - The site is an existing waste transfer facility with recycling operations already being carried out on site. The proposed extension would provide a contained area which would protect the recycling activity from the external elements and screen the works and machinery from the public view.

The drainage works and erection of the retaining wall were necessary works carried out to stabilise the land and ensure the site was made safe from land slippages that occur. The installation of the drains necessitated the removal of landscaping on the sloping part of the site, which is to be replaced by provision of a suitable condition.

As such, the proposals are considered acceptable in principle and comply with UDP Policies EC2/1, MW3/2 and MW4/1.

**Residential amenity** - The nearest residential properties are on Harrison Street, 10m away to the west of the site. No 1 Harrison Street is set side-on to the application site and has a blank gable elevation directly opposite part of the existing building. The proposed extension would be no closer to this house than the existing building.

As such, the position of the proposed extension would not have an adverse impact on the amenity of the nearby residents and given it would enclose a recycling operation is likely to be more beneficial to local residents than the activities being carried out in the open.

The proposal would comply with UDP Policy MW4/1 - Assessing Waste Disposal Proposals.

**Visual amenity** - The existing waste processing building is a simple portal frame structure, clad with profiled metal sheeting, the scale of which is determined by the use of the equipment and machinery to be accommodated. The design of the extension would match the existing structure in height and clad in materials and colour to match the existing. The roof structure would be partly translucent and part solid clad which would assist in providing natural light to the recessed area of the structure and avoid artificial light where possible.

Located within an Employment Generating Area, with other commercial and industrial properties in close proximity, the design and appearance is considered to be acceptable and appropriate.

The existing palisade fencing would be extended along the perimeter of the extension fronting Kenyon Street and would match the existing fence in terms of design and height.

As such, the proposal would comply with EN1/2 - Townscape and Built Design and EN1/5 - Crime Prevention.

**Recreation Land** - The proposed extension affects land which is designated as an Improved Recreation Site under UDP Policy RT1/2/1 'Land East of Kenyon Street' which is under the ownership of the applicant.

Policy RT1/2 seeks to give favourable consideration to proposals for the appropriate improvement of existing recreational land. Specifically for this land, the site is allocated for improved recreation provision as informal open space, with tree planting to enhance the Irwell Valley fringe landscape. This use would be the most beneficial owing to the steep gradient of the land.

The loss of recreation land to accommodate the building would be minimal and it is considered this would be acceptable providing the remainder of the recreation land in the ownership of the applicant is enhanced to a standard which meets the requirements of the policy.

The substantial drainage works on the hillside have also eroded the visual amenity of the hillside, and the Design and Access Statement acknowledges the drainage installations necessitated the removal of landscaping during these works. It is proposed to submit a landscaping scheme and this would be a condition of any approval.

**Access and parking** - The site, waste processing building and extension would continue to be accessed via the main entrance located to the south of the site adjacent to the transport office and would be the primary route in and out of the site.

The applicant owns the adjacent tyre repair workshop which is no longer in use and is utilised for staff parking. There is also some parking within the site compound and in front of the administration building fronting Kenyon Street.

There would be 7 additional staff employed as a result of the application and 2 additional parking spaces provided. Given the site is located close to Ramsbottom town centre where there are car parks and close to public transport links, parking provision is considered to be acceptable.

The applicant has confirmed there would be no additional deliveries or increase in vehicular traffic as a result of the proposal.

As such, the proposal is considered to comply with MW4/1 - Assessing Waste Disposal Proposals.

### **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 proposals would be appropriate development within an Employment Generating Area and would not harm the character of the area or the amenity of neighbouring residents. There would be no adverse impact on highway issues.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 21121.01B; 21121.11B; TRI-0646 Rev O sheet 1 and sheet 2; TRI-0737-01; TRI-0737-02 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. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
4. A landscaping scheme shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design, RT1/2 - Improvement of Recreation Facilities and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
5. 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.
6. No development shall commence unless and until details of surface water drainage aspects have been submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented prior to the building first being brought into use.  
Reason. The current application contains insufficient information regarding the disposal of surface water from the proposed development to be properly appraised, pursuant to PPS23 - Planning and Pollution Control and Bury Unitary Development Plan Policy EN7 - Pollution Control.

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

**Ward:** Prestwich - Sedgley

Item 02

**Applicant:** McCarthy & Stone Retirement Lifestyles Ltd

**Location:** Site of Former Claremont Old People's Home, Park View Road, Prestwich, M25 1FA

**Proposal:** Erection of extra care accommodation for the elderly (62 units in total) landscaping & car parking.

**Application Ref:** 54299/Full

**Target Date:** 04/11/2011

**Recommendation:** Approve with Conditions

### **Description**

The 0.65ha cleared site is situated at the junction of Bury New Road and Park View Road. It was formerly occupied by Claremont Elderly Persons Home that has been demolished. The site is characterised by a number of large mature trees and the site has a tree preservation order. The surroundings include St Mary's Park immediately to the north and residential development to the south across Park View Road and across Bury New Road to the west where the land is included in the St Mary's Park Conservation Area.

Planning permission was granted to build a 6 storey residential block of 58 units (48 apartments and 10 penthouses) with a basement car park. (refs. 40304/03, 41409/03 and 42905/04). Work did not start other than the demolition of the buildings, tree clearance and site security enclosure. The developers secured significant change to the internal content and density of the block in that instead of the standard single level apartments on the third and fourth floors there would be duplex (two storey) apartments. This reduced the overall number of units by 6 down to 52 in total and these would consist of 36 apartments (single level), 14 duplex apartments and 2 penthouses (43846). An extension of time application was submitted and subsequently approved on 7/7/2010 to permit the development to start within a further two years (52395).

This application is seeking permission for a different development, from a different developer for 62 extra care residential units and includes 29 car parking spaces and landscaping.

Vehicular access to the site would be taken from Park View Road and there would be pedestrian access from the Bury New Road frontage.

The building would be located centrally on the site and would comprise a four storey building in a traditional design with a tiled pitched roof with elevations having a mix of artstone, forticrete, brick and render finishes. Balconies would also be provided.

The existing treescape would remain along the Bury New Road frontage. However there would be limited tree removal from the Park View Road and Bury New Road frontages to provide necessary thinning out and to facilitate intervisibility issues at the access provision to the site.

### **Relevant Planning History**

52395 - Extend time limit for 36 apartments – Approved 7/7/10

43846 - Residential development - Construction of residential block of 36 apartments, 14 duplex apartments and 2 roof mounted penthouses - Approve with Conditions 12/05/2005

40304 - Residential development (outline). Approved 26th March 2003.

41469 - 48 apartments and 8 penthouses (approval of matters reserved by (40304/03) Approved on 5th July 2004.

42400 - Addition of two roof mounted penthouses to approved apartment block. Withdrawn on 26th May 2005.

42905 - Addition of two roof mounted penthouses to approved apartment block. Approved on 17th January 2005.

### **Publicity**

145 Properties including addresses on The Terrace M25 1FD, Park View Primary Sch, Sedgly Pk Synagogue, The Mews, Thorndyke Apartments, , Park View Road, Rectory Grove, St Anns Road, Bury New Road, Park View Court, Belroy Court, Carrigart M25 5PD, Hornby Lodge, Prestwich Park Road, Princess Court were consulted by letter on 9/8/11. A press notice was published in the Bury Times on 18/8/11 and a site notice was erected on 22/8/11.

As a result of this publicity, 17 responses have been received. 15 are letters of support and 2 are comments including one from Councillor A Quinn who asks for the consideration of a crossing on Bury New Road near to Park View Road due to large numbers of people using visiting the school.

Points raised include:

- There is a shortage of this type of accommodation in the area.
- This proposal would allow people of the area to stay in the area when reaching old age.
- Ensure that the proposals include sufficient parking.

Respondents have been notified of the Planning Committee meeting.

### **Consultations**

**Traffic Section** - No objections subject to the inclusion of standard conditions relating to the implementation of the access, barrier details to be provided and the laying out of the car park.

**Drainage Section** - No objections.

**Environmental Health Contaminated Land** - No objections subject to the inclusion of standard conditions relating to the remediation of the site and prevention of ground gas ingress.

**Waste Management** - No comments received.

**Wildlife Officer** - No objections subject to the inclusion of standard conditions relating to dealing with Japanese Knotweed, tree removal procedures and site enhancement for bats.

**Baddac** - No objections.

**Greater Manchester Police** - designforsecurity - No objections in principle. Detailed comments were provided on the scheme to improve security measures which have been incorporated into the proposals.

**United Utilities** - No objections. Informatives have been provided concerning the existence of utility infrastructure to the development.

**Chief Fire Officer** - No objections.

**GMPT** - No comments received.

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

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/6	Public Art
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN8/2	Woodland and Tree Planting
CF1/1	Location of New Community Facilities
CF3/1	Residential Care Homes and Nursing Homes
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
RT2/2	Recreation Provision in New Housing Development
H4/2	Special Needs Housing

SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD11	Parking Standards in Bury
PPS23	PPS23 Planning and Pollution Control
H4/1	Affordable Housing
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H1/2	Further Housing Development
EN1/5	Crime Prevention
SPD3	DC Policy Guidance Note 3: Planning Out Crime
PPS9	PPS9 Biodiversity and Geological Conservation
SPD5	DC Policy Guidance Note 5: Affordable Housing
CF1	Proposals for New and Improved Community Facilities

### **Issues and Analysis**

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

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

UDP Policy H1/2 - Further Housing Development has regard to factors relating to the need to direct development towards the urban area, availability of infrastructure, the need to avoid the release of open land, sustainability of the site in land use terms with regard to amenity, the nature of the local environment and surrounding land uses and other policies and proposals of the Plan.

UDP Policy H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development seek to ensure proposals make a positive contribution to the form and surrounding area and demonstrate acceptable standards of layout.

Policy H4/2 - Special Housing Needs states that the Council will encourage the provision of special needs housing and would be assessed with regard to location for facilities, gradient of the site, and the provision of parking and amenity space.

**Principle** - The land is a previously developed site within the urban area and the site benefits from extant planning permission for a block of 52 residential apartments. Historically the site was occupied by a former Council care home, which has since been removed from the site. The site is close to a range of services and public transport and is generally a sustainable location. The scheme would significantly contribute to the identified shortfall of this type of accommodation in the Borough. In addition, services and the facilities of the scheme will also be available to the immediate community of the area.

As such, the principle of residential development is acceptable subject to details and would comply with policies H1/2, CF1/1, CF3/1 and H4/2 of the Unitary Development Plan.

**Use, Affordable Housing and Disabled Access** - The application proposals are for a Class C2 Use - Residential Institutions specifically intended for the frail and elderly, typically of over 80 years of age. The proposals are intended to operate such that the occupant's maintain as much independence as possible by providing a wide range of community facilities and care packages are bought and thus are tailored specifically for the individual concerned, on site. The occupants would enjoy the privacy of their own home whilst receiving appropriate levels of nursing care. Communal facilities would also be provided and all parts of the building would be fully wheelchair accessible. Lifts would also be able to accommodate the movement of beds in case of hospitalisation needs.



