

Ward: North Manor

Item 01

Applicant: Tetrosyl Ltd

Location: Bevis Green Works (Tetrosyl), Mill Road, Bury, BL9 6RE

Proposal: Outline residential development at Bevis Green (275 dwellings) with associated access, car parking, landscaping, and recreational open space (all matters reserved except access).

Application Ref: 53762/Outline Planning
Permission

Target Date: 29/06/2011

Recommendation: Minded to Approve

This Recommendation is subject to the signing of a s106 Planning Agreement relating to the provision of a one-off financial contribution to compensate for the loss of employment land in the event that Tetrosyl relocate its Bevis Green operation and associated jobs outside the Borough. Should the s106 agreement not be signed in a reasonable time, then authorisation is sought from the Committee to grant delegated power to the Assistant Director of Planning, Environmental and Regulatory Services to determine the application.

A site visit has been organised for this item at the recommendation of the Assistant Director of Planning, Environmental and Regulatory Services.

Description

The application site lies approximately 1.5km north of Bury town centre and lies between Walmersley Old Road and the M66 motorway. The site generally slopes down from north to south with changes in levels more notably located within the south eastern sector of the site. The site was originally used as a mill with buildings in the south eastern part of the site dating from the early part of the 20th Century, which are mostly stone and brick built, with light roofing. Within the site, the land comprises a series of plateaus, hard standings and buildings of varying ages. To the north of the site are older stone buildings with north lights and elsewhere, the buildings comprise portal and brick structures, many of which are not used. The buildings vary from two to three storeys in height taking advantage of the changes in levels across the site. There is a separate two storey stone building used for offices and there are more modern larger storage type buildings of 20-30 years old located within the site. At the main entrance to the site is a modern office building used as a technical centre with car parking nearby.

The site comprises 10.44ha site in area and is an allocated EGA under UDP policy EC2/1 and incorporates a Headquarters building, Research and Development facility and manufacturing and warehousing functions. The site lies predominantly on the edge of a residential area with Green Belt to the north and a lodge to the east with an area of protected TPO trees immediately to the east of the lodge. To the east of the site is open countryside, which incorporates the M66 motorway.

The main access into the site is taken from two points, one serving the offices directly off Walmersley Old Road, and a second access, for the transportation of products, from Mill Road.

The site is currently occupied by Tetrosyl, a chemical manufacturer specialising in car care products and the business operates from two sites within Bury and another site in Chadderton, Oldham. Tetrosyl are the largest manufacturer of car care products in Europe and one of the largest employers in the Borough with over 400 employees based in Bury.

The company has been based on the Bevis Green site for approximately 45 years, which is

where the company originally had all of its operations. Since 1982, the growth of the business and the demands placed upon it have meant that the company has found other premises to accommodate its main manufacturing and distribution elements due to the nature and location of Bevis Green being less suited to the company's specific needs. The remaining operations on the site comprise the company's main office base, research and development functions and a small part of its storage base. The company is now seeking to continue its growth and to respond to the higher demands placed upon it from its customers to meet high standards of accommodation and efficiency for its business.

The pressure placed upon the firm to improve its operations and to respond to its market has exerted a pressure to relocate. However, financial circumstances are such that there is a need to seek permission on the existing Bevis Green Site, to part fund a relocation to another site. The current intention is to relocate to another site within Bury and thus the proposals would not only secure a large number of jobs within the Borough, but also regenerate an existing alternative site.

The application is seeking outline planning permission for the redevelopment of the site for residential purposes for 275 dwellings. The application reserves all matters for further consideration, with the exception of access, which is to be taken from the two existing access points on to Walmersley Old Road and Mill Road. The application includes an indicative layout of housing to indicate that the site is capable of accommodating the density proposed.

Relevant Planning History

40495/03 - Residential Development (covering approx 60% of the site net the Green Belt land) - Refused - 30/7/03 - Conflict with the designated Employment Generating Designation. Appeal Dismissed 2004. Reasons were - the re-organisation of the company's sites would bring benefits for the company but less certain for Bury; loss of employment land, an oversupply of housing (exceeding the regional figures set for Bury in 2003).

Publicity

483 letters sent to properties including Bentley Lane, Ribble Drive, Baldingstone, Walmersley Old Road, Walmersley Road, Palatine Drive, Central Drive, Ribble Drive, Lee Court, Chadwick Fold, Trent Drive, Humber Drive, Mather Road, Bevis Green, Mill House, Lumn Street and Avon Drive on 31 March 2011.

A site notice placed on the site on 25/4/11 and a press notice was published in the Bury Times on 28/4/11.

As a result of this publicity, 14 letters of objection were received, 1 letter of support and 9 letters of comments.

Objections were received from The Bungalow Bentley Lane, 82 Palatine Drive; 149A Walmersley Old Road; 877, 883, 923, 935, 949, 951 Walmersley Road; 4 Brookfield Road; 14 Avon Drive; 5 Weaver Drive, 76 Ribble Drive, B&M Wall (email) Issues raised include:

- The Council's Core Strategy confirms that there is enough identified housing land.
- Concerned at volume of traffic turning right at traffic lights into Walmersley Old Road and also up to site entrance.
- Bevis Green Works are identified in current local planning strategy documents as Employment Land with the current policy identifying the site as strategically important and the Draft Core Policy indicates that the site should continue in Employment use.
- The Draft Core Policy suggests there is a shortage of Employment Land so how can the use of the Bevis Green Works for house development be appropriate?
- It would seem odd to approve this application whilst other potential Green Belt sites such as Gin Hall is changed to brown land for industrial use.
- A previous planning application (REF 40495) had been refused due to the loss of employment land within the area. Nothing on the new has addressed this issue. The loss of this site designated for Business usage can only be in the long term detrimental to this area.

- There is nothing to date giving any reasons why the site cannot be modernised for better business use.
- There is already a lack of amenities in Walmersley, therefore this development can only add to pressure within the area with an additional 275 dwellings.
- There is no support to the loss of trees and the part infill of the reservoir. The design, layout and density of the buildings shown on the illustrations (which already looks dreadful) may have no resemblance to the finished article and it is highly likely that it ends up looking totally different.
- Walmersley Old Road not suitable to stand another 300 plus cars a day increase.
- The LAST thing we need is to be hemmed in on a 4th side and have the population density increased another 100%+. This has always been a relatively quiet area and an emphatic NO to another *approx 1200 people (*275 houses x 4 people per house*) living on top of us, making this an overly built-up area.
- Existing schools could not absorb the additional population.

Support

19 Walmersley Old Road, 3 Sabden Close

- if planning is allowed the executive type of properties and building would be good for us that live here , it would increase the value of our properties.

Comment

82 Palatine Drive, 3 Sabden Close

- Where will the company relocate to ensure that the jobs are safe?
- Has any thought been put into preventing Ribble, Palatine and Lancaster Drive's becoming a rat run, as 250 new dwellings means at least 250 more cars trying to access Walmersley Old road by the shortest means possible.
- In principle the scheme should be supported by utilising a brownfield site and helping to safeguard the Green Belt. The scheme would enhance the development and growth of the Borough and offers opportunities to enhance community facilities in terms of open space and potentially local shopping.
- There will be a need, won't there, to safeguard the open space provision by means of either a planning agreement (to dedicate) and commuted sum (for maintenance etc) or a residents maintenance agreement. Pedestrian movement across the site, to the lodge, should be encouraged by the provision of clear "green" walkways (which also would be wildlife corridors).
- Concerns regarding the theoretical traffic assessment. As a local resident, I would want to take a more empirical approach, with concerns regarding:
 - a) the traffic capacity of the traffic light/filter junction at Walmersley Road/Walmersley Old Road/Springside Road, in that -
 - i) insufficient capacity/congestion would cause traffic to percolate along the residential streets between Walmersley Old Road and Walmersley Road, to the detriment of both highway safety and residential amenity;
 - ii) vehicular and pedestrian traffic crossing to Springside Road (to access the school) may be a particular problem at morning peak hour.
 - b) whilst junction capacity at the slip roads to the M66 may well, in themselves, be adequate, between them on the A56 (Walmersley Road) is located the junction with Bass Lane already a congestion point. Such congestion may possibly be exacerbated by this development and, in any event, it must, surely, preclude any further development taking access from this section of the A56 (Walmersley Road).

It is accepted that these concerns could be addressed by an appropriate highways agreement to cover any necessary traffic management or highway improvement works.

Sustrans - The adjacent public footpaths should be considered as an important part of the access opportunities and integrated in a coherent, attractive way into the development. For a development of this size we hope the planning department can negotiate for a contribution toward improving the local pedestrian/cycle network such as along the Irwell. The design of any smaller properties proposed should include storage areas for residents buggies/bicycles.

14 Avon Drive - No objections to this planning application in principal as long as certain safeguards are built in including ensuring that off road parking is in place for the number of cars involved; that during the construction period the roads are kept clean and free from mud; that access onto Walmersley Rd is taken into account for the number of cars involved. That the build is of quality, The town has not benefited recently due to poor quality and high density housing. One hundred quality build is far better than 275 apartment again.

Respondents have been notified of the Planning Control Committee meeting.

Consultations

Traffic Section - No objection subject to standard conditions.

Environmental Health Contaminated Land - No objections subject to conditions concerning contaminated land remediation.

Pollution Control - No objections.

Public Rights of Way Officer - No objections.

Waste Management - No objections subject to future provision of refuse facilities in the future development of the site.

Environment Agency - No objection subject to the inclusion of conditions relating to mitigation and protection from the reservoir and creation of an open water channel within the site; remodelling of the lodge details; ecological enhancement is delivered and green space areas are maintained as appropriate.

United Utilities - No objections.

Natural England - No objections subject to the inclusion of conditions to mitigate impacts upon protected species and ecological diversity.

The Highways Agency - No objections subject to conditions for a travel plan framework.

Baddac Access - Concerned that the D&A does not contain any reference to inclusive design issues. Seek addition to the submitted D&A to clarify how future reserved matters applications will address issues such as how lifetime homes provision will be dealt with or how pedestrian movement infrastructure on a site with potentially challenging levels changes will address the needs of people with mobility difficulties.

Greater Manchester Ecology Unit - No objections subject to the inclusion of conditions to mitigate impacts upon protected species and ecological diversity.

Coal Authority - No objections.

Unitary Development Plan and Policies

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| EC2/1 | Employment Generating Areas |
| EN1/2 | Townscape and Built Design |
| EN1/3 | Landscaping Provision |
| EN1/1 | Visual Amenity |
| EN1/5 | Crime Prevention |
| EN1/6 | Public Art |
| EN5/1 | New Development and Flood Risk |
| EN6/3 | Features of Ecological Value |
| EN6/4 | Wildlife Links and Corridors |
| PPS9 | PPS9 Biodiversity and Geological Conservation |
| EN7/1 | Atmospheric Pollution |
| EN8 | Woodland and Trees |
| H1/2 | Further Housing Development |
| H2/1 | The Form of New Residential Development |
| H2/2 | The Layout of New Residential Development |
| H4/1 | Affordable Housing |
| HT2/10 | Development Affecting Trunk Roads |
| HT2/4 | Car Parking and New Development |
| HT5/1 | Access For Those with Special Needs |
| HT6/1 | Pedestrian and Cyclist Movement |
| HT6/2 | Pedestrian/Vehicular Conflict |
| HT6/3 | Cycle Routes |
| OL1/5 | Mineral Extraction and Other Dev in the Green Belt |
| RT2/2 | Recreation Provision in New Housing Development |

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| RT3/3 | Access to the Countryside |
| SPD1 | DC Policy Guidance Note 1: Recreation Provision |
| SPD2 | DC Policy Guidance Note 2: Wildlife Links & Corridors |
| SPD3 | DC Policy Guidance Note 3: Planning Out Crime |
| SPD4 | DC Policy Guidance Note 4: Percent for Art |
| SPD5 | DC Policy Guidance Note 5: Affordable Housing |
| SPD11 | Parking Standards in Bury |
| SPD12 | Travel Plans in Bury |
| SPD14 | Employment Land and Premises |
| SPD16 | Design and Layout of New Development in Bury |
| PPS1 | PPS1 Delivering Sustainable Development |
| PPG2 | PPG2 - Green Belts |
| PPS3 | PPS3 - Housing |
| PPS4 | PPS4 Planning for Sustainable Economic Growth |
| PPG13 | PPG13 - Transport |
| PPS23 | PPS23 Planning and Pollution Control |

Issues and Analysis

Background - The site has been subject to an application for residential development for part of the site in the recent past. This application was refused and the subsequent the appeal was ultimately called in by the Secretary of State (SofS) for determination given the scale of the development proposed reflecting the regulations at that time. The applicant (at the time the appellant) argued that the economic life of the buildings had long since passed and that the viability of relocation was reliant upon the sale of some of the land for housing. The inspector accepted that many of the buildings were beyond their economic life, but not all of them and that relocation proposals should not rely wholly upon capital funding from a site sale. Additionally, the Council at the time had sufficient housing to meet the Borough's needs at the time and therefore the development would have resulted in too much housing coming forward.

Environmental Impact Assessment - Under the Environmental Impact Assessment Regulations 1988 (as amended) and following the 'Save Britain's Heritage' case, the proposals, including demolition have been screened for the requirement of Environmental Impact. It has been concluded that given the nature of the works, and the likely impacts arising from the development and demolition, there would be no significant effects arising that would be sufficient to warrant the submission of an Environmental Statement.

Principle - The site is currently designated as an Employment Generating Area (EC2/1/3) in the adopted Bury UDP. Consequently, the principle of the proposal should be assessed against Policy EC2/1. Under this Policy, the Council will only allow development for the uses specified – which in this case are Business (B1), General Industrial (B2) and Warehousing (B8). Other uses will only be acceptable where they constitute limited development or do not substantially detract from the area's value for generating employment.