As the scheme is not a residential development under Class C3 - Residential of the Town & Country Planning (Use Classes) Order 1987, there is no requirement to provide affordable housing in line with UDP Policy H4/1 - Affordable Housing. However, as the proposals are for extra care housing units are within Class C2, there is a need to impose an occupancy control by a planning condition to prevent the potential change of use to other uses falling within the same class (such as a hospital) which the site would otherwise not be capable of accommodating materially different, significant demands such as from traffic.

Private landscaped amenity space would be provided at the sides and to the front of the site and would include seating areas connected via accessible footpaths. Room layouts would be larger than 'standard' elderly accommodation to enable the provision of extra care facilities to be provided. BADDAC have been consulted on the proposals and had no issues with the development. Minor recommendations were provided by BADDAC to relocate disabled parking spaces and confirm level access. These matters have been addressed. The proposals would therefore comply with HT5/1.

**Building Design and Materials** - Policy EN1/2 seeks development to be of a high quality of design, and to ensure that development assimilate within their context in an acceptable way. The immediate surrounding area comprises differing ages of buildings and design approaches. As such there is no consistent design typology in the area. The building would be four storeys in height and would be similar to the apartment block already approved on the site. The most fundamental difference between this scheme and the approved residential block is the inclusion of a pitched roof. This would be seen in the context of a traditional approach to design and would be in keeping with the properties within the locality.

Considering that the design, whilst incorporating some modern materials such as render, artstone and fortcrete with grey concrete tiles, the building would not be out of place or keeping and would be reflectant of the extant approval both in terms of appearance and massing to the extant planning permission on the site. There are no listed buildings or conservation areas affecting the site directly. As such the development would comply with EN1/2 and CF1/1.

**Residential Amenity** - There are no aspect standards for this type of development. However, Supplementary Planning Document 6 does provide guidance on aspect relationships. Using this as a reference, the guidance states that a minimal distance of 20m between two principal windows to a habitable room should be maintained. In this regard, there should be an additional 3m of separation to allow for each additional storey of height to the proposed building.

The aspect standards would be in excess of the minimum considered necessary in terms of the relationship with properties on the opposite side of Bury New Road. (45m minimum provided). In terms of Park View Road, there would be 26m between the building and 11 The Mews. There are no main habitable room windows on this side elevation to this property. The minimum distance should be 19m between a two storey blank gable and a four storey building. Playing fields are located to the north and east as such there would be no concerns with aspect standards here. Furthermore the site is surrounded by mature protected trees as are properties to the west and south and as such the dense screen of trees and hedging assists to provide protection for amenity.

Given the above the separation distance complies with the Council's required aspect standards and policy CF1.

**Trees** - The site is subject to a tree preservation order and contains 62 trees in total primarily located on the periphery of the site. Many trees are mature and due to the dense spacing trees on the periphery of the site, some trees are inhibiting the growth of other trees. The proposals have been submitted with a tree survey and a series of recommendations. In total, 4 trees are proposed to be removed - 3 on the Bury New Road frontage/north boundary and one on the easterly boundary. None of these trees are major

trees and would ensure that their neighbouring better quality trees survive. Tree works are also proposed to 31 trees across the site to remove dead branches and to crown lift. These works would provide greater stability and continued healthy growth and overall would have no detriment to the site's development or presence in the street scene.

The access proposals would not require any tree removal. However, the plans indicate that three trees may be affected if optimal intervisibility is provided. In discussion with the traffic team, it is proposed to impose a condition requiring the footway/intervisibility improvements to be carried out (excluding an additional strip of land shown to provide optimal intervisibility) which would then not affect or require the removal of any trees on Park View road to the east of the access point. Given the above considerations, the proposals would comply with EN8/2.

**Parking** - There are no specific parking standards for this type of development. However, Development Control Policy Guidance Note 11 - Parking Standards in Bury - states that for sheltered housing, 1 space per 3 units be provided. This would equate to 13 spaces. In terms of care/nursing homes, standards for staff and visitors are considered on their own merits together with the nature and location of the proposal.

There are 29 parking spaces proposed. This equates to 21 residents and visitor spaces plus 8 staff spaces. The scheme is aimed at the elderly population who will require an increasing level of care, which means that a significant proportion of the residents of this scheme are unlikely to be car drivers (average age is 85). It is anticipated that some of the staff will live locally or use public transport and there are bus stops in close proximity to the site. As such the proposals would not conflict with SPD11.

**Servicing** - The car park is arranged to incorporate a turning head large enough to facilitate service deliveries and refuse collection. Servicing and any drop off would be able to take place within the site and without the need for any public highway lane. The Traffic Section have raised no objections to the scheme and the proposal would comply with HT2/4 - Car Parking and New Development.

There would be a path which would run directly from the loading bay area to the east of the car park to the service access entrance to the building. There would be a limited number of deliveries to the care home and as such the car park area would be sufficient in area to accommodate the servicing requirements. The proposal complies with CF1/1 - Location of New Community Facilities.

**Traffic** - The site was formerly used as a care home and latterly was given permission for 52 residential apartments. The proposals now, whilst for a higher number of accommodation units, would be of a kind that is unlikely to result in high numbers of vehicles being used by the occupants, with the majority of traffic arising from staff and visitors. However, the transport statement confirms that from experience of other sites developed in a similar way elsewhere within the country and taking into consideration the locality, the development would generate less levels of traffic to the site than is already approved. However, it is noted that the scheme would provide some provision of traffic calming that other users in the area would benefit from. A condition is suggested to deal with this issue. It has also been requested that the scheme look into the necessity of an additional pedestrian crossing at the end of Park View Road and Bury New Road. As the scheme would produce less traffic than the development that is already approved, and no additional crossing was required for that development, the development here reasonably concludes that no additional traffic controls or pedestrian crossing facility is needed for Bury New Road. The Traffic Section confirms no objection to the proposals and the development would comply with CF1/1 and CF3/1.

**Protected Species** - The bat survey found no evidence of bats and assessed the buildings and trees potential as low. The Wildlife Officer recommends the conclusions of the bat report be conditioned which includes the need to carry out a re-survey should demolition of the building be delayed beyond Spring 2011.

**Recreation Provision** - Given the nature of the proposal it is considered it would be sufficient to provide less formal provision on site as indicated in paragraph 2.20 of Development Control Policy Guidance Note 1 - Recreation Provision in New Housing Development. Accordingly, whilst no commuted sum payment would be required as part of this proposal, it should be ensured that informal provision is implemented as part of the scheme to ensure that residents have good access to outside facilities within the grounds of the development. The layout of the proposal does indicate that seating and footpaths together with a detailed landscaping scheme throughout the site. Any approval should be conditioned to ensure that these are implemented before first occupation.

**Security and Boundary Treatments** - The proposals would supplement the existing boundary treatments with 1.5M high railings to the Park in conjunction with a detailed deep barrier of dense planting shown on the landscape drawings. This would equally apply to the 1.8M high fence on the eastern boundary. The frontage along the westerly boundary would retain the dense planting behind a wall and railings. A vehicle barrier has been added to the site plan and other gates added to the remaining boundaries. Natural 24/7 surveillance by the occupants, staff and CCTV should deter any nuisance by youths or other intruders. No elevations are shown of the wall and railings and a condition is proposed to ensure that the design quality for the development is retained. Given the above the proposals would comply with EN1/2 and EN1/5.

**Percent for Art** - The applicant proposes to integrate public art within the scheme but details have not been included as part of the planning application. As such, any approval should be conditioned to ensure that public art is included as part of the development and that this is agreed with the Council in writing and implemented as part of the scheme.

### **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 bring about a redevelopment of a vacant brownfield site within a prominent urban location. The development would contribute to the provision of essential care needs within the Borough and the development would be of a suitable design and appearance within the townscape. The development would not unduly affect any neighbouring property and the development would not unduly impact upon traffic issues. The development would retain a tree covered site and would add to the planting cover within the site. The development would comply with Unitary Development Plan Policies and there are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The 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 and reports numbered/named - 1770-01-02 rev A, 1770-01-04, 1770-01-05 rev A, 1770-01-06, 1770-03-03, 1756-01-01, S492 dwgs. 1 and 2, 7542/01, 0788/Topo, 11/193/TR/001, 11/193/TR/001 and supporting reports: Crime Impact Statement dated 25/7/11, Bat Absence/Presence Survey by Marshall Thompson Group dated July 2011, B G Hall Transport Statement July 2011, Extended Phase 1 Habitat Survey July 2011, arc environmental Phase 2 Ground Investigation Report, Design & Access Statement by The Planning Bureau Ltd, Campbell Reith Geo-Environmental

Appraisal April 2008, The Planning Bureau Ltd Planning Statement July 2011, Statement of Community Involvement by Remarkable Engagement July 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. The premises to which this approval relates shall be used for an extra care facility and for no other purpose (including any other purpose in C2 - Residential Institutions of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).  
Reason - To safeguard the amenities of the occupiers of nearby residential accommodation and in consideration of the likely traffic flows to and from the site in relation to the extant uses in the vicinity of the site pursuant to policies CF1/3, CF1/4 and HT2/4 of the Bury Unitary Development Plan.
4. 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.
5. Following the provisions of Condition 4 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.
6. Following the provisions of Condition 4 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.
7. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year unless otherwise agreed in writing with the Local Planning Authority.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS9 - Biodiversity and Geological Conservation.

8. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*) is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

Reason. To ensure that the site is free from Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape

9. No development shall occur until details of measures to maintain and enhance the value of the site for bats has been submitted and approved in writing by the Local Planning Authority.

Reason - To maintain and enhance the biodiversity value of the site 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.

10. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures and tree works. Any subsequent variation of the timetable shall be subject to further written notice.

Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

11. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..

12. No trees subject to a Tree Preservation Order, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.

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

13. 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 development shall not commence unless and until the measures required by that 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 and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

14. Prior to the commencement of development, details relating to the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented as part of the approved development.  
Reason - 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.
  
15. No development shall commence unless and until an agreed scheme of traffic calming measures on Park View Road between its junctions with Bury New Road and Heywood Road and a programme for their implementation, including the necessary public consultation to be carried out by the Council at the expense of the applicant, have been submitted to and agreed in writing with the Local Planning Authority. The scheme subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.  
Reason - To reduce the potential conflicts from vehicles, pedestrians and cyclists within the vicinity of the site access on Park View Road and to ensure good highway design in the interests of road safety pursuant to Unitary Development Plan Policies HT6/1 Pedestrian and Cyclist Movement and HT6/2 - Pedestrian/Vehicular Conflict.
  
16. Notwithstanding the details indicated on the approved site plan, no development shall commence unless and until full details of the proposed boundary walls abutting Bury New Road and Park View Road (incorporating a minimum 1.8m wide footway at the junction of Bury New Road with Park View Road, no wall/foundation encroachment on/under the adopted highway and the visibility splays indicated on approved plan reference 11/193/TR/001) and site access control barrier (incorporating adequate footway provision adjacent to the barrier and confirmation of its method of operation) have been submitted to and agreed in writing with the Local Planning Authority.  
Reason - To ensure good highway design in the interests of road safety and to maintain the integrity of the adopted highway pursuant to Unitary Development Plan Policies HT6/1 Pedestrian and Cyclist Movement and HT6/2 - Pedestrian/Vehicular Conflict.
  