The purpose of Employment Generating Areas (EGAs) is to encourage investment in employment generating businesses and provide jobs in the Borough and EGAs help to achieve this by providing a degree of certainty as to the future use of these areas. Most of the Borough's EGAs comprise a consolidated area of employment uses made up of a multitude of businesses and the EGA designations offer potential investors the reassurances that the area will be maintained in business use. However, the situation at Bevis Green is different in that it is a single-user EGA and once the business makes a decision to relocate, the future of the whole EGA needs to be considered.

The Council has adopted Supplementary Planning Document 14 (SPD14) which sets out the Council's approach towards proposals involving the loss of employment land to alternative, higher value uses such as residential. The SPD specifies that the advice contained within it does not generally relate to employment land currently situated within Employment Generating Areas as identified under UDP Policy EC2/1 but does recognise that, in exceptional circumstances and as an absolute last resort, the Council may give

consideration to applying the approach set out in the SPD to employment sites within EGAs. Given that the Bevis Green EGA contains a single occupier and that uncertainty over the future use of the site by that business would effectively call into question the future of the whole EGA, this is considered to warrant such exceptional circumstances.

SPD14 sets out a 'sequential approach' to proposals that would result in the loss of employment land that is considered to be appropriate in land use terms, namely:

- To retain the site in employment use;
- Where the retention of the whole site in employment use is not viable, to consider whether the site is suitable and viable for a mixed use scheme incorporating a satisfactory element of employment uses which would be cross-subsidised by higher value uses; and
- Where a mixed use scheme is inappropriate and/or unviable, to consider the redevelopment of the site for alternative uses subject to a one-off payment to the Council to compensate for the loss of the employment land.

It is the Council's view that the Bevis Green site is an appropriate location for employment uses. As such, if alternative uses are to be considered acceptable, the applicant must demonstrate that the retention of the site in employment use would not be viable at the present time.

In terms of demonstrating a lack of viability, applicants are required to do so on the basis that it is not commercially viable to retain the site in employment use (either in its current state, redeveloped for new employment uses or as part of a mixed use development where new employment uses are cross-subsidised by higher value uses on part of the site) as well as demonstrate that there is no demand to reoccupy the site.

Commercial Viability - The applicant has submitted development/relocation viability reports that assess various relocation and development options available to the company i.e. new build or re-occupation of an existing building within or outside the Borough. Each option culminates in the level of financial outlay that the company will have to make. The main issue to consider is whether or not the site can viably be retained in employment use either through the retention of the existing buildings or through complete or partial redevelopment to new employment uses. As part of this report, the applicant has included development appraisals that assess the viability of refurbishing the existing buildings, of various mixed-use options and for the wholesale redevelopment of the site for new employment uses.

These appraisals show that the wholesale redevelopment of the site for new employment uses is not viable and that there would be relatively small profit for a mixed use scheme, although this level of profit is unlikely to be one that a developer would consider to be a reasonable level of return.

From a commercial viability perspective, it is accepted that, at the present time, there is no prospect of the site being retained in employment use either wholly or as part of a mixed-use scheme.

Market Demand - SPD 14 requires that in order to demonstrate a lack of demand the site should be actively and robustly marketed for a minimum of 12 months and that evidence that such marketing has taken place should be submitted in conjunction with an application. The site has not been marketed. However, the applicant has submitted a report from WHR Property consultants which suggests that the demand for such buildings would be extremely low on this site, as would demand following refurbishment or redevelopment of this site for new employment uses. This view is also supported by commercial property agent Knight Frank. This site is a unique one in that it does have significant topographical challenges together with issues about the scale of the site and the extent and condition of the existing buildings, all of which would have a significant impact upon the attractiveness in terms of the general marketability of the site for an employment or mixed use. Under these circumstances and the unique case being presented, it is considered that the Council can

accept this departure from the requirements of SPD14 in this instance.

The Applicant's Case - Tetrosyl have stated that they are committed to relocating their Bevis Green operation and associated workforce to an alternative site within the Borough and, given the scale and nature of the operation and the number of people that it employs, this is an important consideration in determining this application.

The case made by the applicant centres upon the need to relocate the business into a more modern building and suitable employment environment in order to protect the company's national standing, maintain a viable international business and protect the levels of employment. In order to do this, the company argues that it needs to maximise the land value of its current site to help contribute to what would be a substantive cost in relocating.

The information submitted suggests that this can only be achieved through a comprehensive residential development on the site, which would help to secure a land value that would enable the company to relocate. The applicant argues that the levels of return from a mixed use or wholesale employment development would not provide a sufficient return that would entice or enable the landowner to sell the land and fund a relocation.

This principle argument is considered to hold some weight and it is accepted that the landowner, as with all landowners, would need to achieve a sufficient return on their land to entice them to sell. However, whilst this basic argument has been accepted, the residual land values that have been submitted by the applicant are indicative values only, based on notional schemes and a decision has not been made as to their accuracy or otherwise (e.g. a comprehensive residential scheme may provide a higher residual land value than submitted).

Employment Land Supply - It is recognised that there is a current deficiency in the supply of employment land in the Borough with particularly acute deficiencies in the north of the Borough – an issue that the emerging Core Strategy is seeking to address through the provision of a more balanced spatial distribution of employment land involving increased provision in the north.

However, employment land should not be retained simply on the basis of its location within the Borough. It is important to ensure that such land would have a reasonable prospect of being delivered for its intended purpose.

Conclusions – Employment Issues - It is accepted that the various development appraisals submitted by the applicant demonstrate that, at the present time, the site is unlikely to be able to support viable employment uses either across the whole site or as part of a mixed-use scheme. However, this has not been supported by evidence that the site has been actively marketed as would normally be required under SPD14. Notwithstanding the lack of marketing, it is accepted that the specific scale, condition and composition of the site of the site would be unlikely to attract the re-occupation of the site.

There is a recognised shortage of employment land in this part of the Borough. However, it has been concluded that there is no reasonable prospect of the site being retained in employment use at the present time.

In the context of UDP Policy EC2/1, alternative uses will be considered where they do not substantially detract from the area's value for generating employment. It is considered that the employment value of the Bevis Green operation to the Borough would be maintained by its satisfactory relocation to an alternative site within the Borough and providing for at least equivalent levels of employment to what are provided at the Bevis Green site.

However, should Tetrosyl fail to adequately relocate within the Borough, then the value to local employment will be lost. The Council considers that, under these circumstances and within the context of SPD14, Tetrosyl should make a one-off financial contribution to the Council to compensate for the loss of this local employment value. Such a payment would

amount to the employment land value of the Bevis Green site as set out in SPD14. The developable area of the site has been calculated at 6.99 hectares which would require a payment of £2,726,100.00. Such a contribution would be used to bring forward employment opportunities elsewhere in the Borough – thus maintaining employment value.

These safeguards against the loss of the Bevis Green site will be incorporated into a S106 and, assuming that either of these safeguards are satisfied, it is considered that the proposal would not be in conflict with UDP Policy EC2/1 and the requirements set out in SPD14. Failure to satisfy these safeguards would render the application unacceptable in planning policy terms.

Under the terms of the S106, no development should be allowed on the Bevis Green site unless the company either relocates its Bevis Green functions and employment to a site within the Borough or satisfies the compensation requirement.

Housing Policy Requirements -In 2004, the Council was successful in defending an appeal for residential development on the Bevis Green site. The appeal was dismissed largely on the basis of the loss of what were then considered to be suitable employment premises (i.e. the more modern 1960's/70's warehouses) as well as the fact that, at that time, the Borough had an over-supply of housing. The current proposals need to be considered within a different policy context in terms of the housing position given that the Borough no longer has an over-supply. Nevertheless, the provision of housing on the site would help contribute to the Borough's housing targets over the plan period of the emerging Local Development Framework. As the application is currently in outline, and that the housing types and sizes are for illustrative purposes only, any approval should be conditioned to ensure that the development provides affordable housing. Given the size of the site, any residential development should provide for a mix of house types and sizes to meet the housing needs of a range of households with different characteristics.

Tetrosyl did seek to fix a level of provision for affordable housing on the site as part of the outline permission. However, insufficient evidence was submitted to demonstrate that the affordable housing targets should be varied and as such, this matter is now to be a conditional item to be considered at reserved matters stage.

In terms of the potential end use of the land as a housing site, the site is well connected to the urban area with adequate infrastructure to support the development of the site. The release of this site would therefore help to reduce the need to release peripheral open land. The redevelopment for housing would make a contribution to the Council's housing needs and would relate in kind to surrounding residential development. As such the use of the site for housing, assuming the satisfaction of the principle extant policy allocation requirements, would satisfy H1/2 - Further Housing Development.

Ecology - The site is not within an allocated locally important ecological site. However, it is so located and contains buildings that are of an age to and type to provide potential for ecology to inhabit the site.

The outline proposal for Bevis Green includes an ecological survey and a separate bat survey; proposals for a large area of recreational open space including semi-natural open space; and though not discussed or surveyed in the context of this application, it has been encouraged that there are opportunities to bring a Site of biological importance and Lancashire Biological Heritage site in to positive management currently under the ownership (land to the north of the main application site).

Bat Survey - The bat surveyors identified several pipistrelle bat roosts within the existing complex of buildings to be demolished, which given the number and size of buildings is a good indicator of the surveyor effort. The number of bats seen entering these roosts means that a bat license will be required for any demolition to occur. Though roosts have been confirmed and the species identified the actual nature of the roosts has not been confirmed ie maternity, nursery, feeding or hibernation. Latest guidance issued in February 2011

notes the need to identify the roost status through evening/dawn emergence surveys throughout April to September in order to inform the level of mitigation that will be required, though clearly the roost status may be identified earlier. More detailed information on the status of the roost along with information on appropriate levels of mitigation has been provided that can satisfy both the Council and Natural England. The Council's Ecologist and Natural England are both satisfied that sufficient information is in place at this stage to permit a conditional approach to be granted at outline stage that should secure appropriate mitigation/compensation measures being in place, based upon up to date survey data, prior to the commencement of the development work.

Amphibians - No survey for great crested newts occurred, as the lodge being assessed was unsuitable for habitation. Normally more than just a professional opinion should be offered, but in this case the Council's own evidence would support this assertion. The 2003 assessment did include a greater crested newt survey and found no evidence of them but did find common toad a UK priority species. As such, there is no reason as to why the Council would not be satisfied with the level of information and views of the scheme as it currently stands.

Invasive Species - Though it is stated that the ecological survey included a search for Japanese knotweed, there is no reference to other invasive species in the conclusions (other than rhododendron). Therefore it is required that confirmation of invasive species such as Japanese knotweed and Himalayan balsam are not on the site prior to commencement of any works including demolition or site works.

Swifts - The bat survey also identified nesting swifts which are amber listed i.e. the population has declined between 25% and 50% since 1969. In the case of the swift, one of the main pressures is the loss of existing nest sites through demolition and the unsuitability of new buildings as nest sites. All nesting birds are protected under the Wildlife and Countryside Act 1981. The report recommends provision of alternative nesting sites which is supported. Timing of demolition and provision of new nesting sites can be conditioned.

Badgers - A main badger sett has been identified within the development site. The indicative master plan would indicate that the sett could be potentially lost. This would require a license and mitigation would be need to be provided. Proposals have been formulated to accommodate this issue within the site and Natural England confirm their acceptance of this. Therefore a planning condition should be imposed to secure mitigation.

Other Features of Ecological Value - This development site is not an SBI although land to the north of the site and other land within Tetrosyl's control further north is and with enhancement, assist the Council in meeting one of its current indicators 'positive management of SBI's' in addition to the developer meeting planning policy needs.

The mill lodge and woodland along the Brook and western edge of the mill lodge qualify as a feature of ecological value as defined by UDP policy EN6/3. Though there is only an indicative master plan, this indicates that all the woodland along the western edge of the mill lodge would be lost and appears to show a slight reduction in the size of the mill pond. Any such impacts would require mitigation. It is proposed that appropriate planning conditions be imposed to require landscaping provision and protection of retained ecological features. The scheme will retain a significant part of the lodge and open space to the north of the site. This would be controlled through planning conditions.

The restoration of part of the Brook to the south of the lodge would partially mitigate for the loss of open water and this is supported. All works associated with the de-culverting of the Brook should be conditioned in line with Environment Agency comments.

PPS9 notes under key principles that '*planning decisions should aim to maintain, enhance, restore or add to biodiversity*'. The current schematic proposal and ecological assessment whilst alluding to mitigation against loss of woodland and open water through enhancement to the retained area of the mill lodge and the de-culverting, the proposals do not indicate

how the principles of PPS9 can be achieved on site. This is compounded by likely need to mitigate for bats and badgers. One option would be to sacrifice part of the proposed public open space, the notional village green. However given that mitigation is partly required for loss of open water, it is possible that compensation could be provided through on the land within the ownership of the developer to the north of the M66. Again, this would become clearer when detailed proposals are formulated but in the mean time, conditional control would be sufficient enough to control this at this stage.

Traffic - The application has been submitted with a transport statement reflective of the scale of the development and in accordance with the Council's validation criteria. This is the second sizeable residential application proposal for the site and the application in 2003 included a transport assessment also. Having consulted the Traffic Section, they conclude that given the historical use of the site, its existing lawful use and the scale of development that could lawfully operate from the site, the development proposal for residential development should not be resisted on traffic grounds. The scale of development would be such that whilst it is accepted that the site would generate additional traffic compared with the site as it is today, when compared to the lawful use, the transport assessment provides a reduced traffic figure. Additionally the fact that this scale of development has not been resisted before on Traffic grounds, there are no objections from the Highways Agency and that there are no changes in circumstances to offer a different view, the development would be acceptable on this site, for the scale of development proposed in highway terms.

The surrounding area has also been considered in terms of the likelihood of traffic from the site causing local traffic problems. The conclusion is that users are most likely to utilise the main highways to get from the site to commence their journeys rather than using convoluted routes through the nearby estates. To this end, the Traffic Section do not consider that there would be a justification for seeking traffic calming measures in the vicinity over and above what already exists.

Flood Risk - With regard to the matter of applying the sequential approach within the site, the Environment Agency (EA) note the confirmation that the public open space is proposed in the area of Green Belt and that this area is not therefore available for development.

The indicative layouts indicate that the highest density of new development within the site area is proposed in the location at highest risk. Following the sequential approach, advocated within the Flood Risk Assessment, it would be advisable to create more open space in the area of the new watercourse where overland flows could occur. However, if the new open channel were a definite part of the proposals, there would be potential to reduce overland flow risks by appropriate design. This is a conditional matter.

In terms of the culvert the EA appreciate that the master plan is indicative at this stage. The culvert position will have an impact on the area available for development and ultimately the number or location of units that the site will accommodate. If the LPA are prepared to accept that the application figure of 275 dwellings may be reduced at reserved matters stage (to ensure construction over the culvert is avoided), identification of its route would not be critical for the outline application. As the number of dwellings are seeking to be fixed in the application, the watercourse would become a constraint to incorporate into the development. However, though there are existing buildings over the line of the watercourse, it would be poor practice to build over with new and the Environment Agency would resist this using their own regulatory powers.

The EA note the outputs from the flood hazard mapping and see that the 1% plus Climate Change event produces overland flows that are considered a low hazard. However, as stated above it would be advisable to take any redevelopment opportunity to create a new watercourse of improved capacity thereby retaining 1% CC flows within the watercourse. This would be an important consideration for future purchasers when seeking mortgages and insurance for the proposed dwellings. In asking for extreme events to be considered in the FRA the EA are not suggesting that the design standard for the development be taken as the 0.1% event. PPS25 (E3) requires a range of return periods to be considered

including extreme events. However, they recommend that detailed design be based on reducing flooding to properties to no more than 600mm during the extreme event. Again, design of an open watercourse could reduce the risks identified for the extreme flood.

The application of 600mm freeboard for floor levels would be a starting point in the absence of any more detailed model information for the proposed watercourse arrangement. Also, due to the presence of the culvert, flood levels could be sensitive in relation to impact of debris within the channel. They would welcome an amendment of the FRA in relation to the proposed freeboard, which would have the opportunity to come forward when siting is fully known.

The EA also welcome the proposed change to green field rate of discharge on the basis that United Utilities are likely to require all surface water to be directed to the brook. On the basis the FRA confirmed that existing flows went to the sewer, redirection of an equivalent rate to the brook would have resulted in a significant increase in watercourse flows. There is also an aim within the Council's level 2 SFRA that run-off from brownfield development be reduced by at least 30%.

In terms of the reservoir/water body or pond, it does and will contain a significant volume of water that would be a source of flood risk if it were to escape. In view of this and the fact that the proposed housing is considered to be more vulnerable than the existing development use, the EA believe that it is appropriate for the FRA to identify any improvements necessary to the existing spillway. This would be based around ensuring the integrity of the dam structure during a flood. This can be conditioned as part of any grant of planning permission.

Conditions should be included on the decision notice concerning dam and spillway works, protection and/or mitigation of impact to reservoir, remodelling of reservoir lodge and creation of new open channel corridor, both during construction works, and once the development is complete, and including management responsibilities.

Motorway Noise - The north easterly part of the site is reasonably close to the M66 motorway, where it is indicated within the proposed master plan site that new properties would be located. Following the consultation with Environmental Health, they have no objections to the residential development per se within the site. However, they do suggest that further surveys be carried out to determine the scale and required locations for any mitigation to residential properties to deal with motorway noise. This can be conditioned to ensure that this comes forward within any reserved matters application pursuant to UDP Policy EN7/2.

Terms of the s106 - Given the unusual scenario being sought within this scheme, the heads of terms for the response to the employment land issues within EC2/1 and SPD14 are critical.

The terms are:

- To pay the Council an employment contribution of a commuted sum equivalent to £2,726,100 before commencement of any residential development on Bevis Green. However, in the event of the company relocating to an alternative site within the Borough, the compensation would not be payable.
- Affordable Housing, Recreation provision and Percent for Art are to be dealt with through planning conditions.

Community Infrastructure Levy (CIL) Regulations 2010 (as amended) - from April last year, by virtue of Regulation 122 of the CIL Regs 2010 (as amended), a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- a) *necessary to make the development acceptable in planning terms;*

- b) *directly related to the development; and*
- c) *fairly and reasonably related in scale and kind to the development*

For the purposes of this application, it is slightly unusual in that the Council is looking at an option, effectively providing an incentive. The option is effectively, either: (1) development not to commence on the Bevis Green land until such time as the Council receives the compensation payment (c.£2.73m); or (2) development not to commence on the land until the Tetrosyl Business has vacated the site and has relocated to an alternative site within the Borough.

1. In terms of the tests and the payment:

- (a) The payment is obviously necessary to compensate for the loss of significant EGA land, which is likely will be lost for forever.
- (b) , the payment(s) are directly related to the proposed development as monies are to compensate for the loss of the employment land at Bevis Green.
- (c) The Council in calculating the current total of c.£2.73m, has accounted for what it considers to be the unusable parts of the site. In this case, the Council is satisfied that this sum accords with policy and is indeed fairly and reasonable related in scale and kind to the development.

Consequently, the Council is comfortable that this aspect of the obligation is indeed compatible with the CIL Regs and the Council would not, otherwise, implement SPD 14 or be requesting such a contribution to enable the commuted sum to be put towards the 'unlocking' of other employment sites as identified in the Council's Employment Land Development Fund.

2. In terms of the tests and the relocation of Tetrosyl:

- (a) Overall, the Council is mindful of the significant benefits that the retention of the Tetrosyl business would have to the local economy and is taking this into account as a material consideration as part of this application. The Council is prepared in these circumstances to effectively forego the compensatory payment if the business chooses to relocate its operations and associated jobs to an alternative site within the Borough. In fact, the Council would view the relocation as an overwhelming economic benefit in the bigger picture (see (c) below). Therefore, the necessity of this in CIL terms is that to require the business to relocate within the Borough will be necessary where no compensation is to be paid. Essentially, it is the same reason described in (1) above, it is compensation for a significant loss of EGA land.
- (b) Again, where monies are not paid, the mechanism is in place to compensate for loss of the EGA land and is, therefore, directly related to the development.
- (c) Where Tetrosyl does not relocate within the Borough, whosoever may purchase the Bevis Green Site would be required to compensate the Council with a one-off payment of c£2.73m if they intend to commence development on the Bevis Green land. The payment will therefore serve to both incentivise and assist Tetrosyl's relocation within the Borough. Therefore, for the Council's purposes, the issue is that in monetary terms is exactly the same as 1(c) above, which means that it is fairly and reasonably related in scale and kind to the development and for the same reasons.

Given the above, it is considered that the proposals would be CIL compliant.

Recreation Provision - The recreation provision for the development currently includes land within the Green Belt incorporating the lodge to an area of 3.3ha. On this basis, and given the scale of development, this area is likely to be sufficient to provide for recreation provision on a quantitative basis for the number of units sought. However, as the development is in outline and the actual dwelling types are not known at this stage, it is not possible to specify a definitive requirement at this stage and a planning condition should be imposed to secure the correct provision and commuted sums for maintenance in line with the new SPD1, currently programmed for adoption on 1 February 2012.

Public Art - As the development is in outline, the actual development costs upon which public art provision is based, are not known at this stage and a planning condition should be imposed to secure the correct provision in line with Policy EN1/6. It is likely that some provision will be provided on the site given the amount of open space provision within the development. This would enable an artist to devise something that is reflective of the site's history or locality to be provided for the benefit of the public and new residents.

Response to Objectors -

- The Council's core strategy for housing provision considers that there is a need for housing within the Borough. Provisions within the Core Strategy identify that the Council needs to provide some 400 dwellings per year. This proposal would assist in delivering this provision.
- Issues concerning traffic generation and access have been dealt with within the main report.
- Issues concerning the loss of employment land have been dealt within the main report.
- There are no identified sites to be released from the Green Belt for industrial purposes. The Council's draft Publication Core Strategy identifies a need for additional employment land in the Ramsbottom, Tottington and North Manor Township area. Whilst the Bevis Green site falls within this Township, the applicant has been able to demonstrate that the retention of the site is, at present, unviable. Any approval on this site would be subject to a S106 Agreement requiring either the relocation of a significant employer in Bury to an alternative site within the Borough or else requiring the provision of a one-off payment to compensate for the loss of the Bevis Green site as described in the main report.
- The issues surrounding the appeal decision and those presented within this application have been addressed within the main report.
- The impact upon 'amenity' arising as a result of the development is a matter that would need to be addressed at any reserved matters stage, through proper assessment of aspects, interrelationships with existing properties, footpaths and cycle routes/bridleways. Others consider that the removal of industry from this site would improve amenity.
- The impact upon the lodge and ecology has been dealt with in the main report and through proper assessment of the site and through the use of planning conditions.
- School enrolment numbers are reducing within the Borough. Childrens' Services would be required to ensure that any demands upon schools are appropriately planned for.
- Open space would be required through the imposition of a planning condition.

Summary of reasons for Recommendation

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. Permitted 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, scale, appearance, access thereto and the landscaping of the site.

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

3. Within the development site, an area of Public Open Space shall be in accordance with SPD1 and Policy RT2/2 and shall be of no less than 2.6 hectares to be provided to the north of the site, on land currently within the Green Belt as is indicated on the masterplan as Public Open Space. This land shall be landscaped following the provisions of conditions 2, 4, 22 and 23 relating to the landscaping of the site and maintenance regimes, and the landscaping shall be carried out and the site shall be available for use before any dwellings hereby approved within this permission are occupied.

Reason - To provide on-site recreation provision pursuant to Unitary Development Plan Policy RT 2/2 - Recreation Provision in New Housing Development and PPG17 - Planning for Open Space, Sport and Recreation and EN6/3 - Features of Ecological Value.

4. The reserved matters proposals relating to landscape shall include a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- detail extent of retained woodland, greenspace,
- detail extent and type for all new planting, including remodelled reservoir areas, that includes planting schedule that is largely based on native species.
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around retained reservoir and new open channel.
- details of any treatment of existing invasive weed species resident on site.

Reasons - To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy PPS9 - Biodiversity and Geological Conservation.

5. No development shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

6. Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and

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

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

7. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

8. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:

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

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

9. Following the provisions of Condition 5 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.

10. The development hereby approved shall include provision for affordable that would be sufficient to be in accordance with Bury Unitary Development Plan Policy H4/1 - Affordable Housing and the associated Development Control Policy Guidance

Note 5 - Affordable Housing Provision In New Residential Developments. The approved details shall be submitted as part of the first reserved matters application relating to the housing proposals within the site and the approved provision shall be implemented prior to the first occupation of the residential element of the site or as otherwise approved in writing by the Local Planning Authority.

Reason - To ensure that the development would contribute to satisfying the need for Affordable Housing provision pursuant to Bury Unitary Development Plan Policy H4/1 - Affordable Housing, the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments and PPS3 - Housing.

11. No dwelling pursuant to this planning permission shall be occupied until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be developed in accordance with the agreed Travel Plan Framework document. The Residential Travel Plan shall be implemented in accordance with the approved details and shall not be varied other than through the agreement in writing with the Local Planning Authority.
Reason - To ensure that the trunk road network can continue to fulfil its purpose as a national system of routes for through traffic in accordance with S10(2) of the Highways Act 1980, maintaining the safety of traffic on the road and pursuant to the objectives of PPS13 - Transport and HT2/10 - Development Affecting Trunk Roads.
12. Full details of the proposed highway alterations to Walmersley Old Road and Mill Road indicated on the approved plans and proposed internal road layout incorporating emergency access provision shall be submitted at first reserved matters application stage.
Reason. To ensure good highway design in the interests of road safety pursuant to Unitary Development Plan Policies - H2/2 - The Layout of New Residential Properties.
13. The visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m.
Reason - To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Unitary Development Plan Policies - H2/2 - The Layout of New Residential Properties.
14. Provision shall be made within the site to the written satisfaction of the Local Planning Authority to enable vehicles to enter and leave the site in forward gear, and 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 Unitary Development Plan Policies - H2/2 - The Layout of New Residential Properties.
15. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction unless otherwise agreed in writing by the Local Planning Authority.
Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development and H2/2 - The Layout of New Residential Development.