17. The development hereby approved shall not be first occupied unless and until the visibility, footway and access improvements on Park View Road indicated on approved plan reference 11/193/TR/001 (but excluding the additional area of land required to provide a 1.8m footway) have been implemented in full to the written satisfaction of the Local Planning Authority, 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 HT6/1 Pedestrian and Cyclist Movement, HT6/2 - Pedestrian/Vehicular Conflict, CF1/1 - Location of New Community Facilities and CF3/1 - Residential Care Homes and Nursing Homes.
  
18. The visibility splays indicated on approved plan reference 11/193/TR/001 shall be implemented before the development is first occupied and shall subsequently be maintained free of obstruction greater than 0.6 metres in height unless otherwise required by a planning condition within this permission or otherwise agreed in writing.  
Reason. To ensure the intervisibility of the users of the site and the adjacent

highways in the interests of road safety pursuant to Unitary Development Plan Policies HT6/1 Pedestrian and Cyclist Movement, HT6/2 - Pedestrian/Vehicular Conflict, CF1/1 - Location of New Community Facilities and CF3/1 - Residential Care Homes and Nursing Homes.

19. The turning facilities indicated on approved plan reference 11/193/ATR/001 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 Policies HT6/1 Pedestrian and Cyclist Movement, HT6/2 - Pedestrian/Vehicular Conflict, CF1/1 - Location of New Community Facilities and CF3/1 - Residential Care Homes and Nursing Homes.
20. 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 occupied 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.
21. 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.

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

**Ward:** Bury West - Church

Item 03

**Applicant:** Dr K Kotegaonkar

**Location:** Land between 78 Mile Lane and Mile Lane Health Centre, Bury, BL8 2JR

**Proposal:** Application to extend the time limit for implementation of planning permission 49805 for outline sheltered accommodation for the elderly comprising of 14 units including wardens flat

**Application Ref:** 54303/Full

**Target Date:** 03/11/2011

**Recommendation:** Minded to Approve

**This application is Minded to Approve subject to the completion of the s106 agreement relating to the occupancy of the development for persons aged 55 years or over as special needs housing. The Agreement should be signed and completed within a reasonable time. However, should the agreement not be signed, then delegated authority should be given to the Assistant Director (Planning, Engineering and Regulatory Services) to refuse the application.**

#### **Description**

The application site lies to the north of Mile Lane, Bury, between the Co-op and Mile Lane Health Centre located to the west. The site is currently a grassed area with some landscaped tree planting located next to the flank wall of the Co-op retail store. To the north of the site stands chalet style dwellings and also to the south of the site across Mile Lane. The site itself is largely flat with grass cover with mature hedging around rear of the site.

The Co-op is situated at the end of a two storey parade of shops that form a neighbourhood shopping centre, whilst Mile Lane Health Centre is a single storey development set back from Watling Street and Mile Lane surrounded on one side by a car park and otherwise by a grassed frontage.

The originally approved application (49805) was for a sheltered housing scheme for the over 55's including a wardens accommodation. The approved outline permission including the details of access and scale. The proposals were also accompanied by a s106 agreement that secured the long term use of the development for a sheltered housing scheme for the elderly as well as indicative internal layout plans, site plan with details of the scale of the building and access arrangements.

The application was '*Minded to Approve*' by the Planning Committee on 22/7/2008, and following the signing of the legal planning agreement, the planning permission was issued on 7/8/2008.

The indicative layout for the scheme showed that the main bulk of the building would be located next to the boundary of the site shared with the health centre and a 'fly over' element to the easterly side thus providing an access road below it, to a parking area at the rear. The main building itself is indicated to have three floors within it with the upper floor contained within the roof space. A single disabled car parking space would be located to the front of the site, off Mile Lane and a 5 space car park to the rear. Beyond that is an amenity space for the development. Access to the car parking would be taken off the existing access arrangement, with plans currently showing a minor re-alignment of this access, across land within the applicant's control to Mile Lane.

The application now under consideration is seeking the renewal of the approved period for implementation by a further three years.



### **Relevant Planning History**

45668 - Sheltered housing development (Class C3) with associated car parking, landscaping and ancillary facilities - Refused 16/3/06 for the following reasons -

- failure to demonstrate that the scheme would be a sheltered housing scheme;
- insufficient information concerning access;
- substandard access arrangements
- Inadequate car parking and servicing provision;
- Insufficient information concerning the height of the development.

49805 - Sheltered housing development (Class C3) with associated car parking, landscaping and ancillary facilities - Approved 7/8/08.

### **Publicity**

65 addresses were notified by letter on 5/8/11 and included:

61 - 69, 68, 70,78 - 84 Watling Street, 57 - 65, 60 - 80 Mile Lane, 1 - 11, 2 - 8 Winmarleigh Close, 1 - 4 Garstang Drive and 23 - 33 26 - 34 Bispham Close.

A press notice was placed in the Bury Times was placed on 11/8/2011 and site notice erected on 12/8/2011. As a result of this publicity, 8 letters of objection have been received from 1, 2, 14, 17 Garstang Drive, 34 Bispham Close (3 letters), 7 Winmarleigh Close, 20 Sherwood Avenue and an online submission from Mrs H - Mile Lane. Comments include:

- Increased traffic and problems parking.
- Even the elderly have cars.
- Being overshadowed and overlooked.
- Loss of privacy.
- Loss of open space.
- Inconvenience to pedestrians. There is a public inquiry into the claimed extant right of way that crosses the site. The application for planning permission should not be determined until the inquiry decision has been made.
- Objects to the plans and to the time limit being extended.
- The developer should pay charges to the Council for recreation provision and other obligations under a legal agreement. Why should a developer not pay?
- Parking is difficult in the area close to the school.
- Healthcare provision is currently under resourced. The scheme would bring even more patient demands to the area where such providers cannot cope with the present levels of demand.
- What justification is there to extend the planning permission?

Respondents have been notified of the Planning Control Committee meeting.

### **Consultations**

**Traffic Section** - no objections but recommend the following two conditions be attached to the granting of any planning permission ensuring the surfacing of car parking and to ensure turning facilities are provided to enable vehicles to leave the rear parking area in a forward gear.

**Drainage** - No objections.

**Environmental Health** - No objections subject to conditions concerning contaminated land/ground gas issues are attached to any grant of planning permission.

**BADDAC** - Given that the application is in outline it is not possible to provide detailed comments at this stage. The applicant should therefore make a commitment to designing the development to at least Lifetime Homes Standards

As part of the outline application for means of access details of a level approach to the building from Mile Lane and from the proposed parking spaces should be provided.

**Waste Management** - No issues to raise at this time.

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

H4/2	Special Needs Housing
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
SPD11	Parking Standards in Bury
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
H1/2	Further Housing Development
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
EN1/2	Townscape and Built Design
RT2/2	Recreation Provision in New Housing Development

### Issues and Analysis

**Principle** - 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 already been accepted.

**Renewals of Planning Permission** - On 1st October 2009, the Dept. of Communities issued guidance on the use of measures to provide Greater Flexibility for Planning Permissions. The measure was introduced in order to make it easier for developers and Local Planning Authorities to keep 'planning permissions alive' for longer during the economic downturn so that they can be implemented more quickly when economic conditions improve. This provision was temporary (albeit, it is still in force), it applied to permissions granted before 1st October 2009. As such, the regulations and guidance applies to the relevant originally approved scheme (49805). Furthermore, only one extension of the permission would be allowed. The renewal sought has to be for the same scheme as previously approved before the introduction of the regulations. Importantly, the key issues to consider with a renewal application are any changes in policy or other material considerations since the previous grant of permission.

The site has planning permission for the provision of a sheltered housing as a special needs development and a legal agreement accompanies the application to this effect, restricting occupants of the property to residents of 55 years and over. The UDP describes the provision of sheltered housing for the elderly as special needs housing. As such the proposed development would accorded with the terms of the UDP in its nature.

**Policy Changes** - As this is the first extension of time application for the site the regulations provide a positive stance to be taken to renew this permission. The key changes in policy affecting the scheme is Development Control Policy Guidance Note 7 - Managing the Supply of Housing Land in Bury. Revisions have been made to the original Supplementary Planning Document 7 (SPD7) to take account of recent changes to national (Planning Policy Statement 3: Housing) and the Regional Spatial Strategy, which was adopted in September 2008. The fundamental change to the SPD7 reflects the fact that the previous restrictions contained in the SPD7 are no longer being applied. Instead, the SPD7 reflects and supports Policy H1/2 of the Bury Unitary Development Plan and the RSS. The revised SPD7 was formally adopted on 14 January 2009.

UDP Policy H1/2 - Further Housing Development considers that the Council will have regard to the following factors when assessing housing proposals:

- The need to direct development towards the urban area;
- The availability of infrastructure;
- The need to avoid the release of peripheral open land, unless this would be consistent with urban regeneration;
- The suitability of the site in land use terms with regard to amenity, the nature of the local environment and surrounding land uses;
- Other Policies of the plan.

The site is located within the urban area and there is adequate infrastructure supporting the site within the area. There would be no issues concerning the release of open peripheral land and the site is located within an area that is characterised by the juxtaposition of a local

shopping centre with housing.

Given these circumstances, there would be no conflict with the policy.

**Right of Way** - The site is affected by what at this stage is a claimed right of way across the site. A Public Inquiry is set to consider this issue is set to take place on 14th October 2011. The purpose of that inquiry is to determine the legal nature of the right of way under the provisions of the Wildlife and Countryside Act. The right of way issue is material insofar as the determination of that inquiry, but insofar as the planning application is concerned, there is a legal requirement to consider this planning proposal on its merits. It is highly unlikely that a decision on the right of way would be received before the Committee meeting. However, whether or not the inquiry finds for the right of way, this would not hinder the determination of this proposal as the application would establish 'land use' development. The implementation of the right of way proposal may have to consider diversion requirements under other legislation. Therefore, the Committee should determine this planning application on its own merits and disregard information in relation to the issue of the claimed right of way in arriving at its decision.

### **Original Considerations for 49805**

UDP Policy H4/2 - Special Needs Housing states that the consideration of developments for this type of use should have regard to the following factors:

- located close to local shops, public transport and community facilities;
- the location of health care facilities;
- the gradient of the site and general area;
- necessary car parking and amenity space;
- a high standard of design for a quality environment.

Development Control Policy Guidance Note 7 - Managing the Supply of Housing Land in Bury seeks to control the release of housing land in the Borough such that the existing oversupply of housing is not exacerbated. The document provides for a number of exclusions and exceptions where new housing may be considered to be acceptable including affordable housing scheme/special needs housing. The guidance note goes on to confirm that there is an identified need for certain specialised housing and includes provision for the elderly.

The development proposal is within an allocated neighbourhood shopping centre, under UDP Policy S1/5 - Neighbourhood Shopping Centres, where the development would have good access to existing services including health provision. The site and surrounding area is largely level and the scheme incorporates car parking provision and amenity space. The scheme as submitted is in outline currently therefore internal arrangements and external appearance are not under consideration at this time.

The previous planning scheme was refused on the basis of conflict with the DCPG Note7 as it had failed to demonstrate compliance with any of the exceptions to the policy. The development for housing ordinarily would not be supported outside regeneration areas however as the scheme is submitted with an accompanying legal planning agreement, which can be enforceable and is reasonable in planning law terms to ensure compliance over the limited occupancy of the development the principal of the scheme is considered to be acceptable.

**Siting and Height** - The scheme would infill a vacant plot within the centre, in between an existing health centre and a shop. The site is grassed currently and as its curtilage is part of the health centre, the site is not considered to be greenfield. The development would be so sited to continue along the line of the frontage of the shops and medical centre. A finished floor level has been submitted indicating that the development would sit within 0.15m of the buildings on either side. The scheme has been submitted with a design and access statement, which read in conjunction with the plans and finished floor levels, level access would be provided.

The lack of information was a reason for refusal of the previous scheme and whilst this is an

outline proposal, the height of the development has been indicated within the submitted documentation and plans. The height of the development is indicated to be 5m to the eaves 7.6m to the ridge of the fly over, and 10m to the ridge of the main building. Whilst the area does have differing scales and heights of building, the indicated heights are akin to that of a two storey dwelling. The height of the building would not be out of character with the area. Given this situation, the development is considered to accord with UDP Policy EN1/2 - Townscape and Built Design and has appropriately addressed the concerns raised previously on the height of the development.

**Car Parking and Access** - The development needs to have regard to UDP Policy HT2/4 - Car Parking within New Development and DCPGN11 - Parking Standards (DCPGN11). The scheme has been submitted with a provision of 6 spaces for 14 units including a wardens flat, therefore 15 in total. In consideration of parking provision, the Council uses the DCPGN11, which was adopted in March 2007. Within this document, the development is considered that a provision of 1 space per 3 units should be provided. On this basis, 5 spaces as a *maximum* is required for the scheme as generally, this type of use generates low car usage. The policy also requires that 10% of the parking provision should be allocated for disabled usage. The scheme in reality therefore over subscribes parking provision for the development. The agent for the scheme has confirmed that the development would meet the policy guidance note and that any additional car parking provision would exceed the policy provision. In addition to this, the agent also confirms that the occupants are not likely to be heavily car reliant, although this could not be guaranteed.

The surrounding residents have made significant concerns over parking and traffic considerations in the vicinity of the shops and other community uses such as the school and health centre. It is important to note that development proposals should have regard to adopted policy and in this respect the development would only marginally exceed maximum provision. The car parking for the development would mainly be in the rear of the development and would not detract from the appearance of the development in relation to the rest of the centre. Additionally, the extra provision should be welcomed by the surrounding residents to ensure that the development would not worsen existing car parking demands.

The Traffic Section have been consulted on the proposals and have raised no objection to the levels of car parking provision incorporated within the scheme.

In terms of the access to the development, the scheme is seeking to utilise the existing access from Mile Lane and this arrangement has been subject to consultation with the Traffic Section. The design of the access would mean that access and egress from the development would involve a slight turn, which in its design would ensure slower traffic movement speeds where as a more direct route may encourage faster speeds. The access arrangement has been subject to discussions with the Council's Traffic Engineers and whilst at the time of writing this report a written response has not been received, it is understood verbally that there would be no objections to the access arrangements.

**Aspects** - The development would have accommodation over three floors - the third within the roof space. Whilst the internal arrangements would be subject to detailed consideration over the appearance of the development, the scheme would ensure that some 31m separation would be achieved from properties to the north and south of the development. The health centre to the west does have windows in the side elevation of the development, however the health centre is a non domestic building and there is no specific guidance to apply to separation to such development. That said, again as part of the consideration of the appearance of the development and also through conditional controls, constraints could be imposed on any grant of planning permission to prevent any fenestration being inserted in the westerly elevation of the development.

**Footpath Crossing the Site (49805)** - There is a paved footpath that crosses the site and whilst it is not a definitive right a way, it may be a right of way through usage. Under the Planning Acts, there is no requirement to advertise proposals that affect a non definitive

right of way, only definitive ones as there are separate procedures under Highways Legislation to deal with this matter.

The footpath is paved and may be a well used route. However, the footpath, which leads from the corner of the Co-op and stops at the Health Centre car park, provides a short cut through private land to Watling Street. Should the health centre decide to fence off their own car park, such as for security reasons, this would render the paved pathway useless. Furthermore, the existing formal route along the adopted highway to Watling Street would not add any significant greater distance to a journey and is a safe and well used recognisable route.

In addition to these matters, the proposed development is for a use and on a site, which as discussed in the main report, is located close to public amenities, health provision and transport facilities. All these are key considerations for any special needs development to comply with the UDP Policy H4/2 - Special Needs Housing. As such, the development is considered to be appropriate in terms of siting and land use and outweighs the retention of the pathway.

**Response to objections** - Many comments have been made in terms of traffic, pedestrian safety and vehicular safety and these have been discussed above. In terms of the other issues raised:-

- *Flats* - the use of the site for flats as opposed to houses is not a significant planning consideration in this instance. The main planning consideration is one of land use. The development proposes a residential scheme and the appropriate policies to assess the development of this kind, specifically directs this type of use to this type of area. As such, it is considered that the development proposal in principle is acceptable.
- *Insufficient size of site* - The plans indicate an appropriately sized building with parking and amenity space. The scheme represents a high density of development of 126 dwellings per hectare. The provision for housing is stated within PPS3 - Housing as a *minimum* of 30 dwellings per hectare although higher densities can be appropriate providing a suitable quality of environment is provided. Furthermore, it also states that surrounding development should not dictate the density of a new scheme provided that the development integrates appropriately to its surroundings. The scheme would be appropriately laid out with approximately one third of the site given to amenity space and not to parking or other inhabited development where interfaces would be compromised. The scheme is a special needs housing facility that would be reliant upon the relationships to services and facilities which the choicee and location of this development would benefit from. The scale of the development would not be out of keeping with surrounding buildings within the area and overall it is considered that the site would be sufficient to accommodate the development proposed.
- *Informal Use of site thus creating a footpath* - One letter has been written stating that a foot way has been formed through "passage and acceptance". This is considered to be a non definitive right of way and not an issue to restrict the granting of planning permission as other procedures under the Highways Act would control the closure of such a path.
- *Loss of Trees* - The trees are within the development footprint of the building and are not subject to any preservation order. The trees within the site currently screen the side of the Co-op shop and the back of the car park to the health centre. Essentially, the trees are not readily prominent to the main street scene and are set well back into the site and given their size and position, the trees are not considered to have significant amenity value to the street scene.

### **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 changes in policy since the original submission are considered not to have rendered the proposals unacceptable and the development would still be in compliance with today's

policy standards. As such, the proposals are considered to comply with adopted Unitary Development Plan policies. The renewal of permission, accompanied by an updated legal planning agreement, would bring about the redevelopment of a current vacant urban site with adequate aspects, access and scale without undue impact beyond the site itself and there are no other material considerations that outweigh this finding.

**Recommendation:** Minded to Approve

### Conditions/ Reasons

1. Applications for approval of reserved matters must be made not later than:
  - the expiration of three years beginning with the date of the grant of outline planning permission; and
  - that the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the layout, appearance and the landscaping of the site.

Reason. To ensure the satisfactory development of the site and because this application is in outline only.

3. This decision relates to the drawings received on 8 April 2008 (Massing proposals and elevations) and 2 June 2008 (proposed site plan and existing site plan) 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.

4. 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.

5. Following the provisions of Condition 4 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.

6. 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.
7. 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, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. No development shall commence unless and until a Preliminary Risk Assessment report to assess the actual/potential ground gas / landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.
- Where actual/potential ground gas/landfill gas risks have been identified, a detailed site investigation(s), ground gas monitoring and suitable risk assessment(s) shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation / protection measures are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.
- 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.
9. Following the provisions of Condition 8 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.

Control.

10. 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.
11. The development as part of the reserved matters for the appearance of the development shall not incorporate any habitable room windows in the westerly or easterly elevations of the development.  
Reason - To ensure that there would be no potential overlooking created as a result of the development and pursuant to UDP Policy EN1/2 - Townscape and Built Design.
12. The landscaping scheme to be submitted as a "reserved matters" shall include a survey of all existing trees on the site, indicating species, height, branch spread and condition and trees which it is proposed to remove and which to retain.  
Reason. To secure the satisfactory development of the site and to avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
13. The boundary treatments for the development shall be submitted to the Local Planning Authority as part of the reserved matters for the landscaping of the site. The development shall incorporate all the approved measures as part of the implementation of the development and the approved measures shall be maintained in the approved position prior to occupation of the development.  
Reason - To ensure good standards of design, appropriate appearance within the street scene and pursuant to UDP Policy EN1/2 - Townscape and Built Design.
14. The development hereby approved shall be restricted in occupation to those of aged 55 years or over.  
Reason - Pursuant to the Council's Development Control Policy Guidance Note 7 - Managing the Supply of Housing Land in Bury.
15. 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 building hereby approved being occupied 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.
16. The turning facilities indicated on the approved plans shall be implemented, to the written satisfaction of the LPA prior to the development hereby approved being occupied, to enable vehicles to enter and leave the site in forward gear. The turning facilities shall subsequently be maintained free of obstruction.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
17. The landscaping scheme pursuant to condition 2 for the development hereby approved shall include an element of recreational provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development.  
Reason - To ensure that the development would contribute to satisfying the need



for recreation provision pursuant to Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development.

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

**Ward:** Prestwich - Holyrood

Item 04

**Applicant:** Manchester Eruv Committee

**Location:** Various locations along boundary of Eruv from Heaton Park to Rainsough, Prestwich, Manchester, M25 9SW

**Proposal:** 31 Locations: 6-8m high poles, 1.2m high poles, gating enclosures, 1.2m high fencing and associated works

**Application Ref:** 54353/Full

**Target Date:** 17/11/2011

**Recommendation:** Approve with Conditions

### **Description**

The application site comprises of various locations in Prestwich. The area subject to the proposals is from the Borough boundary at Heaton Park in the east, across Prestwich, Sedgley and to Rainsough in the south west. It includes parts of St Mary's Conservation Area and cuts across Bury Old Road and Bury New Road.

The application is for the erection of structures which comprise 6-8m high poles, 1.2m high poles, gating enclosures, 1.2m high fencing and infill fence panelling at 31 locations in connection with the creation of an Eruv. The posts would be similar to lamp posts and grey in colour. A wire would be attached to the top of the structures to bridge the poles and form a gateway.

The proposals have been submitted as part of a wider scheme to create a 'Manchester Eruv' and includes sites in Salford and Manchester. Bury Council have been working in partnership with Salford and Manchester City Councils to ensure there has been a consistent and coherent approach to the applications.