16. No works including demolition operations shall be carried out to the buildings, trees or vegetation that would disturb nesting birds between 1st March and 31st August inclusive in any year and until details for the provision of alternative nesting sites for swifts have been supplied and implemented and available for use 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.
17. No development shall occur until plans including sections and landscaping for the de-culverting of the Brook south of the mill lodge and details of an ecological enhancement and management plan for the loss of open water has been provided for Baldingstone SBI and Grindle Farm Clough have been supplied and approved in writing by the Local authority. The scheme shall be carried out in accordance with the approved details.
Reason – To ensure that the site retains and enhances the landscaping and biological diversity of the site pursuant to Unitary Development Plan Policy EN6/3 – Features of Ecological Value and PPS9 – Biodiversity and Geological Conservation.
18. Prior to determination of any reserved matters a detailed scheme of mitigation/compensatory measures relating to bats and swifts within the site shall be submitted to and approved in writing by the Local Planning Authority. The method statements shall be based upon upto date data gathered from the site as described within the Shepherd and Gillespie supporting statements (letter dated 27 May 2011) and the scheme of mitigation/compensatory measures shall be implemented as subsequently approved and be available for use within the approved timeframes.
Reason - To ensure that there would be no derogation of protected species habitat and populations and pursuant to PPS9 - Biodiversity and Geological Conservation.
19. Full details of the proposed highway alterations to Walmersley Old Road and Mill Road indicated on the submitted masterplan and proposed internal road layout incorporating emergency access provision shall be submitted at first reserved matters application stage.
Reason - To ensure good highway design in the interests of road and pedestrian safety pursuant to Unitary Development Plan Policy H2/2 - The Layout of New Residential Development and HT6/1 - Pedestrian and Cyclist Movement.
20. No development including demolition shall occur until a detailed scheme of mitigation/compensatory measures relating to badgers within the site has been submitted to and approved in writing by the Local Planning Authority. The method statements shall be based upon upto date data gathered from the site as described within the Shepherd and Gillespie supporting statements (letter dated 27 May 2011) and the scheme of mitigation/compensatory measures shall be implemented as subsequently approved and be available for use within the approved timeframes.
Reason - To ensure that there would be no derogation of protected species habitat and populations and pursuant to Unitary Development Plan Policy EN6/3 – Features of Ecological Value and PPS9 - Biodiversity and Geological Conservation.
21. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallopia 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.

22. Prior to the commencement of development, a detailed plan for the protection and/or mitigation of impact to reservoir, and creation of new open channel corridor, both during construction works, and once the development is complete, and including management responsibilities, shall be submitted to and approved in writing by the local planning authority. The reservoir and stream corridor enhancement plan shall be carried out in accordance with a timetable for implementation as approved.

The scheme shall include the following elements:

- details of size, shape and depth of new remodelled lodge compared to previous extent
- details of all retained, lost and/or expanded riparian woodland
- details of routing and length of new open channel, including long and cross section detail through new channel corridor, and with a preference soft bio-engineering solutions where feasible.

Reasons - To protect the reservoir, water course and linking woodland within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Statement 1 and Planning Policy Statement 9. Ponds are identified under The UK Biodiversity Action Plan 1994 (UK BAP) identifies species and habitats of 'principal' importance" for the conservation of biological diversity nationally, which are listed for England under s41 of the Natural Environment and Rural Communities Act 2006.

23. The proposed remodeling of reservoir lodge shall be constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of development.

The scheme shall include the following features:

- An area of no less than 0.7 Hectares
- Details of all remodeling of existing reservoir banks and any filling operations.
- Details of retention of existing semi-natural habitats adjoining reservoir.
- Details of how results and recommendations of ecological assessment for badgers and bats are amalgamated in reservoir works.
- Details of water quality and fisheries protection measures in place as part of proposals.

Reasons - To ensure that the proposed wetland lodge is developed in a way that contributes to the nature conservation value of the site by providing suitable habitats for wildlife pursuant to national planning policy PPS9 - Biodiversity and Geological Conservation and Unitary Development Plan Policy EN6/3 – Features of Ecological Value.

24. No development approved by this permission, excluding demolition works, shall be commenced until a scheme for the provision and implementation, of a foul and surface water system has been approved by the Local Planning Authority. The scheme shall be implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any

other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason - To reduce the increased risk of flooding and pursuant to PPS25 - Development and Flood Risk.

25. The development hereby approved shall include an element of public art that would be sufficient to be in accordance with Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.

Reason - To ensure that the development would contribute to satisfying the need for public art pursuant Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.

26. No development pursuant to this planning application, with the exclusion of demolition works, shall commence unless and until a Residential Travel Plan Framework has been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that the trunk road network can continue to fulfil its purpose as a national system of routes for through traffic in accordance with S10(2) of the Highways Act 1980, maintaining the safety of traffic on the road and pursuant to the objectives of PPS13 - Transport and HT2/10 - Development Affecting Trunk Roads.

27. As part of the reserved matters application relating to the siting and/or appearance of proposed dwellings, a detailed noise survey shall be submitted that provides a quantitative assessment of the impacts of motorway noise on the proposed development. The report shall provide details of which dwellings, if any, will require the incorporation of acoustic attenuation measures that may be required to ensure that internal noise levels are achieved within those dwellings, that would in accordance with the requirements of current British Standards and related guidelines. The report shall specify details of the constructional nature of any proposed acoustic attenuation measures and their location within dwellings. Any acoustic attenuation scheme that is subsequently approved shall be fully implemented prior to commencement of use of those residential properties to which the scheme applies.

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

28. No trees subject to a Tree Preservation Order, unless indicated otherwise on plans submitted and approved as "reserved matters", shall be felled, lopped or topped 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 EN8/1 - Tree Preservation Orders, EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

29. 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 Unitary Development Plan Policies EN6/3 – Features of Ecological Value and EN8/2 – Woodland and Tree Planting and PPS9 - Biodiversity and Geological Conservation.

30. This decision relates to drawings and report referenced - Illustrative Master plan Oct 2011, Flood Risk Assessment March 2011 Rev1 ref: 23736/001; Peter Brett Associates letter dated 4th June 2011 and associated flood hazards plans Annex 1 (flood hazard mapping 1:100 year plus climate change event) and drawing 23736/001/005 and Annex 2 (Flood Hazard Mapping 1:1000 Year Event) drawing 23736/001/005; parameters plan June 2011; Bat Survey Report by Baker Shepherd Gillespie dated October 2010 Final and 27th May 2011, Ecology Survey Report by Baker Shepherd Gillespie dated February 2011 Final - both updated by Baker Shepherd Gillespie letter 4639.03_003_let_ph_ne.docx; Savell Bird Axon Transport Assessment dated March 2011; Planning Statement by Turley Associates March 2011; Design and Access Statement by Turley Associates March 2011; RSK Group Environmental Site Assessment 16565-R1(00) 17 February 2011; Coal Mining Report dated 17 October 2002; Pinnacle Tree & Landscape Solutions Tree Survey plan P.092.10.01; Grasscroft Development Viability Report Mar 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 **Dave Marno** on **0161 253 5291**

Ward: Radcliffe - East

Item 02

Applicant: Mrs Charlotte Melia

Location: 11 Parkside Close, Radcliffe, Manchester, M26 2QS

Proposal: Change of Use of ground floor dwelling house (Class C3) and garden to (Class D1) child minding (Retrospective)

Application Ref: 54485/Full

Target Date: 12/12/2011

Recommendation: Approve with Conditions

Description

The site comprises the ground floor, front and rear gardens are of a modern detached house in a residential area of Radcliffe.

The application is to regularise the use of the premises for child minding by the husband and wife who reside at the property.

The hours of operation of the business are 07.15 to 18.00 Monday to Friday. The child minding service provided is fully licensed by Ofsted and has permission from them for up to 11 children to be cared for at any one time under the age of 8 years old.

Relevant Planning History

The application, received 26/09/2011, has come about as a result of enforcement, following allegations of a change of use of the premises from residential to childminding facility ref:11/0428.

Publicity

Immediate neighbours at 18 and 20 Waterside Close and 9, 15, 18, 20 and 22 Parkside Close were written to on the 19th October and 2 letters of objection have been received from 9 and 22 Parkside Close and their objections can be summarised as follows:

- traffic has increase over the years and it is now a nursery rather than a child minding business.
- noise has increased especially during the summer when children a playing in the garden and this affects the enjoyment of their own gardens.
- traffic arriving early in the morning and the evening causes disruption and is a safety hazard.
- fewer children would be acceptable as this would mean less traffic and disturbance.

7 letters of support have been received from 18 Waterside Close, 7, 15, 18, 20, 26 and 30 Parkside Close, 36 Horbury Drive and 22 Mellor Street and the supporting arguments can be summarised as follows:

- no problems with parking or congestion and parents of children being dropped off are considerate.
- a large driveway means parking is not a problem.
- it is a valuable asset to the community giving a very high level of child care.
- never had any noise from children being cared for and the only disturbance on the street is from local children playing which is not an issue.

Both the objectors and supporters have been informed of the Planning Control Committee meeting.

Consultations

Traffic Section - No objections

Childcare & Extended Services - Support the application and confirm Ofsted licence granted for the child minding business.

Baddac Access - Want to see facilities for disabled provided.

Unitary Development Plan and Policies

| | |
|-------|-------------------------------------|
| H3/1 | Assessing Non-Conforming Uses |
| H3/2 | Existing Incompatible Uses |
| CF5 | Childcare Facilities |
| HT5/1 | Access For Those with Special Needs |
| EC4/1 | Small Businesses |

Issues and Analysis

Use for Child Minding and licensing by Ofsted - The issue of businesses being run from homes is one that is accepted providing that it has no significant effect of the character or the area or leads to unacceptable levels of disturbance to neighbours. Child Minding is a recognised business that can be run from a domestic house providing that there are no major alterations, that rooms are not adapted specifically for the use and that any disturbance to neighbours is limited.

All Child Minders now have to be licence by Ofsted and inspected by both them and the Early Years team of the Council. The licensing of Ofsted is very strict and controls the ages and numbers of children that can be cared for and also the level of care and activities that the children need to be involved in as part of that care.

In this instance the husband and wife are both qualified as carers and the licence that they hold from Ofsted allows them to have up to 11 children within the age range of 0 to 8 years of age.

Currently the children they care for are as follows:

During the day (school hours 08.30 to 15.30) they care for a maximum of:

- 0 to 4 years of age - 6
- 4 to 8 years of age - 0

Pre and after School (07.15 to 08.30 and 15.30 to 18.00) they care for a maximum of:

- 0 to 4 years of age - 6
- 4 to 8 years of age - 5

Total 11 children

In addition the owners also have 2 children of their own.

No one is employed in the business other than the applicants who are the owners of the house.

The Early Years Team of the Council support the application as the owners of the property fully comply with the licence requirements of Ofsted. Given that the use is specialised and requires licensing it is recommended that should any consent be granted, it is restricted to the applicant and their partner and to no other person. The applicant has agreed to this condition.

Policy EC4/1 supports the creation of small businesses where there scale and impact is compatible to the surrounding area. It has been held by case law that Childminding for up to 6 children would not result in a change of use of a house, but that where over 6 children are cared for there may be such an impact as to warrant planning permission being needed and the impact being fully assessed. As such this use also needs to be assessed against Policy H3/1 - Non-Conforming Uses in a Residential Area.

Non-Conforming Use - Given that this use is in a house and can be classed as being a

non-conforming use in a residential area it needs to be assessed against Unitary Development Plan Policy H3/1. This sets out the following criteria in terms of measuring the impact the use will have on an area for uses such as the one being considered:

- noise
- traffic generation
- parking
- hours of operation

Noise - All children make noise, however, it is something most of us are used to and often adds to life rather than detracts from it. In this case the children cared for are in an environment where they have to be cared for in accordance with national regulations set by a government agency, Ofsted. Part of this regulation requires proper supervision of the children and as such whilst noise will be created, it is considered that the level of supervision should be such as to ensure that noise levels would be acceptable. Given that the children are only on the premises on working days and that the hours are restricted to between 07.15 and 18.00, it is not considered that noise levels would be sufficient to warrant refusal.

Traffic generation - The premises are on a domestic street that is a cul-de-sac. The house is centrally located along the street and the traffic generated by parents dropping of and picking up takes place at normal commuting hours. Given that there are 16 houses at this end of the cul-de-sac and a total of 30 served off this road, it is not considered that the maximum of 11 additional journeys in the morning and again in the evening are sufficient to cause congestion and warrant refusal. There is no objection from the Traffic Section.

Parking - The property has sufficient off street parking for up to 4 vehicles which is sufficient to allow the children to be dropped of and picked up without blocking the road. The nearest neighbour at No. 15 has written in support of the application. As such it is considered that the parking arrangements are acceptable and as such conform with Policy H3/1.

Hours of operation - These are 07.15 to 18.00 Monday to Friday. The applicant has agreed to a condition restricting the business to these hours and it is not considered that they are excessive or that they would cause such a disturbance as to warrant refusal.

Given the unique nature of this business it is recommended that should permission be granted that it is initially for a 3 year period so as to ensure that there is no unreasonable disturbance to the neighbours and that the operation of the business remains acceptable in a primarily residential area. With this condition it is considered that the proposal would accord with Unitary development Plan Policy H3/1 and be acceptable.

Access - BADDAC have requested adaptations to the premises for the disabled. However, given that this is a private home and that the Ofsted regulations already cover this issue where disabled children are cared for and have not required such adaptations, it is not considered reasonable to do so through any planning approval. As such an informative is recommended but no condition is required. Given the need to comply with Ofsted requirements it is considered that the use will conform with HT5/1 and is acceptable.

Summary of reasons for Recommendation

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

The application has been assessed as a non-conforming use in a residential area due to the number of children cared for at any one time. It is considered that with appropriate conditions the use will not be detrimental to the residential amenity of the neighbours to such an extent as to warrant refusal of planning permission and as such it conforms with Policy H3/1. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered No 1 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

2. The use hereby permitted shall be carried on only by Mr and Mrs Melia and shall be for a limited period, being the period of 3 years from the date of this decision, or the period during which the premises are occupied by Mr and Mrs Melia, whichever is the shorter unless a valid application is received by the Local Planning Authority for its retention.
Reason. The proposed use is not in accord with the character of the area and permission has only been granted given the particular circumstances of the applicant pursuant to policies of the Unitary Development Plan EC4/1 - Small Businesses and H3/1 – Assessing Non-Conforming Uses.

3. The premises shall only be used for Childminding between the hours of 07.15 and 18.00 Monday to Friday and at no other time.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC4/1 – Small Businesses and H3/1 – Assessing Non-Conforming Uses of the Bury Unitary Development Plan.

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

Ward: Whitefield + Unsworth - Besses

Item 03

Applicant: Architectural Services

Location: Shuttle Centre, Albert Road, Whitefield, Manchester, M45 8NH

Proposal: Change of use from local community/youth centre to educational centre (Class D1);
Provision of 3 metre mesh fence and gate around playground (resubmission)

Application Ref: 54491/Full

Target Date: 24/11/2011

Recommendation: Approve with Conditions

A site visit is requested by the Planning Control Committee at its last meeting.

Description

The Shuttle Centre is situated on the corner of Albert Road and Hazel Road. Currently vacant, the single storey building was formerly a youth and community centre. It has a vehicular and pedestrian entrance from Albert Road leading to a car park and turning area within the eastern half of the site. The main entrance into the building is on the east elevation. The site surrounded on three sides by housing and across Albert Road to the north is the playing field of St Michael's Primary School.

The proposal has two distinct elements:

- The change of use of the centre from its youth/community function to an educational centre. The local authority Children's Services have decided to relocate the small Pupil Learning Centre for primary aged children with behavioural and learning difficulties to the Shuttle Centre to take advantage of its under used capacity and youth facilities. The unit, which has approximately 10 pupils and two teaching staff, is currently housed in Whitefield Primary School.
- The erection of a green 3m high steel 'weld mesh' fence to form a playground (19.2m by 9.7m) on the eastern side of the building and enclosing the entrance. Access into the playground, and hence into the building, would be via a single controlled access gate.

Relevant Planning History

54371 - Provision of fencing to encompass a new playground area - Withdrawn by Applicant
26/09/2011

Publicity

Immediate neighbours at 38 - 71 Hazel Road, 4 and 6 Edward Drive, 2 Billberry Close and St Michaels Primary School Ribble Drive notified by letters dated 29/9/2011 and 24/10/2011.

One objection from 2 Billberry Close whose concerns are summarised below:

- Not enough residents have been notified.
- The proposed fence is higher than that normally allowed in the area.
- Increase in traffic.
- The use of the centre is costly and expenditure cannot be justified.
- All pupils should attract similar funding. This proposal is part of a system which penalises the majority of better behaved pupils.
- The Shuttle Centre should be sold to raise income to benefit all pupils and reduce costs to the taxpayer.
- His fence was damaged by the previous users of the centre. Are the Council going to repair it or increase its height to screen it from the site.

The resident at 4 Edwards Drive raised a number of site management issues such as the state of existing fencing and trees and these have been forwarded onto Children's Services.

All those commenting have been notified of the Planning Control Committee.

Consultations

designforsecurity - No objection.

Environmental Health - No objection.

Baddac Access - No objection subject to improved disabled access.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

HT2/4 Car Parking and New Development

HT5/1 Access For Those with Special Needs

CF2 Education Land and Buildings

Issues and Analysis

Use - Whilst still youth based, the proposal would alter the primary purpose of the centre from leisure to education. There would be two main differences in the use of the building.

- The opening times with the centre being open during normal school hours - 7.30am to 4.30pm, as opposed to the evening/ nighttime opening of the youth centre.
- There would be the additional use of the playground at break times.

Given its limited number of pupils and daytime opening, the proposed educational centre would be an acceptable new use for the building within this residential area. It would also improve existing educational facilities within the area and would comply with UDP Policy CF2 Education Land and Buildings.

Visual Amenity - The main difference externally would be erection of the weld mesh fencing around the proposed playground. Whilst this would, at a height of 3m, be higher than what would normally be seen in the area, it is set within the site rather than along the frontage or forming a boundary with neighbours, thus mitigating its visual impact. This element of the proposal, would on balance be acceptable and comply with UDP Policy EN1/2 Townscape and Built Design.

Residential Amenity - The nature of the proposed use would mean that whilst there would be some noise from the playground during break times, there would be less potential for noise disturbance in the evening. Given the limited numbers of pupils attending the centre and the fact that they would be supervised at all times, noise would be controlled and not excessive. In this respect the proposal is acceptable and complies with UDP Policies EN7/2 Noise Pollution and H3/1 Assessing Non-conforming Uses.

Access and Parking - The existing access would not change and the car parking capacity would be reduced from 12 to 6 spaces (including 1 disabled space). Given the scale and nature of the new use, the smaller parking capacity would be acceptable and would not have a detrimental impact on highway safety.

Objections - Given the nature of the proposal, it is considered that the number of neighbours notified has been sufficient. It is also noted that the proposal was reported in the Prestwich and Whitefield Guide on 6th October.

The fence, at 3m, is higher than most boundary fencing to educational establishments. The extra height is considered necessary for the extra care needs required to prevent children climbing over and running onto nearby busy roads. It is noted that the fence is not on the boundary and is set well back into the site and away from the back of the public footpath, thereby mitigating the impact of the additional height.

The concerns regarding the cost of the proposal and funding in general are not specific planning matters, but strategic issues for Children's Services and the wider Council.

The damage done to boundary fencing when the site operated as a youth centre is a site management issue and may well be addressed when the site and building is refurbished. It is not an issue that should affect this particular proposal.

Summary of reasons for Recommendation

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

The proposed education centre will help improve educational provision within the area without detriment to visual or residential amenity or highway safety. The proposal is considered acceptable and complies with UDP Policies listed. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered KB/01 11607/02 and 03 (Revised) and KB11607 (Existing) and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The car parking indicated on the approved plans shall be demarcated and made available for use prior to the education centre hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to UDP policies HT2/4 - Car Parking and New Development and HT5/1 – Access for those with Special Needs.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 04

Applicant: Woodcock Solicitors

Location: Land between Callender Court & 10 Callender Street, Ramsbottom, Bury, BL0 9DX

Proposal: Erection of 1 no. dwelling

Application Ref: 54513/Full

Target Date: 15/12/2011

Recommendation: Approve with Conditions

Description

The application site relates to a hard surfaced private car park and area of rough ground fronting Callender Street, Ramsbottom and is part of the Ramsbottom Conservation Area. The surrounding area to the west is predominantly residential in character with commercial businesses and retail shops to the east on Bolton Street. In the immediate vicinity, the site is bounded by terrace houses to the south, Callender Court apartments to the north, Back Bolton Street to the east and fronts Callender Road to the west.

The site slopes considerably from the front to rear boundary, with the "top end" a private car park for approximately 6 spaces in the use and ownership of a solicitors located on Bolton Street.

A scheme had previously been submitted for 2 dwellings. Whilst the principle of residential development was considered acceptable, there were design, access and parking issues which resulted in 5 reasons for refusal namely: substandard visibility from the proposed parking spaces, loss of on street parking spaces, unacceptable impact on the Conservation Area in terms of scale, massing and height, discordant building in terms of design and appearance in the Conservation area, inaccessible location of a disabled parking space. An appeal was lodged and subsequently dismissed on all counts apart from loss of on street parking.

This application is a resubmission and follows pre-application discussions with the LPA. The proposal has been reduced to one dwelling comprising 3 bedrooms with associated parking fronting onto Callender Street and garden area at the side.

The site is challenged by a difference in levels and a split level approach has been taken to utilise the gradient of the site. The frontage to Callender Street would have a single storey appearance and at the rear it would be 3 storey. There would be parking for 2 cars on a hardstanding at the front of the property and an enclosed bin store area. There would be private access steps along the northern elevation of the house which would be separated from the side of Callender Court by a landscape buffer. The garden area would be located to the south of the dwelling adjacent to No 10 Callender Street. The existing steps from Back Bolton Street are within the ownership and curtilage of the applicant and would be removed.

In design terms, a traditional approach has been taken. The frontage follows that of the adjacent Callender Court development, with stone walls and a slate pitched roof. At the rear, the three storey elevation reflects that of the adjacent properties No 6-10 Callender Street. The materials would comprise stone elevations, slate roof and sash windows.

Relevant Planning History

53379 - Erection of 2 No. dwellings - Refused 13/1/2011. Appeal dismissed 17/5/2011.

Publicity

40 letters sent on 20/10/11 to properties at Nos 44-72 (evens) Bolton Street; 6,8-10 Callender Street; 25-45 (odds) Callender Street; Flat 1-9 Callender Court, Callender Street; 94 Albert Street; 19 Central Street; Ramsbottom Heritage Society, Cross lane.

Five objections have been received from Nos 25, 27, 29 Callender Street, Flat 7 Callender Court, 56A Bolton Street which raises the following issues:

- No mention of the type of stone to be used;
- The frosted glass, hipped construction and stone quoins (apart from Callender Court) does not match the street scene;
- The hedged frontage is not in keeping with the street scene;
- An indication of the type of construction would be appreciated given the amount of excavation (residents suffered damage when piling was carried out to the adjacent Callender Court);
- The proposed steps to the side elevation adjacent to Callender Court could prove a security concern. The steps adjacent to No 10 Callender Street have been there too long to simply discard existing user rights;
- Excessive parking on site and provision of garages would impact on the parking for adjacent residential properties;
- The construction would cause subsidence, the heritage steps would be demolished and there would be inconvenience to neighbours from noise, dust and pollution.

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

Consultations

Traffic Section - No objection subject to conditions.

Drainage Section - No response received to date.

Environmental Health Contaminated Land - No objection subject to conditions.

Conservation Officer - No objection.

Waste Management - No objection

Environment Agency - No comments to make.

United Utilities (Water and Waste) - No objection subject to condition.

Unitary Development Plan and Policies

Area Market Place/Carr Street/Ramsbottom Lane

RM1

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

EN1/2 Townscape and Built Design

HT2/4 Car Parking and New Development

PPS3 PPS3 - Housing

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

RSS 13 Regional Spatial Strategy for the North West

HT6/2 Pedestrian/Vehicular Conflict

PPS23 PPS23 Planning and Pollution Control

Issues and Analysis

Policy - H1/2 - Further Housing Development states that regard should be given to the need to direct development towards the urban area thereby avoiding the release of peripheral open land, the suitability of the site in terms of land use and other policies and proposals of the Plan.

H2/1 - The Form of New Residential Development states that new development will take account of neighbouring properties, density and character of the area and external appearance.

H2/2 - The Layout of New Residential Development requires proposals to demonstrate acceptable standards of layout including parking, access, density and landscaping.

H2/6 - Garden and Backland Development has regard to the concentration and relative density of development in the surrounding area, impact on neighbouring properties and the local environment and access arrangements.

The site is in a sustainable location within the urban area, existing infrastructure and within a residential area. The principle of residential development is acceptable, subject to details of the scheme.

Conservation Issues - UDP Policy EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control seeks to preserve or enhance the character or appearance of the Borough's Conservation Areas and in considering new development has regard to the nature, bulk, height, materials, colour design and detail, relationship to the surrounding area and impact on the character and appearance of the surrounding area.

The Ramsbottom Conservation Area Appraisal and Action Plan 2006 describes the historical development of the area and its immediate surroundings and describes the elements which contribute to special characteristics.

"Proposals for development have so far not had a damaging impact on the area's character. Development sites present an opportunity to enhance the character of the conservation area through sensitive, contextual and sometimes innovative design..... As part of the planning process, particular care should be taken to ensure that all development proposals are sensitive to the character and special interest of Ramsbottom. Opportunities for contemporary design should be considered, as well as traditional design."

Design Issues -

Scale and massing - Typically, the residential properties on Callender Street and the surrounding area are small scale and predominantly 2 storey stone terrace houses. The adjacent development, Callender Court which was approved on appeal in 2002, deviates somewhat from the character of the area, with a bungalow style appearance fronting Callender Street, dropping to 3 storeys at the rear. This scheme attempted to respond to the character of Ramsbottom as a whole and the immediate area in particular through the mill like appearance when viewed from the rear of the site.

Likewise, the topography of the application site is similarly quite considerable and therefore a split level design is an appropriate solution. The roof height when viewed from the main street is proportionate in terms of scale to Callender Court and the ridge height reflects the eaves level of No 10 Callender Street. At the rear, the proposal again reflects the adjacent properties, being 3 storeys and split level. An outrigger with chimney detail would project from the main rear elevation down towards Back Bolton Street which would continue the building line of the adjacent properties when viewed from the street scene.

In terms of the scale of the proposal, the scale and massing is therefore considered to be appropriate to the surrounding land form and existing properties and would comply with UDP Policies H2/1 - The Form of New Residential Development, EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control.

Elevational Design - Generally in the Ramsbottom Conservation Area, a cautious approach has been taken to new development, largely following traditional forms and designs. Due to the 'layered character' of the town, side and rear elevations can be as prominent as front elevations. The proposed development seeks a traditional design approach.

Fronting Callender Street, the building reflects the design and materials of the adjacent flats, albeit the roof form would incorporate gables as opposed to hips. The elongated sash windows and lintel detail are a more traditional approach and embrace the character of the Conservation Area and the surrounding terrace properties.

At the rear, the design continues the traditional approach, with the addition of an outrigger, characteristic of many of the terraced properties in the Ramsbottom area. A vertical emphasis has been adopted in terms of fenestration and window openings, and the addition of stone quoins and window headers and sills are appropriate features that are common to the area.

In terms of the Conservation Area, it is considered the revised scheme would respect the character and special interests of Ramsbottom. The dwelling would replace a car park and rough grass bank and is seen as a positive addition in this area. The building would be of a traditional form and appropriate in design and scale with acceptable details and materials. The single dwelling would sit comfortably within the site and acknowledges the level constraints with the split level design.

The applicant has taken on board the issues raised with regards to the previous refusal as well as the Inspector's report and as such the design is considered a reasonable response to the issues raised.

The Conservation Officer has raised no objection to the application, subject to agreement of materials.

As such, the proposal is considered to comply with EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control.