An Eruv is a formally recognised continuous boundary defined using Rabbinic principles, that designates an area whereby orthodox Jewish people are able to carry out day to day activities on the Sabbath whilst observing the requirements of the Sabbath.

The recognised area of the Eruv is predominantly determined by existing features such as walls, hedges, fences and elevations of buildings. In some instances, the Eruv may be 'breached' by a highway or a gap. These are considered to be 'gateways' and need to be formed in a different way. Where a 'gateway' crosses a highway, this is typically 'closed' by a line at high level crossing from one street feature to another. This can be in the form of a lamppost with a purpose made device on the top of it. In other cases, a post, a fence or some similar structure is used. The concept of an Eruv does not require planning permission, it is the erection of the structures that do.

### **Relevant Planning History**

#### **Related developments.**

52957 - 1.1 metre high infill post in connection with the creation of an Eruv at site of junction of Bury New Road and Church Lane, Whitefield. Approved with conditions - 11 October 2010

52958 - 1.1 metre high infill post in connection with the creation of an Eruv at site of junction of Bury New Road, Hardmans Road and M60 Junction 17, Whitefield. Approved with conditions - 11 October 2010

52959 - 1.1 metre high infill post in connection with the creation of an Eruv at site opposite The White House, Old Hall lane, Whitefield. Approved with conditions - 11 October 2010

54374 - Erection of 5 no. 6 metre high poles (in connection with Eruv) at Sergeants Lane/Higher Croft, Whitefield. Withdrawn - 7 September 2011

### **Publicity**

71 neighbouring properties directly affected by the position of the structures were notified by means of a letter on 1/9/2011, a detailed list can be found on the working file.

A press notice was published in the Bury Times on 1 September 2011 and Site notices were posted on 8 September 2011 in locations where there were no nearby properties, or the site is within a Conservation Area.

As a result of the publicity, there have been 159 letters/e-mails of support which can be summarised as follows:

- The numbers of structures that would be needed would be few and unobtrusive and there should be no nuisance caused to the general public living in the area;
- It would enable those currently restricted (eg walking sticks users, wheelchair users, mothers with prams) by providing the means to be mobile and join in the religious and social life of the Jewish Community on a Sabbath;
- It would have a positive impact and enhance the lives of the Jewish community without detriment to other people;
- It has been successful in other areas of the UK as well as around the world.

Two petitions with 164 and 123 signatures in support which can be summarised as follows:

- The works in view of the overall streetscape are all but invisible and would not constitute either hazard, loss of visual amenity or conservation area principles;
- The ability of the Jewish Community to enjoy the Sabbath is important in the overall community.

Ten letters/e-mails of objection which can be summarised as follows:

- The structures would encourage vandalism and acts of anti-social behaviour;
- The poles would be visible from their properties;
- There should have been a wider consultation and has not involved enough of the affected population;
- The Prestwich community functions well without one - would an Eruv guarantee compliance with Sabbath rules;
- With a growth in population, the Eruv area would need to expand. Natural boundaries should be used rather than poles/wires;
- The poles would be unsightly and intrusive and be additional street furniture which serves no practical purpose;
- The poles would provide a physical separation between Jewish and non-Jewish which undermines social cohesion;
- Houses outside the Eruv boundary would be less desirable than those inside creating an artificial and unhelpful fluctuation in house values;

One comments received which can be summarised as follows:

- The new barrier over the top of the gates to St Mary's Park should not restrict access.

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

### **Consultations**

**Traffic Section** - No objection.

**Conservation Officer** - No objections in principle to the proposal subject to a condition being imposed on the detailed design of the arch above the main road entrance to St Mary's Park.

**Baddac Access** - No objections - all of the proposed poles would not interfere with accessibility.

## **Unitary Development Plan and Policies**

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/4	Street Furniture
EN1/7	Throughroutes and Gateways
EN2	Conservation and Listed Buildings
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
RT1/1	Protection of Recreation Provision in the Urban Area
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
HT6/1	Pedestrian and Cyclist Movement

## **Issues and Analysis**

**Design and Appearance** - The development proposes to utilise both existing street furniture and new structures. These are summarised as:

- Use 5 existing lampposts and attach a bracket arm and wire on top;
- Erect 47 new posts;
- Replace 2 lampposts;
- Relocate 1 lamppost;
- Erect 2 scroll entrance posts (at St Mary's Park and Carr Avenue);
- Install 1 kissing gate (Butterstile Lane);
- Infill 1 stretch of existing fence with additional panels (Off Butterstile Lane);
- Erect a steel post surround (Rainsough Brow);
- Erect a new fence (playground at Kersal Road).

The structures which would replace the existing lamp posts would incorporate a bracket arm attached on the top to enable a wire to be fastened to it to link the posts together.

The proposed posts would be of a simple tubular design, approximately 100mm in diameter, and would be a galvanised grey similar to that of other street furniture. The posts would be erected flush with walls or fence boundaries.

The posts would be like existing street furniture and therefore not prominent in the street scene or intrusive to the visual amenities of the area. The position of poles and wires across the roadway would be purposely located away from trees and well above the height of any vehicles using the roads.

The other proposed structures comprise of infill fence panelling and kissing gate, wrought iron scrollwork and new 1.2m high fence. These would be positioned at the back edge of the pavement or define an entrance to an existing public footpath. Materials would either match the adjacent street furniture in the area, or in the case of the kissing gate and entrance to St Mary's Park, would be of a simple design constructed from wrought iron. Given these structures would be additions to existing fences or gateways in the locality, the proposals would have no detrimental impact upon the visual amenity of the area and would comply with EN1/2 - Townscape and Built Design.

**Conservation Area** - Some of the structures would be located within the St Mary's Conservation Area. Where additional structures are required, these have been located so as to be unobtrusive as possible and where there are replacement structures they are similar to the existing with modifications to hold the wire that forms the 'gateway'. The detailed design of the arch at St Mary's Park will be subject to a condition regarding the final detail of the structure so as to ensure that it is acceptable in terms of its impact on the Conservation Area. The colour and style of all the structures will be the similar to the existing street furniture and as such, the proposals are considered to be acceptable and would not cause harm to the street scene in general or the Conservation Area and would comply with EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control.

**Residential Amenity** - Where the structures would be located near to residential properties, they would either be located in between houses or set at the back of edge of pavement where it would not be unusual to site a telegraph pole or a lamppost. Given these new posts would resemble lampposts and telegraph poles, both of which are exempt from the need for planning permission when erected by the Council or Statutory Undertaker, they will not look so out of place as to be a detriment to the residential amenity of the neighbouring properties.

It is considered that the structures would be sensitively sited with little if any impact on nearby residencies and as such the proposals comply with EN1/2 - Townscape and Built Design.

**Highway Safety** - The proposed posts would be located in areas which would not impede accessibility along the pedestrian footway or have an adverse impact on highway safety issues. No objections have been received from the Traffic Section with regard to any of the structures and as such the proposals would not conflict with UDP Policy HT6/1 - Pedestrian and Cyclist Movement.

**Response to Objectors** - The issues raised by the objectors can be answered as follows:

The impact on residential and visual amenity has been dealt with in the report .

The principal of the designation of the Eruv, how the Jewish Community will observe the Sabbath rules or that the Eruv will result in the physical separation of communities are not planning matters.

The objectors have raised some concerns that the structures would encourage acts of vandalism and graffiti. It cannot be assumed that a new piece of street furniture would result in it being vandalised or prone to graffiti. The proposed structures have been designed to be in keeping with the existing highway structures in scale and appearance and unlikely to cause any increase in criminal acts.

Issues were raised about the publicity of the application and all properties within close proximity to the proposed posts were notified and site notices were displayed in the relevant Conservation Areas and at sites where there were no properties nearby. A press advert was posted in the Bury Times. This meets the Council's normal requirements for notification and publicity of planning applications.

As such it is not considered that any of these objections would warrant refusal of the 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 development would not have a detrimental impact upon residential amenity or visual amenity. There would be no adverse impact on pedestrian flows or issues of 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 - Red edge site plan titled Route of Manchester Eruv; 2895-1-2; 2895-3-4; 2895-5-6; 2895-7-8; 2895-9-10; 2895-10-11; 2895-12-13; 2895-14a&b; 2895-15-16; 2895-17-18; 2895-19-19a-20; 2895-21-22-A; 2895-23-23a-24; 2895-23b&c; 2895-23d&e; 2895-25-26RevB; 2895-27-28; 2895-29-A; 2895-30-31; 2895-32-33;-2895-34a; 2895-34-B; 2895-35a; 2895-35-36 Rev A; 2895-37-38; 2895-39-40; 2895-41-41a; 2895-41aa; 2895-110-111; 2895-112-113; 2895-114-115RevA; 2895-116-117RevA; 2895-1000 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 proposed posts hereby approved shall be finished in RAL 7005 Grey unless otherwise agreed in writing by the Local Planning Authority.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Notwithstanding the plan submitted for the structure to the entrance of St Mary's Park on Bury New Road - plan reference no. 2895-21-22-A - a scheme to show a revised design shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme only shall be implemented in accordance with the approved plan.  
Reason. In the interests of good design to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and EN2/2 - Conservation Area Control.

For further information on the application please contact **Jennie Townsend/Helen Longworth** on **0161 253 5320/5322**

**Ward:** North Manor

Item 05

**Applicant:** Mr & Mrs P Buckley

**Location:** Land at 27 Pot Green, Ramsbottom, Bury, BL0 9RG

**Proposal:** Listed Building Consent: Conversion of barn (Building A) and outbuilding (Building B) to one dwelling with link inbetween; Construction of new dwelling (Building D) with alterations to existing garage (Building C) to add first floor for use as home office; New two storey garage to no. 27 Pot Green (resubmission)

**Application Ref:** 54367/Listed Building Consent **Target Date:** 13/10/2011

**Recommendation:** Approve with Conditions

### **Description**

The site is located within the Pot Green Conservation Area and consists of a number of dwellings and buildings in multiple ownerships. All the buildings are constructed from stone and slate and as No. 1 Summerseat Lane (Building G) is a Grade II listed building, the attached barn (Building A) is also listed.

Please see the attached site plan, and for ease, the buildings will be described as such for the remainder of the report. Buildings E, F and G are located close to the application site, but are unaffected by the proposals.

The site is surrounded by residential dwellings to the east, south and west and residential dwellings to the north beyond Holcombe Brook.

The proposed development involves the conversion of Buildings A and B with a link to form a single dwelling; the conversion and extension of Building C to form a garage and home office and the construction of Building D, which would be two storeys with an integral garage.

Buildings A and B would be connected with a two storey timber and glazed link to form a 4 bedroom dwelling and Building C would be converted and extended to form a two storey garage for use by Buildings A and B. Building D would be constructed from stone and slate and would be a 5 bedroomed dwelling. The proposed development would be accessed from the existing track from Summerseat Lane, which would be resurfaced in setts along with the courtyard.