Parking and access - The previous scheme located the parking at the rear of the site, accessed from Back Bolton Street. Access into and out of these spaces was considered sub-standard in terms of being able to manoeuvre into and out of the spaces safely. This proposal has resolved this issue by locating the parking to the front of the site and provides 2 spaces accessed from Callender Street. The Highway Section is satisfied with this arrangement and as such the proposal complies with UDP Policy HT6/2 - Pedestrian and Vehicular Conflict.

Residential amenity - There would be a distance of 19.5m between the habitable room windows in the proposed dwellings and the terrace properties opposite on Callender Street, and similar to that of the adjacent flats.

At the rear, the dwelling would be elevated above and at an angle to the rear of the properties fronting Bolton Street and would be 14m away. Generally a difference in levels between 2 sites would require a 16m separation distance. In this case however, the relationship would be similar to that of the adjacent development Callender Court, which does have habitable room windows on the rear elevation. Likewise there are 3 storey dwellings to the south of the site which have a much closer relationship to the properties on Bolton Street.

To the east there would be a distance of 4.5m to the flats at Callender Court. There are 2 windows on the side elevation of this building. These are to kitchens and as such not classed as habitable rooms.

As such, the position of the proposed dwellings is considered to be acceptable in terms of relationship to surrounding properties and would comply with UDP Policy H2/1 - The Form of New Residential Development.

Response to Objectors

- The steps adjacent to No 10 Callender Street are within the curtilage of the site and ownership of the applicant. There are another set of steps nearby to the north of the site which provides the same access route from the east of the town through to Callender Street and the surrounding area.
- Construction methods including excavation works and pilings of the dwelling would be an issue covered under the Building Regulations.
- Impact on residential amenity during the construction in terms of noise, pollution and

dust would be covered under separate Environmental Health Legislation.

- Issues relating to the design, materials and parking have been covered 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 proposed dwelling would not harm the character of the Ramsbottom Conservation Area nor the character of the surrounding area. It will not affect the amenities of the surrounding residents nor adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 148/PL01 - Layout and elevations; 148/PL03 Planning Application Landscape; PL148/D1 Sash window details; Design and Access Statement Revision A 18 October 2011 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. No development shall commence 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. The development hereby approved shall not be first occupied unless and until the redundant vehicular access onto Callender Street has been reinstated to adjacent footway levels and a new footway crossing provided as indicated on the approved plans and to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design in the interests of pedestrian safety

pursuant to Bury Unitary Development Plan Policy HT6/2 - Pedestrian and Vehicular Conflict.

6. The visibility splay indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Bury Unitary Development Plan Policy HT6/2 - Pedestrian/Vehicular Conflict.

7. 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 and EN2/1 - Character of Conservation Areas of the Bury Unitary Development Plan.

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

Ward: Bury East - Redvales

Item 05

Applicant: AMR Logistics (NW) Ltd.

Location: 356 Manchester Road, Bury, BL9 9NR

Proposal: Change of use from residential (Class C3) to children's day nursery (Class D1), single storey link corridor, external access ramp.

Application Ref: 54536/Full

Target Date: 14/12/2011

Recommendation: Approve with Conditions

Description

The application site comprises a vacant detached 2 storey single dwellinghouse within a large plot of 108m long and 22m wide.

The site is bordered to the north by a detached residential property (No 354 Manchester Road), to the east by the A56 Manchester Road, to the south by Tarn Drive, beyond which is the Swan and Cemetery public house and to the west by a semi-detached residential property (No 42 Tarn Drive). Existing vehicular access is off Tarn Drive and there is a pedestrian gate into the front of the property off Manchester Road.

The site is level throughout the main areas to the east but has a substantial slope down to the western part of the site. The site has a number of trees, 30 of which are subject to a Tree Preservation Order (TPO).

The application seeks the change of use of the dwelling to a children's day nursery. The only external building alteration would be a single storey link corridor and disabled access ramp to the rear of the building. The main vehicular entrance would be repositioned approximately half way along the site boundary with Tarn Drive, which would lead into the car park for 8 cars, a drop off area and the entrance to the building, which would be located on the western elevation. External play areas would be directly to the front and rear of the building.

The proposal would require the removal of a number of trees within the site and along the site boundary.

The nursery would provide provision for up to 35 children and employ 7 full time members of staff and operate weekdays between 7.30am and 6pm.

Relevant Planning History

43712 - Demolition of existing house and erection of new apartment block 2.5 storey in height - withdrawn - invalid 26/07/2005

44608 - Demolition of existing dwelling & erection of 3 storey block of 18 apartments & 1 house - withdrawn - invalid 26/07/2005

45048 - Demolition of existing dwelling and erection of 3 storey block of 18 apartments & 1 house - withdrawn - invalid 19/08/2005

51315 - Outline - Demolition of existing single dwelling and erection of up to 30 bedroom nursing home (Class C2) in a single 4 storey block with associated car parking - Refused 25/11/2009

Publicity

28 letters sent on 20/10/2011 to Nos 352, 354, 354A, 357, 359, 361, 363, 406 Manchester Road; Nos 27-41 (odds), and 42, Tarn Drive; 1, 6, 14 Westmorland Close; 55,57,59 Windermere Drive; 1, 3, 5 Lakeland Crescent; 17, 19 St Peters Road.

Two letters of objection received from Nos 19 St Peters Road, 359 Manchester Road, which raises the following issues:

- It is a residential area and do not want businesses to be run from this area;
- The traffic is bad enough without adding further parking/traffic congestion;
- There have been recent traffic accidents;
- There are more appropriate places for a nursery.

Letter of objection received from a Chartered Surveyor on behalf of No 354 which raises the following issues:

- More appropriate to remain as a residential property which would be in keeping with the surrounding properties;
- Major impact upon the locality and their enjoyment of their own property and would be detrimental in terms of noise from external play, noise and disruption from vehicle movements and commercial vehicles, noise from ventilation and extraction equipment and does not sit comfortably with private residential dwellings;
- There are more appropriate locations for this use;
- The proposed car park and drop off area would be directly adjacent to the rear wall of their sitting room and garden space;
- The provision of 8 spaces and 6 drop off spaces would be inadequate during busy times;
- Notwithstanding this, the amount of parking is excessive adjacent to a private dwelling;
- The site is populated by many mature trees under TPO that contribute to the character and amenity of the area;
- Question the view of the tree report which states that most of the trees are of low quality grade and could be removed due to their condition. Their removal would have a major impact on the character of the area and street scene;
- A previous application was refused due to loss of TPO trees and future of remaining trees;
- The information submitted is inadequate in respect of the age of the location plan, the lack of detail to show the relationship of Nos 354 and 356 and tree survey.

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

Consultations

Traffic Section - No objection subject to conditions.

Childcare & Extended Services - No comments received to date.

BADDAC - Access Group generally welcome the scheme, with a disabled parking space, new ramped access and disabled toilet provision. However, have concerns about the main entrance lobby - new door openings should be 1000mm wide plus the depth of the lobby is too small.

Pollution Control Section - Oppose the application in principle if there is an outdoor play area as there is a potential for the close/immediate residential neighbours to suffer disturbance and loss of amenity resulting from the noise of children playing outside.

Unitary Development Plan and Policies

| | |
|-------|---|
| HT2/4 | Car Parking and New Development |
| HT6/2 | Pedestrian/Vehicular Conflict |
| EN6 | Conservation of the Natural Environment |
| EN6/3 | Features of Ecological Value |
| CF1 | Proposals for New and Improved Community Facilities |
| EN1/2 | Townscape and Built Design |
| EN1/3 | Landscaping Provision |
| CF1/1 | Location of New Community Facilities |
| CF5 | Childcare Facilities |
| EN8/1 | Tree Preservation Orders |
| HT2/1 | The Strategic Route Network |
| HT5/1 | Access For Those with Special Needs |

| | |
|-------|---|
| SPD11 | Parking Standards in Bury |
| PPS9 | PPS9 Biodiversity and Geological Conservation |
| PPS23 | PPS23 Planning and Pollution Control |
| PPS7 | PPS 7 Sustainable Development in Rural Areas |
| EN8/2 | Woodland and Tree Planting |

Issues and Analysis

Policies - Unitary Development Plan Policy CF1/1 - Location of New Community Facilities considers proposals with regards to impact on residential amenity and local environment, traffic generation and parking, scale and size of development, access to shops and services, relation to local community, accessibility by public transport, needs and requirements of the disabled.

UDP Policy CF5 - Childcare Facilities seeks to support proposals for improving the provision of childcare.

The proposed site is located in an area close to local services and within walking distance of the local community and residencies which would benefit from the nursery use. Subject to details, the proposal is considered to be acceptable in this location in principle.

Residential amenity - The property most likely to be affected by the change of use is 354 Manchester Road. This house is set back in comparison to that of No 356, and is a split level design and 3 storeys in height. Part of the rear garden is elevated above the site and there is an external patio area at 1st floor level.

The proposed car park is shown to be to the west of the building with some of the spaces adjacent to the boundary with No 354. However, this would be 25m from the rear elevation of this house and it is considered there would not be excessive noise and disturbance from the parking area, particularly as there would only be 7 members of staff employed and the distances involved. Disturbance is more likely to occur when children are dropped off and picked up in the morning and evening. The applicant states that this would be managed by staff and these trips are usually staggered over a period of time.

The Pollution Control team have raised an objection to the proposal given the potential for the close/immediate residential neighbours to suffer disturbance and loss of amenity resulting from noise of many children playing in the outside areas of the property.

It is proposed to provide 2 external play areas. One to the front of the property which would be 14m from No 354 and well screened by trees, and one linked to the playroom at the rear of the property, which would be directly adjacent to the shared boundary with No 354. There is some tree planting along this boundary and the main living accommodation to No 354 is elevated above the site and at first floor level. The nursery would operate weekdays only during typical working hours, and the play area would be used during the daytime when people generally carry out their own day to day activities, unlike in the evening and weekend where it would be expected there would be some peace and quiet. Although there would be a degree of noise and activity in the rear part of the site, on balance it is considered the amenity of the occupiers of this property would not be seriously affected by the position of the external play area to warrant refusal of the application.

There is substantial planting along the rear of the site adjacent to No 42 Tarn Drive and there are no proposals to remove any of these trees. The layout is such that the closest part of the development - the parking area - would be 35m from the rear elevation of this property. It is proposed to replace the boundary fence to the southern corner of the site and along the western edge adjacent to 42 Tarn Drive and 59 Windermere Drive. As such, it is considered the layout would be acceptable in relation to these houses.

Nurseries are generally located in or near to residential areas and do integrate within the local community. Whilst the Pollution Control team raised objection, the layout of the site, the proposed number of children and staff and the hours of operation are considered

appropriate and reasonable for this location for the reasons stated in the report and as such considered to comply with CF1/1 - Location of New Community Facilities.

Visual amenity - External alterations comprise of the addition of a single storey link corridor to the rear of the building and a disabled access ramp. Positioned on the rear elevation, the additions would not be visible from outside the site and screened from No 354 by the existing garage. There would be no other changes to the fabric to the building.

The existing dilapidated fencing along the boundary with Tarn Drive would be replaced by a wire mesh fence with hawthorn planting to the rear to form a continuous secure boundary. The proposed boundary treatment would reflect that of the existing site and there would be no adverse impact on the surrounding area.

As such, the proposal complies with UDP Policies EN1/2 - Townscape and Built Design and CF1/1 - Location of New Community Facilities.

Highways - The existing vehicular access is from Tarn Drive. Given the proximity of Manchester Road to this entrance it is proposed to re-position the access further away from the junction, approximately half way along the site boundary with Tarn Drive. This would lead directly into the car park and a turning area for drop off and pick ups. The existing access off Tarn Drive would be maintained as a pedestrian access only. This change was recommended by the Highways officer to ensure safe access to the site.

The development would result in an increase in traffic to and from the site compared to a dwelling. However, there is adequate access into and out of the site off a wide main road and drop offs and pick ups would be staggered throughout the day. As such, the volume of congestion and traffic in the area would not be concentrated nor of such significance to adversely impact on highway safety. The Highways Section do not object to the proposal and it would comply with CF1/1 - Location of New Community Facilities and HT6/2 - Pedestrian/Vehicular Conflict.

Supplementary Planning Document 11 - Parking Standards in Bury states the maximum standard is 1 per full time equivalent staff member. There would be 8 parking spaces (including one disabled space provided) and 7 full time members of staff employed. The site is also located on a bus route with Manchester Road as the main arterial route through from Bury town centre to the south of the Borough. As such, the proposed car parking arrangements are considered acceptable and would comply with UDP Policy HT2/4 - Car Parking and New Development and SPD 11.

Access - There would be a 1:15 ramped access to the main entrance from the drop off area and car park. Internally, all passages and door openings would be wide enough for wheelchair access, and there would be provision of a disabled toilet. All access to the site would be off Tarn Drive. The proposal complies with UDP Policies HT5/1 - Access for Those with Special Needs and CF1/1 - Location of New Community Facilities.

Trees - A number of trees are located along and close to the frontage to Tarn Drive, and to a lesser extent, Manchester Road. There is also a large concentration of trees to the western section of the site.

There are 46 individual trees and 6 groups of trees on site. The proposed development would require the removal of 8 trees and 1 group. The tree survey identified that out of these, 2 trees would be recommended for removal in accordance with prudent arboricultural management, regardless of any proposals for the site. In addition, 4 of the individual surveyed trees and 1 group were also recommended for removal.

The tree survey also identified there to be a mix of trees in terms of their retention value. The majority of the trees were allocated low retention values "C" which are usually not retained where they constrain development. One tree was allocated a moderate value "B", which although is located internal to the site and partially visible from the public highway,

offers low amenity value to the area.

The larger trees close to the boundaries are visible from the public highway and offer a moderately high visual amenity in the immediate local landscape. The smaller trees located internal to the site are either partially visible or largely hidden from view, thereby offering a low visual amenity in the local streetscape. In front of the site on Manchester Road, the trees on Manchester Road afford good visual amenity value and are more beneficial to the street scene than those trees within the site.

There would be 38 trees retained on site and the survey concluded that the removal of the identified trees would have a relatively low impact on the area's visual amenity and could be mitigated through the provision of new planting with appropriate species. Subject to a condition to ensure the retained trees are adequately protected, the proposals are considered reasonable and acceptable and comply with UDP Policies EN8/1 - Tree Preservation Orders and EN8/2 - Woodland and Tree Planting.

Protected species - A bat survey of trees was carried out on those which are scheduled for removal. T22 requires careful felling under supervision. T29 was highlighted as a high bat roosting potential, requiring a further survey between May and September. With this in mind, T29 would be retained in its current state as it does not affect the proposed development. All other trees and shrubs can be felled with minimal risk to roosting bats, but to avoid problems with nesting birds, an informative will be included to restrict the removal of hedgerows outside of the nesting season.

As such, the proposal is considered to comply with UDP Policy EN6/3 - Features of Ecological Value.

Response to objectors - A previous application for the demolition of the dwelling and new build care home, was refused, with 2 reasons relating to trees - the impact of the removal of trees, and the future of the retained trees. The proposal would have resulted in a substantial rebuild which would have necessitated the removal of the same number of trees as proposed here, but also with significant implications for the remaining trees in terms of how their future growth would be affected by the extent of the new building. Whilst it is acknowledged the same tree survey has been submitted for this proposal, the trees have been identified as low value and offer little amenity value. It is considered that their removal would not significantly harm the amenity of the area, given there would still be substantial planting along all boundaries of the site which are visible from public view. In addition, the trees to the front of the site along the frontage of Manchester Road offer more valuable visual amenity.

The proposed single storey link corridor would be a minor addition and not impact on the future of the retained trees.

The objections relating to the proposed use of the building, traffic and access and layout of the site in relation to the adjacent residential property have been covered 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 proposed change of use and associated development would not harm the amenities of adjacent residential properties nor be detrimental to the character of the area. The scheme includes adequate parking provision and will not adversely impact on highways 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 11/211.SLP; 11/211.01; 11/211.04 D; 11/211.05 A; 11/211.06; 11/211.07 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. There shall be no direct means of vehicular access between the site and Tarn Drive other than the new access indicated on approved plan reference 11/211.04 Revision B.
Reason. To ensure good highway design in the interests of road safety pursuant to Bury Unitary Development plan Policy HT6/2 - Pedestrian and Vehicular Conflict.
4. The use hereby approved shall not be commenced unless and until the reinstatement of the redundant vehicular access onto Tarn Drive to adjacent footway levels, incorporation of a footway crossing for refuse collection purposes and creation of a new vehicular access have been implemented to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design in the interests of road safety pursuant to Bury Unitary Development Plan Policies HT6/2 - Pedestrian and Vehicular Conflict and HT2/4 - Car parking and New Development.
5. 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 use hereby approved commencing.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
6. No work shall commence until a method statement for work practices on site during conversion have been produced by a licensed bat worker and agreed in writing by the Local Planning Authority. The approved method statement only shall be implemented during any physical works to the building being carried out.
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.
7. No vegetation clearance shall be carried out on site between 1st March and 31st August inclusive in any year unless otherwise approved in writing by the local 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 and for the Protection of Nesting Birds, Wildlife & Countryside Act, 1981.
8. The proposed development shall be carried out in accordance with the recommendations of the bat survey dated 24th November 2011.
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.
9. 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.

10. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

11. 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.

12. The use hereby permitted shall not be open to customers outside the following times:

07.30 to 18.00 - Mondays to Fridays

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy CF1/1 - Location of New Community Facilities of the Bury Unitary Development Plan.

13. No development shall commence unless or until a scheme for the storage and collection of refuse has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the use hereby approved commencing and thereafter maintained at all times.

Reason. In the interests of amenity pursuant to Policy CF1/1 - Location of New Community Facilities of the Bury Unitary Development Plan.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 06

Applicant: Mr Booth

Location: Spring Street Sawmills, Spring Street, Ramsbottom, Bury, BL0 9JQ

Proposal: Demolition of existing sawmill and associated out-building, and construction of 5 no. three bed dwellings.

Application Ref: 54544/Full

Target Date: 09/12/2011

Recommendation: Approve with Conditions

Description

The site consists of a two storey stone building and a timber outbuilding, which were formerly used as a saw mill. The two storey building is located along the boundary with Back Spring Street and access to the site is taken from Caltha Street, which is an unadopted street. There are a number of trees along the northeastern boundary.

There are residential properties to the north, southeast and southwest of the site. Immediately to the west of the site are residential gardens, which are connected to the residential dwellings on Spring Street. The Major pub and a vehicle repair garage are located to the south of the site (at the junction of Caltha Street and Spring Street).

The proposed development involves the demolition of the existing buildings on site and the erection of 5 dwellings. The proposed dwellings would be two storeys with additional living accommodation in the roof space and would be constructed from stone and slate. Four of the dwellings would be located in the north western part of the sit with a small rear yard and large gardens to the front. The detached dwelling would be located in the north eastern part of the site with gardens on either side of the dwelling. The site would be accessed from Caltha Street and 10 parking spaces would be provided.

Relevant Planning History

None relevant.

Publicity

27 neighbouring properties (3, 8 - 28 (evens), William Booth & Sons, Spring Street; 1 Stanley Street; 1, 3, 5 Young Street; 140 - 160 (evens), The Major Hotel, Bolton Street) were notified by means of a letter on 19 October and a press notice was published in the Bury Times on 27 October. Site notices were posted on 21 October 2011.

16 letters have been received from the occupiers of 8, 12, 14, 16, 22 Spring Street; The Major Hotel, 140, 144, 146, 148, 152, 154 Bolton Street, Ramsbottom Heritage Society, which have raised the following issues:

- Impact upon property prices
- Prefer not to be overlooked from proposed dwellings
- Proposed development would lead to a loss of light
- Object to the loss of the tree
- Impact upon bats, birds and other wildlife
- Impact of visitors parking on the surrounding streets
- The applicant has not demonstrated that the site has been comprehensively marketed or that there is no demand for the site to continue as an employment site
- The proposed development would generate noise
- The proposed access along Caltha Street is unsuitable.
- Impact upon local residents during construction.

- The existing drainage system could not cope with more housing
- A wall or strong fence should be provided along the boundary with Spring Street gardens.

The objectors have been notified of the Planning Control Committee.

Consultations

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

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

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

Environmental Health - Pollution Control - No response.

Conservation Officer - No objections.

Wildlife Officer - No objections, subject to the inclusion of a condition relating to nesting birds.

Waste Management - No objections.

Designforsecurity - No objections.

Baddac - Seek clarification as to whether the proposal would comply with lifetime homes standards.

Unitary Development Plan and Policies

| | |
|-------|---|
| EC2/2 | Employment Land and Premises |
| H1/2 | Further Housing Development |
| H2/1 | The Form of New Residential Development |
| H2/2 | The Layout of New Residential Development |
| EN1/1 | Visual Amenity |
| EN1/2 | Townscape and Built Design |
| EN2/1 | Character of Conservation Areas |
| EN2/2 | Conservation Area Control |
| EN6 | Conservation of the Natural Environment |
| EN6/3 | Features of Ecological Value |
| EN7 | Pollution Control |
| EN7/2 | Noise Pollution |
| EN7/5 | Waste Water Management |
| EN8 | Woodland and Trees |
| EN8/2 | Woodland and Tree Planting |
| HT2/4 | Car Parking and New Development |
| SPD6 | Supplementary Planning Document 6: Alterations & Extensions |
| SPD11 | Parking Standards in Bury |
| PPS9 | PPS9 Biodiversity and Geological Conservation |
| PPS23 | PPS23 Planning and Pollution Control |

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 EC2/2 states that the Council will seek retention of existing employment land and purposes outside Employment Generating Areas except where it can be clearly demonstrated that an existing employment site or premises is no longer suited in land use terms to continued employment use.

The proposed development is located within the urban area and within a residential area in particular. As such, the proposed development would not conflict with the surrounding land uses. The site was previously used as a saw mill and as such, the land would be classed as previously developed land. The site was assessed as part of the Employment Land Review

and was found to be unsuitable for continued employment use. As such, the release of the site for alternative uses would be acceptable in principle. Therefore, the proposed development would be in accordance with Policy H1/2 of the adopted Unitary Development Plan.

Design, siting and layout - The existing building was constructed in the mid nineteenth century. The building was considered at the time of the extension to the Conservation Area and while it was of some interest, it was not considered to be of sufficient quality to warrant its protection. As such, the demolition of the building would be acceptable and would not harm the character or appearance of the Conservation Area.

Four of the proposed dwellings would be located in a terrace in the northwestern part of the site, which is some 3 metres lower than Back Spring Street and one dwelling would be located in the north eastern part of the site. The dwellings would be two storey properties with additional living accommodation in the roof space and would be constructed from stone and slate. The proposed dwellings in the north western part, would be located at a lower level (3 metres lower) than the adjacent access road and the relationship between the proposed and existing dwellings would equate to one and a half storeys. Therefore, the proposed dwellings would not dominate the surrounding buildings and would be appropriate in terms of height and scale.

The level of amenity space for each dwelling would be acceptable with rear yards and front and side gardens being provided. Space has been allocated within the rear yards and side gardens for the storage of bins and a collection point would be provided near the entrance gates. The Drainage Section has no objections to the proposal, subject to the inclusion of a condition requiring full details of the foul and surface water drainage to be submitted to and approved by the Local Planning Authority. Therefore, the proposed development would not have an adverse impact upon the drainage of the surrounding area, subject to conditional control. Therefore, the proposed development would be in accordance with Policies H2/1, H2/2, EN1/2, EN2/1 and EN2/2 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 9.2 metres from the rear elevation of No. 18 Spring Street to the gable elevation of the proposed dwellings. The proposed dwellings would be set 3 metres lower than the access track and 1 and a half storeys off the dwellings would be visible. As such, the distance of 9.2 metres would be acceptable and would not have an adverse impact upon the amenity of the neighbouring properties.

There would be 20 metres between the proposed dwellings and 14 metres from the rear elevation of No. 146 Bolton Road to the blank rear elevation of the proposed dwelling. Therefore, the proposed development would be in excess of the aspect standards in SPD6 and would not have an adverse impact upon the amenity of the neighbouring properties.

Birds and bats - A bat survey has been submitted with the application, which concludes that the buildings are of low risk. The report recommends that a bat ecologist should be present to oversee the removal of the ridge and roof slates. The Wildlife Officer has no objections in terms of bats, but there needs to be a condition relating to nesting birds. Therefore, 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.

Trees - A tree survey has been submitted as part of the application and identifies two trees to be removed. Tree T1 should be felled as it is in a poor condition and showing signs of decay and one tree within Group G1 would be removed as a result of the proposal. All the remaining trees along the northwestern boundary would be retained and the loss of a single tree would not impact upon the visual amenity of the area. As such, the proposed development would not have an adverse impact upon the streetscene or the character of

the Conservation Area.

Highways issues - The proposed development would maintain access to the existing properties that front onto Bolton Street. The visibility splays at the junction with Caltha Street would be acceptable. The Traffic Section has no objections, subject to the inclusion of conditions relating to the implementation of turning facilities and car parking. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies H2/2 and HT2/4 of the adopted Unitary Development Plan.

Parking - SPD11 states that the maximum parking spaces should be 2 spaces per 3 bedroom dwellings, which equates to 10 spaces. The proposed development would provide 10 parking spaces and as such, would comply with the maximum parking standards. Therefore, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Response to objectors

The issues of loss of light, loss of privacy, overlooking, impact upon bats, birds and wildlife, impact on trees, parking and access and employment land have been addressed within the above report.

The existing use of the site as a saw mill could generate a lot of noise, whereas the proposed residential development is more likely to be quieter by comparison. As such, the proposed development would not impact upon the amenity of the neighbouring properties in terms of noise.

The issues of loss of view, impact upon property prices and the impact upon local residents during construction are not material planning considerations and cannot 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 is acceptable in principle and would not have a significant adverse impact upon the amenity of the neighbouring properties. The proposed development would not be unduly prominent in the locality nor would it be detrimental to highway safety. The proposal complies with the relevant policies in the Bury Unitary Development Plan.

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 bb2-00, bb2-01, bb2-02, bb2-03B, bb2-04, bb2-04C, bb2-05, bb2-06, bb2-07, bb2-08B, Tree survey plan, Arboricultural implications assessment site plan, Arboricultural method statement 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.
3. No development shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site

- shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

5. Following the provisions of Condition 3 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

6. The 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.

7. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

8. 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.

9. The demolition hereby approved shall be carried out in accordance with the recommendations in the bat survey, dated 13 October 2011, 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.
10. Prior to the commencement of development, details relating to the proposed boundary treatment along Back Spring Street 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.
11. The turning facilities on Caltha Street indicated on approved plan reference bb2-03 shall be provided before the development, other than the demolition of the existing buildings, is commenced 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 H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
12. The car parking indicated on indicated on approved plan reference bb2-03B 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.
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 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 approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the dwellings hereby approved.
Reason. To ensure a satisfactory arrangements for the disposal of foul and surface water pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.

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

Ward: North Manor

Item 07

Applicant: Mrs Howarth

Location: 1 Greenside Close, Tottington, Bury, BL8 4LE

Proposal: Single storey extensions at front/side and rear and roof extension to form 1st floor

Application Ref: 54548/Full

Target Date: 29/12/2011

Recommendation: Refuse

This application is being presented to the Committee at the request of Cllr Y Wright.