### **Relevant Planning History**

48345 - Formation of hardstanding and vehicular access to rear (resubmission) at 27 Pot Green, Holcombe Brook. Withdrawn - 28 August 2007.

54212 - Two storey garage with first floor for use as home office at 27 Pot Green, Holcombe Brook. Withdrawn - 19 August 2011.

54213 - Conversion of barn and outbuilding to one dwelling with link inbetween; Construction of new dwelling with alterations to existing garage to add first floor for use as home office at land at 27 Pot Green, Holcombe brook. Withdrawn - 19 August 2011

54241 - Listed Building Consent: Conversion of barn and outbuilding to one dwelling with link inbetween; Construction of new dwelling with alterations to existing garage to add first floor for use as home office; New two storey garage to no. 27 Pot Green at land at 27 Pot Green, Holcombe brook. Withdrawn - 19 August 2011

54366 - Two storey garage with first floor for use as home office (resubmission) at 27 Pot Green, Holcombe Brook. Received - 19 August 2011 and still being considered.

54368 - Conversion of barn and outbuilding to one dwelling with link inbetween; Construction of new dwelling with alterations to existing garage to add first floor for use as home office (resubmission) at land at 27 Pot Green, Holcombe brook. Received - 19 August 2011.

### **Publicity**

28 neighbouring properties (Peel Cottage, Kay Cottage, Pot Green Farm, 18 - 21, 29 - 30 Pot Green; 1 - 7 (odds) Treetops Avenue; 1, 62 - 68 (evens), 72, 77, Holly Trees (60), Cherry Trees, Summerseat Lane; 19, 21, 21A Longsight Road) were notified by means of a letter on 24 August and a press notice was published in the Bury Times on 25 August. Site notices were posted on 26 August 2011.

7 letters have been received from the occupiers of 1, 7, Treetops Avenue; 62, 77, Cherry Trees Summerseat Lane, Hartley planning & Developmetn Associates (on behalf of Cherry trees, Summerseat Lane), Woodcocks Solicitors(on behalf of 1 Summerseat Lane), which have raised the following issues:

- The proposed bin store would be visible from Suimmerseat Lane and would have an adverse impact upon the Conservation Area.
- The proposed development would have an adverse impact upon the character of the listed buildings and conservation area.

The objectors have been notified of the Planning Control Committee

### **Consultations**

**Conservation Officer** - No objections, subject to the inclusion of conditions relating to materials, windows and landscaping.

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

PPS5	PPS5 Planning for the Historic Environment
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings

### **Issues and Analysis**

**Impact upon the surrounding area** - Buildings A and B - SPD9 is relevant in terms of design guidance for the conversion of a building to a dwelling. The SPD states that the suitability of buildings for conversion will be considered where:

- The original character and appearance of the building will be retained;
- The existing building should be of substantial construction and structurally sound;
- The proposals would contribute to the aesthetic value of the building
- The building is suitable for the proposed use, including associated use of land.

A structural report was submitted as part of the application and both buildings are structurally sound and are capable of conversion. The proposed development would be in keeping with the form and design of the existing building as the existing openings would be maintained with 2 new openings. The large barn opening has been infilled with stone in the past and this would be reinstated as a window, which is welcomed. The simplicity of the existing building would be retained by keeping the new openings to a minimum (2) and by re-using the stone surrounds from elsewhere in the building. Therefore, the original character of the building would be retained and the proposal would contribute to the aesthetic value of the building and the Conservation Area.

A 2 storey glazed link would connect the two buildings. The proposed link would be lower than the two barns and as such, would be subservient to the existing buildings. It would be constructed using timber and slate with glazing at ground floor, which would reflect that it is a new addition to the building in accordance with guidance in PPS5. Therefore, the



proposed development would not have an adverse impact upon the character and appearance of the conservation area or the listed building and would be in accordance with the design guidance in SPD9 and Policies EN1/1, EN1/2, EN2/1, EN2/2 and EN2/3 of the adopted Unitary Development Plan.

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

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

Having studied the submitted documents, assessed the proposed development on site and taken into account 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 the expiration of three years beginning with the date of this permission.  
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. This decision relates to drawings numbered PB-00, PB-01A, PB-02A, PB-03, PB-04, PB-05, PB-06B, PB-07B, PB-08B, PB-09, PN-10B, PB-11A, PB-12B, PB-13B and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. A sample panel of stonework and mortar, demonstrating the colour, texture, face bond and pointing, not less than 1 sq.m in size, shall be erected on site for inspection, and approval in writing, by the Local Planning Authority prior to the commencement of the development. Samples of the roofing materials shall also be made available for inspection on site. Thereafter the development shall be constructed in the approved materials and manner of construction.  
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 full details of the window frames, doors and garage doors and their fixing and siting in relation to the reveals at a scale of 1:20, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development hereby approved.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to the following policies of the Bury Unitary Development Plan:  
Policy EN1/2 - Townscape and Built Design  
Policy EN2/1 - Character of Conservation Areas  
Policy EN2/2 - Conservation Area Control  
Policy EN2/3 - Listed Buildings
5. No development shall commence unless or until details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development hereby approved.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design  
Policy EN2/1 - Character of Conservation Areas  
Policy EN2/2 - Conservation Area Control  
Policy EN2/3 - Listed Buildings

6. The landscaping scheme, including the provision of setts in the courtyard area, hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 6 months from the date the **converted dwelling (Building A & B)** is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
7. The landscaping scheme, including the provision of setts for the courtyard, hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 6 months from the date the **new build dwelling (Building D)** is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

**Ward:** North Manor

Item 06

**Applicant:** Mr & Mrs P Buckley

**Location:** Land at 27 Pot Green, Ramsbottom, Bury, BL0 9RG

**Proposal:** Conversion of barn (Building A) and outbuilding (Building B) to one dwelling with link inbetween; Construction of new dwelling (Building D) with alterations to existing garage (Building C) to add first floor for use as home office (resubmission)

**Application Ref:** 54368/Full

**Target Date:** 13/10/2011

**Recommendation:** Approve with Conditions

### **Description**

The site is located within the Pot Green Conservation Area and consists of a number of dwellings and buildings in multiple ownerships. All the buildings are constructed from stone and slate and as No. 1 Summerseat Lane (Building G) is a Grade II listed building, the attached barn (Building A) is also listed.

Please see the attached site plan, and for ease, the buildings will be described as such for the remainder of the report. Buildings E, F and G are located close to the application site, but are unaffected by the proposals.

The site is surrounded by residential dwellings to the east, south and west and residential dwellings to the north beyond Holcombe Brook.

The proposed development involves the conversion of Buildings A and B with a link to form a single dwelling; the conversion and extension of Building C to form a garage and home office and the construction of Building D, which would be two storeys with a integral garage.

Buildings A and B would be connected with a two storey timber and glazed link to form a 4 bedroom dwelling and Building C would be converted and extended to form a two storey garage for use by Buildings A and B. Building D would be constructed from stone and slate and would be a 5 bedroomed dwelling. The proposed development would be accessed from the existing track from Summerseat Lane, which would be resurfaced in setts along with the courtyard.

### **Relevant Planning History**

48345 - Formation of hardstanding and vehicular access to rear (resubmission) at 27 Pot Green, Holcombe Brook. Withdrawn - 28 August 2007.

54212 - Two storey garage with first floor for use as home office at 27 Pot Green. Holcombe Brook. Withdrawn - 19 August 2011.

54213 - Conversion of barn and outbuilding to one dwelling with link in between; Construction of new dwelling with alterations to existing garage to add first floor for use as home office at land at 27 Pot Green, Holcombe Brook. Withdrawn - 19 August 2011.

54241 - Listed Building Consent: Conversion of barn and outbuilding to one dwelling with link in between; Construction of new dwelling with alterations to existing garage to add first floor for use as home office; New two storey garage to no. 27 Pot Green at land at 27 Pot Green, Holcombe Brook. Withdrawn - 19 August 2011.

54366 - Two storey garage with first floor for use as home office (resubmission) at 27 Pot

Green, Holcombe Brook. Received - 19 August 2011 and still being considered.

54367 - Listed Building Consent: Conversion of barn and outbuilding to one dwelling with link in between; Construction of new dwelling with alterations to existing garage to add first floor for use as home office; New two storey garage to no. 27 Pot Green (resubmission) at land at 27 Pot Green, Holcombe Brook. Received - 19 August 2011.

### **Publicity**

28 neighbouring properties (Peel Cottage, Kay Cottage, Pot Green Farm, 18 - 21, 29 - 30 Pot Green; 1 - 7 (odds) Treetops Avenue; 1, 62 - 68 (evens), 72, 77, Holly Trees (60), Cherry Trees, Summerseat Lane; 19, 21, 21A Longsight Road) were notified by means of a letter on 24 August and a press notice was published in the Bury Times on 25 August. Site notices were posted on 26 August 2011.

7 letters have been received from the occupiers of 1, 7, Treetops Avenue; 62, 77, Cherry Trees Summerseat Lane, Hartley planning & Development Associates (on behalf of Cherry trees, Summerseat Lane), Woodcocks Solicitors (on behalf of 1 Summerseat Lane), which have raised the following issues:

- The proposed development would have an adverse impact upon the wildlife corridor.
- The proposed development would set a precedent for housing development near wildlife corridors.
- There is a tree adjacent to the outbuilding to be converted to the garage. This tree would be adversely affected by the proposed development.
- Impact of the proposed access upon the health of the protected tree
- The proposed development would lead to congestion of the area.
- Pot Green should be the main access.
- The proposed bin store would be visible from Summerseat Lane and would have an adverse impact upon the Conservation Area.
- The proposed development would have an adverse impact upon the character of the listed buildings and conservation area.
- The applicant intends to sell the sites on, which may lead to more proposals.
- Impact upon bats
- Impact upon value of surrounding properties
- Impact of proposed development during construction

The objectors have been notified of the Planning Control Committee

### **Consultations**

**Traffic Section** - No objections, subject to the inclusion of conditions relating to parking and turning facilities.

**Drainage Section** - No objections, subject to the inclusion of conditions relating to surface water drainage.

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

**Public Rights of Way Officer** - No objections as Public footpath 89 would not be affected.

**Design for security** - No objections.

### **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
H2/6	Garden and Backland Development
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
EN6/3	Features of Ecological Value

EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/1	Tree Preservation Orders
OL1/4	Conversion and Re-use of Buildings in the Green Belt
HT2/4	Car Parking and New Development
HT4	New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
PPS23	PPS23 Planning and Pollution Control
PPS5	PPS5 Planning for the Historic Environment
PPS25	PPS25 Development and Flood Risk

### **Issues and Analysis**

**Principle** - Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for housing development, including the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

Policy H2/6 states that the Council will not permit the loss of private gardens for infill development unless such proposals can be shown not to adversely affect the character and amenity of the area.

It is pertinent to note that the Planning Control Committee at the meeting in November 2010 confirmed that proposals that involved garden development would be assessed on their individual merits.

The proposed development would be located around a central setted courtyard, which would complement the character of the surrounding area. In addition, the proposed development would maintain an acceptable level of amenity space and as such, the proposed development would not result in an unacceptably high concentration of development within the area.

The proposed development is located within the urban area and within a residential area. As such, the proposed development would not conflict with the surrounding land uses. The proposal would not be classified as previously developed land as part of the land forms the garden to 1 dwelling. However, there are a series of buildings on the site, giving the appearance of the site being built out and as such, there are no objections to the principle of development. Therefore, the proposed development would be in accordance with Policies H1/2 and H2/6 of the adopted Unitary Development Plan.

### **Design**

Buildings A and B - SPD9 is relevant in terms of design guidance for the conversion of a building to a dwelling. The SPD states that the suitability of buildings for conversion will be considered where:

- The original character and appearance of the building will be retained;
- The existing building should be of substantial construction and structurally sound;
- The proposals would contribute to the aesthetic value of the building
- The building is suitable for the proposed use, including associated use of land.

A structural report was submitted as part of the application and both buildings are structurally sound and are capable of conversion. The proposed development would be in keeping with the form and design of the existing building as the existing openings would be maintained with 2 new openings. The large barn opening has been infilled with stone in the past and this would be reinstated as a window, which is welcomed. The simplicity of the existing building would be retained by keeping the new openings to a minimum (2) and by re-using the stone surrounds from elsewhere in the building. Therefore, the original character of the building would be retained and the proposal would contribute to the

aesthetic value of the building and the Conservation Area.

A 2 storey glazed link would connect the two buildings. The proposed link would be lower than the two barns and as such, would be subservient to the existing buildings. It would be constructed using timber and slate with glazing at ground floor, which would reflect that it is a new addition to the building in accordance with guidance in PPS5. Therefore, the proposed development would not have an adverse impact upon the character and appearance of the conservation area or the listed building and would be in accordance with the design guidance in SPD9 and Policies EN1/1, EN1/2, EN2/1, EN2/2 and EN2/3 of the adopted Unitary Development Plan.

**Building C** - Building C is single storey and is attached to an outbuilding that is in the adjacent garden (Cherry Trees). As such, the rear elevation would be blank with no openings.

The proposed development would be in keeping with the form of the existing building as the existing openings would be retained with additional openings at first floor level. The proposed openings would be of a similar proportion to the existing openings and stone cills and headers would be provided. The pitched roof would be maintained and constructed from slate. The proposed development would not have an adverse impact upon the character of the existing building and would be appropriate in terms of height and design.

**Building D** - The proposed dwelling would be L-shaped and would include an integral garage and home office above. The proposed dwelling would maintain the same eaves and ridge height as Buildings A, B and C and as such, would be appropriate in terms of height. The proposed dwelling has been designed to complement the existing buildings on site and is relatively simple in terms of design. Building D would be constructed from stone and slate and would include traditional detailing such as stone cills, headers, lintels and quoins. A more modern approach has been taken on the northern elevation, which would not affect the setting of the listed building and includes large windows and a juliet balcony. Therefore, the proposed development would be appropriate in terms of height and design and would not have an adverse impact upon the character of the conservation area. The proposed development would be in accordance with Policies EN1/1, EN1/2, EN2/1 and EN2/3 of the adopted Unitary Development Plan.

**Layout** - The proposed dwellings would be set around a common courtyard arrangement, with the buildings being clustered together as per a traditional farmyard. The proposed courtyard would be resurfaced with setts, which would be an appropriate material for a Conservation Area. The level of amenity space for the proposed dwellings would be acceptable and space has been allocated within the respective garages for storage of bins. The site plan indicates an enclosure for wheelie bins would be provided near Summerseat Lane for use on collection days. Full details of the enclosure would be provided and secured through a condition.

**Trees** - An Arboricultural Report was submitted as part of the planning application. The tree, adjacent to the proposed garage would not be affected by the increase in height of the adjacent building. The proposed access, consisting of stone setts would be located some 1.2 metres from the tree and the construction of driveways can result in compaction, resulting in oxygen depletion, leading to damage to the tree. However, the existing surface is already heavily compacted due to its longstanding use as an access drive. As such, if ground levels remain the same, without the need for excavation or using hand digging, then the proposed development would not have an adverse impact upon the life expectancy of the tree. Therefore, the proposed development would be in accordance with Policy EN8 of the adopted Unitary Development Plan.

**Impact upon residential amenity** - SPD6 provides guidance on aspect standards between residential properties and is relevant in this case. There would be a minimum of 37 metres from the residential dwellings on Treetops Avenue; 37 metres from the dwellings fronting onto Longsight Road and 16 metres from Holly House on Summerseat Lane. The proposed

development would be well in excess of the aspect standards in SPD6 and would not have an adverse impact upon the amenity of the neighbouring properties.

### **Bats/Wildlife issues**

A bat survey has been submitted with the application and states that there is potential for the buildings to contain bat roosts and further emergence surveys would be required prior to converting the buildings. As these surveys need to be undertaken between May and August, it is proposed to secure these surveys by condition. Therefore, subject to conditions, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

The location of the proposed development would ensure that it would not have an adverse impact upon the continuity of the wildlife corridor and as such, the proposed development would be in accordance with Policy EN6/4 of the adopted Unitary Development Plan

**Highways issues** - The proposed development would use the existing access on Summerseat Lane for the existing dwelling (No. 27) and Buildings A, B and D. Summerseat Lane is wide enough for a car to pass and re-pass, including suitable visibility splays. The Traffic Section has no objections to the proposal, subject to the inclusion of conditions relating to parking and turning facilities being provided and available for use. Therefore, the proposed development would not be detrimental to highway safety.

One objector states that Pot Green should be used as the main access to the site. Pot Green serves 20 dwellings and is very narrow. There is little off-road parking and the street is used for parking by properties. As such, the intensification of use of this access would be detrimental to highway safety, whereas the use of Summerseat Lane would not have an adverse impact upon pedestrian or highway safety.

**Parking** - SPD11 states that the development should provide a maximum of 6 parking spaces. The proposed development would provide a total of 4 parking spaces and 2 double garage. As such, the level of parking is acceptable and would not have an adverse impact upon highway safety. The proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

### **Response to objectors**

The impact of the proposal upon the character of the Listed Buildings and Conservation Area, wildlife corridor, bats, protected trees, congestion, highway safety have been dealt with in the report above. Each planning application is dealt with on its own merits and as such, the proposal would not create a precedent. The issues of the value of the surrounding properties and the impact during construction are not material planning considerations and should not be taken into account.

### **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 character and appearance of the listed building or the conservation area. The proposed development would not have an adverse impact upon the amenity of the neighbouring properties 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 PB-00, PB-01A, PB-02A, PB-03, PB-04, PB-05, PB-06B, PB-07B, PB-08B, PB-09, PN-10B, PB-11A, PB-12B, PB-13B 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. A sample panel of stonework and mortar, demonstrating the colour, texture, face bond and pointing, not less than 1 sq.m in size, shall be erected on site for inspection, and approval in writing, by the Local Planning Authority prior to the commencement of the development. Samples of the roofing materials shall also be made available for inspection on site. Thereafter the development shall be constructed in the approved materials and manner of construction.  
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.
6. No development shall commence unless or until full details of the window frames, doors and garage doors and their fixing and siting in relation to the reveals at a scale of 1:20, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development hereby approved.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to the following policies of the Bury Unitary Development Plan:  
Policy EN1/2 - Townscape and Built Design  
Policy EN2/1 - Character of Conservation Areas  
Policy EN2/2 - Conservation Area Control  
Policy EN2/3 - Listed Buildings
7. No development shall commence unless or until details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development hereby



approved.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy EN2/1 - Character of Conservation Areas

Policy EN2/2 - Conservation Area Control

Policy EN2/3 - Listed Buildings

8. The landscaping scheme, including the provision of setts in the courtyard area, hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 6 months from the date the **converted dwelling (Building A & B)** is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
9. The landscaping scheme, including the provision of setts for the courtyard, hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 6 months from the date the **new build dwelling (Building D)** is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
10. 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 occupied 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.
11. The sett paved turning facilities indicated on the approved plans shall be provided before the development is first occupied 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 Policy H2/1 - The Form of New Residential Development and Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
12. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.  
Reason. To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal pursuant to the provisions of PPS25 – New Development and Flood Risk.
13. 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 to 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.

14. No development shall commence unless or until, the results of 2 emergence surveys and details of any mitigation have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be carried out and all mitigation measures shall be fully implemented prior to the commencement of works and shall 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.

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

**Ward:** Bury West - Church

Item 07

**Applicant:** Bury MBC on behalf of:

**Location:** Greenhill Primary School, Mile Lane, Bury, BL8 2JE

**Proposal:** New Covered Play Area to existing Infant play area adjacent to Main School entrance(Resubmission of 53598)

**Application Ref:** 54394/Full

**Target Date:** 21/10/2011

**Recommendation:** Approve with Conditions

### **Description**

The site is a primary school, a single storey building with vehicular access off Mile Lane. To the front of the school's main entrance are 4 parking spaces ( 1 dedicated disabled space) and a playground area. The school has recently been extended by a single storey extension to the front of the main entrance (planning reference 51074).

The school and its grounds are bounded by residential properties to the east, south and west with the school playing fields directly to the north of the grounds. There is a Neighbourhood shopping centre opposite on Mile Lane.

The application is for a covered play area which would be sited on the existing infant playground adjacent to the main school entrance. It would project 3m from the front elevation of the school and be 16m in length. The canopy would have a curved frontage and would be constructed from timber posts with a polycarbonate sheet roof. It is proposed to incorporate two wall mounted lockable stores within the covered area, one of which would be finished in cedar cladding and the other to be faced in a painted render.

The area would be accessed via a set of double doors from the existing resource area on the north elevation of the school.

The proposed covered play area would provide a much needed outdoor teaching space for the school which was raised in the School's recent Ofsted inspection in June 2011 and the Basic Skills Quality Mark Re-assessment in September 2011, and a safe external storage area for external equipment. A major part of the Early Years Foundation Stage Curriculum is to develop outdoor learning

### **Relevant Planning History**

53598 - Proposed covered play area to existing infant play area - Refused 8/3/2011.

51704 - Single storey extension to form new administration block/front entrance - Approved 22/4/2009.

### **Publicity**

34 letters sent on 30/8/2011 to 51-61 (odds) Mile Lane; 56, 60-78 (evens) Mile Lane; 29 Bispham Close; 13, 16 Rivington Drive; 12, 14 Anderton Close; 1 Winmarleigh Close; 2 Euxton Close; 12, 14, 16 Ribbleton Close; 80, 103, 105, 107, 109, 11 Greenhill Drive.

1 letter of objection received from No 55 Mile Lane which raises the following issues:

- The rendered finish would not be in keeping with the houses in the vicinity and if brightly coloured would stand out dramatically;
- No mention of landscaping or planting to the area;
- The covered play area has been extended radically and thought should be given of how to improve the surrounding neighbourhood and hide/distract the advancement of the school to nearby houses.

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

### **Consultations**

**Baddac** - Advise the canopy columns have colour contrast banding to aid visually impaired children.

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

**Designforsecurity** - Raised initial concern the canopy would attract loitering. The applicant has submitted supporting information which the designforsecurity officer has accepted.

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

EN1/2 Townscape and Built Design

CF2 Education Land and Buildings

HT5/1 Access For Those with Special Needs

EN1/5 Crime Prevention

### **Issues and Analysis**

**Policies** - Unitary Development Plan Policy - CF1 - Proposals for New and Improved Community facilities - will generally be supported where they do not conflict with amenity or the local environment.

UDP Policy CF2 - Education Land and Buildings - Where appropriate proposals will be considered favourably for improvements and provision of educational facilities.

UDP Policy EN1/2 - Townscape and Built Design - takes into consideration factors including appearance, design, relationship to the surrounding area, choice and use of materials.

On 15th August 2011 the Secretary of State for Communities and Local Government (CLG) and the Secretary of State for Education issued a new policy statement on planning for schools development, to take immediate effect.

The policy statement is designed to facilitate the delivery and expansion of state-funded schools through the planning system in response to the Government's strong commitment to improving state education. The planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of such schools. Local Authorities should work to apply a set of principles to include:

- a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;
- promote a collaborative approach to applications and engage in pre-application discussions to shape strong planning applications;
- a refusal of any application for a state-funded school, or the imposition of conditions will have to be clearly justified by the Local Planning Authority.

This policy statement is a material consideration of the application.

**Principle** - The proposed external covered area would provide an additional teaching area which could be used throughout the year as well as providing a safe and secured store for external play equipment.

The proposal for a covered teaching area is acceptable in principle and would comply with CF2 - Education Land and Buildings and Policy Statement on Planning for Schools Development, (CLG) subject to siting, scale and design.

**Siting and design** - The proposed structure comprises a free standing timber canopy with polycarbonate roof, which would be located within the infant play area at the front of the school. It would be designed to fit along the front of the school and have a curved frontage to provide as much usable external space to meet the needs of the school. The locked

storage units would be installed at the rear of the structure, with one constructed of cedar cladding to match that of the school entrance, and the other painted green to complement the existing school colours.

Whilst located on the front of the school, the structure would be set within an existing play area and would not project beyond the foremost elevation facing Mile Lane. It would be 10m from the boundary of the school grounds and only visible when directly facing the front of the school or viewed from the approach from the shops. It would be a relatively small structure in comparison to the surrounding school building and would sit below the eaves height of the school roof.

As such, the proposed covered area is considered to be an appropriate structure within the context of a primary school and would not have a detrimental impact on the visual amenity of the area. As such, it would be contrary to CF1 - Proposals for New and Improved Community facilities and EN1/2 - Townscape and Built Design.

**Residential amenity** - The position of the covered area would be 26m from the nearest residential property, No 57 Mile Lane. It would be located within an existing outdoor play area and as such it is considered the position and use of the canopy would not significantly increase noise or activity to the area than already exists.

The covered area would be visible from Nos 55 and 57 Mile Lane. However, the design of the canopy is considered to be appropriate in its design and materials within the setting of a primary school in a residential area and would not have a detrimental impact on the character of the area.

As such, it would comply with UDP Policy CF1 - Proposals for New and Improved Community Facilities and EN1/2 - Townscape and Built Design.

**Security** - The design for security officer was initially concerned the canopy would be permanently open which could potentially attract loitering and gathering. In response to their concerns, the school have submitted additional information including a school security document, estate management document, the OFSTED Inspection Report and a supporting statement which sets out the requirements and obligations for the planned development and proposed security measures.

The school has suffered very little from trespassers on the site, and on the few instances where this has occurred, it has been at the rear of the school grounds and subsequent measures were put in place to reduce the risk. The school is currently upgrading the CCTV installations and the front elevation where the play area is proposed would be fully covered by this. The installation will be completed during the October break this year.

The school has worked hard with the local community to ensure the premises provide an attractive and safe environment within the locality, which includes improvements to the perimeter fence and increase grounds maintenance.

The existing school perimeter fence has proved to be adequate since installation and all access gates are locked when the school is closed. The area on which the canopy would be sited is well overlooked by local residents and an open aspect that is visible to public view. As such, the security team do not object to the proposal subject to the school managing the security of the site.

As such, the proposal is considered acceptable and would comply with UDP Policies EN1/2 - Townscape and Built Design and EN1/5 - Crime Prevention.

**Response to objector** - The canopy would be a timber structure and the lockable store painted a pastel colour in keeping with the existing school colours, which is considered to be

appropriate for the type of structure.

The structure would be within the existing playground area and at 3m in depth, would not project excessively into this area or have a detrimental impact when viewed from the street scene.

Landscaping or planting is considered not to be necessary.

### **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 not adversely affect the character nor the amenities of neighbouring residents. The scheme would not impact on highway safety issues. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 1112-02-P-03A; 112-02-P-01 Rev B; 1112-02-P-02 Rev C 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 be as stated on approved drawing 1112-02-P-02 Rev C and the proposed render of the new free standing store painted RAL 6019 Pastel Green.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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

**Ward:** Bury West - Church

Item 08

**Applicant:** Kingfisher Construction Services

**Location:** Co-operative Food Store, 78 Mile Lane, Bury, BL8 2JR

**Proposal:** Installation of two outdoor refrigeration plant units within the rear yard

**Application Ref:** 54451/Full

**Target Date:** 09/11/2011

**Recommendation:** Approve with Conditions

### **Description**

The site is a single storey Co-op store and located at the end of a row of purpose built shops with flats above. The block has a service area to the rear with the part to the rear of the Co-op having security gates. Also to the rear of the Co-op are the gardens to a pair of semi detached properties on Bispham Close who have fencing and planting along the rear boundary.

The application is for two refrigeration units to be located in the rear service yard following re-fit works to the store. The units are 1.2m wide, 0.7m deep and 1.49m high and positioned on a 200mm concrete plinth to a total height of 1.69m. 3 air conditioning units and 1 condensing unit will be removed.

### **Relevant Planning History**

54149 - Installation of 2 no. new shopfront windows and external roller shutter - AC  
05/09/2011

### **Publicity**

15 notification letters were sent on 20/09/11 to addresses at 60 -76 & 80 Mile Lane and 30,31,32,33 & 34 Bispham Close. Two objections have been received from 32 & 34 Bispham Close who have raised the following issues:-

- The units would add to what is already an environmental eyesore.
- They will increase the noise factor which is a constant source of disruption.
- The application contains no provision for waste storage or recycling collection in the event waste collection might be required from the refrigeration units.
- The survey has been carried out by the applicant's representative and not by the Council.
- There is an existing noise problem from deliveries, existing air conditioning units and crate movements that the new units will compound.
- Observing the units from their rear windows would harm the value of their property.
- There is a fire risk from the installation of the units.

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

### **Consultations**

**Environmental Health (Contaminated Land/ Air Quality)** - No comments to make.

**Environmental Health (Pollution Control)** - Response awaited on Noise Consultants report.

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

S1/5 Neighbourhood Centres and Local Shops  
EN1/2 Townscape and Built Design  
EN7/2 Noise Pollution

## **Issues and Analysis**

**Visual amenity** - The units would be located in an existing service area to the rear of the store where the area can be closed off by the gates when the store is closed.

As such the units would be appropriately located with minimal visual impact on the area and the proposal would comply with UDP Policy EN1/2 - Townscape and Built Design.

**Residential amenity** - The units at 1.4m high would not be readily visible from the properties to the rear. No.32 Bispham Close has a 1.8m wooden panel fence to the rear boundary and No.34 a brick wall with wooden fencing above this height.

An Acoustic Assessment of Noise has been provided by consultants to ensure noise levels are at an acceptable level for the area.

The proposal would then comply with UDP Policy EN7/2 - Noise Pollution.

**Response to objections** - With regard to waste the application confirms the proposal does not involve the need to dispose of trade effluents or waste.

There would be no reason to suggest the units would present a fire risk where correctly installed to the manufacturers instruction and the maintenance would be the responsibility of the store.

Property value is not a planning matter.

## **Summary of reasons for Recommendation**

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

The proposal would not have any detrimental impact on the street scene or the amenity of any residents.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

## **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawing numbered P2-F3-MO and plans and details received 14 September 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.

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



**Ward:** Bury East - Moorside

Item 09

**Applicant:** Kingfisher Construction Services

**Location:** Co-operative Food Store, 184 Walmersley Road, Bury, BL9 6LL

**Proposal:** Installation of a re Fridgeration plant to the rear

**Application Ref:** 54452/Full

**Target Date:** 09/11/2011

**Recommendation:** Approve with Conditions

### **Description**

The site is a Co-op store located at the end of a row of shops in a neighbourhood shopping centre. It has a service area to the rear enclosed by steel palisade fencing. There is an access road to the rear of the shops across which is the back yards to terraces on Hanson Street. To the north side of the Co-op are further residential properties in a block set well back from the store.

The application is for two refrigeration units to be located in the rear service yard following re-fit works to the store. The units are 1.2m wide, 0.7m deep and 1.49m high and positioned on a 200mm concrete plinth to a total height of 1.69m.

### **Relevant Planning History**

54070 - New shop front including sliding entrance door - AC 02/08/2011

### **Publicity**

20 notification letters were sent on 20/09/11 to addresses at 178, 180, 182 Walmersley Road, Flats 1-6 (inclusive) 188 Walmersley Road and 17-37 Hanson Street. Two objections have been received from 19 & 25 Hanson Street whose have raised the following issues:-

- A further disruptive element to the Co-op store.
- They already suffer 2-5 delivery lorries 7 days a week that cause noise and block the road and their back gates.
- The existing ventilation fans whirl at any time day and night.
- A refrigeration plant will take up more room on an already congested spot and cause constant noise.
- The Co-op show no regard for the residential properties that back on to it so why should neighbours accept further disruption.
- The noise level of the refrigeration plant to the back bedroom of a property directly behind.

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

### **Consultations**

**Environmental Health (Contaminated Land/ Air Quality)** - No comments to make.

**Environmental Health (Pollution Control)** - Response awaited on Noise Consultants report.

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

S1/5 Neighbourhood Centres and Local Shops  
EN1/2 Townscape and Built Design  
EN7/2 Noise Pollution

### **Issues and Analysis**

**Visual amenity** - The units would be located in an existing service area to the rear of the store which is enclosed by fencing. As such the units would be appropriately located with minimal visual impact on the area and the proposal would comply with UDP policy EN1/2 - Townscape and Built Design.

**Residential amenity** - The units at 1.4m high would not be readily visible from the properties to the rear as they would be mostly screened by the fencing. An Acoustic Assessment of Noise has been provided by consultants to ensure noise levels are at an acceptable level for the area. The proposal would then comply with UDP Policy EN7/2 - Noise Pollution.

**Response to objection** - The issues regarding noise are addressed in the above report.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-  
The proposal would not have any detrimental impact on the street scene or the amenity of any residents.  
There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
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For further information on the application please contact **Jane Langan** on **0161 253 5316**