A site visit has been organised for this item at the recommendation of the Assistant Director of Planning, Environmental and Regulatory Services.

Description

The site property is a 'linked' bungalow in that 1 to 5 Greenside Close and 6 to 10 Hawkshaw Lane are all attached to each other.

The bungalow is the first property on Greenside Close at the junction with Moorway which leads off Hawkshaw Lane and it is attached to 3 Greenside Close and 6 Hawkshaw Lane. The property has an open aspect to the frontage to Greenside Close and a high hedge along the Moorway frontage.

Greenside Close slopes up from its junction with Moorway and as a consequence No. 3 has a ridge line approximately 800mm higher than No. 1. The rear gardens of this property and No. 6 Hawkshaw Lane are separated by a 2m high wall.

The application involves the re-roofing of the existing property so as to allow space in the roof for living accommodation with single storey extensions to the front and side (Moorway frontage). To the rear, the living room would be extended out to meet the level of the rear of the existing garage. The new roof would have a small dormer on the Greenside Close frontage, 3 roof lights to the front and 2 to the rear. The extension to the front and side will allow more circulation space on the ground floor and an extension to the kitchen area. Materials for the extensions and new roof would be similar to the existing property.

Relevant Planning History

00911/E - Single storey extensions at front, side and rear; Roof extension to form first floor - a pre-application enquiry was received as the proposed extensions were complex and as such the scheme submitted had been designed to take account of the Council's adopted policy in terms of SPD 6.

Publicity

14 notification letters were sent on 03/11/11 to addresses at 2,3,4, Greenside Close, 6 & 8 Hawkshaw Lane, 2-12 Moorway and 7 responses have been received. 6 are objections from addresses at 6 & 8 Hawkshaw Lane and 2, 3, 5, 6 Greenside Close and one anonymous letter of support. Their comments in summary are:-

- The extension will affect the light and view to 6 Hawkshaw Lane
- The extension would break the 45 degree rule in respect of 6 Hawkshaw Lane
- The rear windows will overlook the property and garden of 8 Hawkshaw Lane
- A second storey will be out of character with the rest of the close
- Approval will set a precedent for others to follow completely altering and ruining the whole make up of the street
- There is a problem of a certain amount of light deprivation to the adjacent houses

- A similar was rejected about 4 years ago

Consultations

None

Unitary Development Plan and Policies

| | |
|------|---|
| H2/3 | Extensions and Alterations |
| EN6 | Conservation of the Natural Environment |
| SPD6 | Supplementary Planning Document 6: Alterations & Extensions |
| PPS9 | PPS9 Biodiversity and Geological Conservation |

Issues and Analysis

Policy - All applications for domestic extension are assessed against the adopted policy of the Council in terms of both the Unitary Development Plan and Supplementary Planning Documents. The UDP has policy H2/3 and SPD 6 Alterations and Extensions to Domestic Properties was original adopted by the PCC in 2006 and re-affirmed as Policy in January 2010. SPD 6 sets out criteria to assess the impact of extensions on the neighbourhood as well as the neighbours in terms of residential and visual amenity and also covers issues such as protected species.

In terms of this application the main areas of concern relate to the impact the increase height of the roof will have on the street scene and the neighbours and the positioning of new doors and windows in relation to the existing windows of the neighbouring properties.

Visual amenity - The new roof will be seen from Greenside Close, Moorway and Hawkshaw Lane. Whilst higher than the existing roof, it would be seen in conjunction with the neighbours roof at No 3 Greenside Close, which is already higher than the existing applicant's roof. The ridge height of the new roof would be similar to that of the neighbour and as a consequence it is not considered that it would be so different as to create any adverse impact on the street scene to warrant a refusal of permission. The dormer in the roof would be small and in keeping with the roof. Many properties in the area have large dormers and as such this feature is acceptable in the street scene.

The extension to the front of the existing property would be 1.8m deep and with a pitched roof. Whilst it will be different from the other bungalows on the street, again, it is not so different as to appear so out of place and would be the same depth as the existing porch on the front of the bungalow. Again, many other properties have similar front 'porch' type extensions. The extension on the Moorway elevation would be 2m wide and would be set back 3m from the pavement/hedge on Moorway. The set back would conform with the guidance in SPD 6 and the high hedge further mitigates its visual impact. As such it is considered that in terms of visual amenity the proposed extensions would comply with SPD 6 and are acceptable.

Residential amenity - The positioning of the new doors and windows in the extensions and roof would be such that the Council's aspect standards would be met in terms of distance between habitable room windows and other windows as well as blank walls. In terms of No. 6 Hawkshaw Lane, there is a 2m high brick wall between the properties and the roof light to the new bedroom to the rear would be over 1.7m from finished floor level, ensuring that no overlooking occurs. In addition, the relationship of the roof to the closest habitable room window to the adjoining section of No. 6 means that if a 25 degree line were drawn from the window cill of that property, the new roof would not intervene this line, thus indicating full compliance with the Council's adopted standards, in terms of the '45 degree rule' which ensures no significant loss of light or overshadowing to any unacceptable level.

Ecology - A bat survey was carried out which recommends further surveys, including evening emergence surveys, as evidence of bats was found. These would need to be carried out when bats are fully active between May and September. Given this situation, there is insufficient information to determine the full extent of the impact upon protected species arising from the proposals at this time.

Response to objections - The impact on the existing property and the street scene is covered in the above report.

No.8 Hawkshaw Lane is not directly to the rear it is No.6 which is. There would be no reduction in privacy to No.6 or 8 as the roof light to the rear is at a height above 1.7m from floor level to the bottom of the window.

The refusal referred to was an application at No.7 Greenside Close (48444) which was not refused on design grounds but its impact on the amenity of No.10 due to its height,size and position and was a significantly different proposal to the one under consideration here.

The proposal would then comply with UDP Policy H2/3 and SPD 6 - Alterations and Extensions to Residential Properties in terms of visual and residential amenity. However, there is insufficient information to assess the application with regard to the impact upon protected species, in particular bats, which means that the proposals would be contrary to UDP Policy EN6 - Conservation of the Natural Environment and Planning Policy Statement 9 - Biodiversity and Geological Conservation.

Recommendation: Refuse

Conditions/ Reasons

1. The application and submitted plans and reports contain insufficient information regarding the impact of the proposed development on bats, which are a protected species under the 1981 Wildlife & Countryside Act (as amended). The proposal is therefore contrary to Policy EN6 – Conservation of the Natural Environment of the Bury Unitary Development Plan and Planning Policy Statement 9 - Biodiversity and Geological Conservation.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 08

Applicant: Mr James Linton

Location: 217 Nuttall Lane, Ramsbottom, Bury, BL0 9LD

Proposal: Erection of building to be used for vehicle repair and maintenance (resubmission)

Application Ref: 54570/Full

Target Date: 09/01/2012

Recommendation: Approve with Conditions

Description

The site is an area of land adjacent to No 217 Nuttall Lane. To the north is open land which drops steeply away from the site boundary and is allocated as Green Belt, River Valley and Special Landscape Area in the Bury Unitary Development Plan. To the east is land utilised by the applicant for their business. To the west is an access road which leads off Nuttall Lane to a car park area adjacent to houses on St Andrew's Close.

Background - The application site has the benefit of a lawful use for B2 General Industry from which the applicant runs a vehicle repair business. The use of the site is established under an Lawful Development Certificate granted in 2009 by virtue of the land being used for a period of more than 10 years for the purpose of vehicle repair and maintenance. There was previously a workshop on the land which has been removed from the site.

Enforcement background - The applicant has been the subject of enforcement action taken for the unauthorised use of land for the vehicle repair business, the siting of 3 containers and the erection of a portal frame building on an area of land to the east adjoining No 221, which did not have lawful business use permission. The portal frame building has been dismantled and the unlawful use of the land has ceased. The containers have not been removed. Enforcement action is currently being taken against them.

Proposal - This application is for the erection of a building and store/office in association with the vehicle repair business. The proposed building would be positioned in the northern corner of the site. It would be 8m wide, 9m long and 3.7m high. The office/store would be attached at the rear (internally accessed through a doorway) and would be 4.8m wide, 4m long and 2.5m high. The building would be constructed using a steel frame and clad with green metal sheeting and there would be 2 roller shutter doors to the front elevation for access. There are no changes proposed to the existing access arrangements for the site.

A previous scheme for a larger building was refused by reason of its detrimental impact on the visual amenity of the area and intensification of use of the land to the detriment of residential amenity. An appeal was lodged and dismissed by the Planning Inspectorate. It was concluded that the proposal would have a significant adverse effect on the character and appearance of the surrounding area and this was not outweighed by the lack of harm in relation to local living conditions or other matters.

Relevant Planning History

51353 - Certificate of lawful development the existing use of land and maintenance garage for the carrying out of vehicle repair (Use Class B2) - Lawful Development 15/07/2009

52880 - Erection of building to used for vehicle repair and maintenance; Siting of 3 containers - Refused 09/09/2010

53469 - Erection of building to be used for vehicle repair and maintenance. (Resubmission of 52880) - Refused 14/02/2011. Appeal dismissed.

09/0069 - Running car repair business from home/large container in back garden -

Enforcement Case - 14/05/2009

09/0459 - Erection of garage building - Enforcement Case - 21/10/2009

11/0150 - Change of use of land to storage - Current Enforcement case. Enforcement Notice served.

Publicity

35 letters sent on 17/11/2011 to properties at Nos 1,3,5,4,6,8,10, Whittingham Drive; 152, 154,156,158, 160, 221 Nuttall Lane; 12,15,17,18,20,22 Lilburn Close; 19 Vale Coppice; 39 Hillside Road; 21 Earl Road; 73 Moorside Road; 20 Marlborough Close; 60, 62, 87,89,91,93,95,97,99,101,103 St Andrews Close.

Three letters of objection received from 158 Nuttall Lane, 103 St Andrews Close and one e-mail address (no postal address given) which raises the following issues:

- The development would be inappropriate in a Green Belt agricultural and residential area;
- Seriously detrimental to the character of the Green Belt and to maintaining openness of the area, as well as detrimental to the visual amenity of the local residents;
- Problems with this type of works by associated nuisance, involving noise, fumes, movement of vehicles and plant hire and customers on this land, the proposal is within 25m of the child care nursery run from the same address;
- The area would like an industrial site and a scrap yard and there would be an increase in scale of the business;
- Heavy machinery is used daily and is very loud;
- There is increase in traffic in terms of customers and deliveries, and if granted the business will expand and exacerbate the problems raised;
- Loss of privacy due to customers to the site;
- The area would be polluted with garage waste, oil, filters, batteries etc, and would be flammable and a fire hazard;
- Would be in breach of UDP Policies;
- This area is totally residential and provides access to Nuttall park for children, walkers, cyclists, rambles;
- It is on a bus route and walking bus route for school children which would be in conflict with using the access to the workshop;
- The wildlife in the area would be affected as would an area of outstanding beauty;
- The development would be best suited elsewhere in an industrial site;
- There is already a parking problem in the area and the site contributes further to this with accident damaged vehicles left by the road side. Would there be additional customer parking provision?;
- There is no difference in this resubmission as the facts are the same as the previously refused application;
- What action has been taken since the previously refused scheme?

One letter of support received from N0 73 Moorside Road with the following comments:

- Fully endorse the efficient and effective work the business has provided in the past. As a local resident, it is in the applicant's interest to ensure the local community continues to be environmentally friendly.

Those who have made representations have been informed of the Planning Control Committee meeting.

Consultations

Traffic Section - No objection.

Drainage Section - No comments received to date.

Environmental Health Contaminated Land - No objection.

Environmental Health Pollution Control - No objection subject to condition.

Public Rights of Way Officer - There are no public rights of way affected.

Unitary Development Plan and Policies

| | |
|-------|---|
| OL1 | Green Belt |
| OL5/2 | Development in River Valleys |
| EN6/4 | Wildlife Links and Corridors |
| EN9/1 | Special Landscape Areas |
| EN1/2 | Townscape and Built Design |
| EC4/1 | Small Businesses |
| OL1/2 | New Buildings in the Green Belt |
| EN7/2 | Noise Pollution |
| H3/1 | Assessing Non-Conforming Uses |
| H3/2 | Existing Incompatible Uses |
| EN1/1 | Visual Amenity |
| SPD8 | DC Policy Guidance Note 8 - New Buildings in the Green Belt |
| EN8/2 | Woodland and Tree Planting |

Issues and Analysis

Policies - OL1/2 - New Buildings in the Green Belt - Inappropriate development unless for agriculture and forestry, outdoor sport and recreation, limited residential extensions, limited village infill. DCPG Note 8 contains additional guidance on acceptability of proposed development in the Green Belt.

OL5/2 - Development in River Valleys - New buildings or change of use of land will not be permitted unless it does not lead to the division of open parts of the land or fall within the remit of Green Belt land, or where there are circumstances relating to an established area, economic importance and associated outdoor facility essential to public services.

EN9/1 - Special Landscape Areas requires proposals to be strictly controlled and be sympathetic to its surroundings in terms of visual impact. High standards of design, siting and landscaping will be expected and unduly obtrusive development not permitted in such areas.

EC4/1 - Small Businesses - Proposals are acceptable when the scale of development is appropriate to and compatible with the surrounding area and where they do not conflict with other policies and proposals.

H3/1 - Assessing Non-Conforming Uses - Assesses proposals in primarily residential areas and takes into account impact on amenity in terms of noise, vibration, smells, fumes, visual intrusion, traffic generation and hours of operation.

H3/2 - Existing Incompatible Uses - Where these operate within residential areas, the Council seeks to ensure any existing conflicts are resolved where possible and implement measures to control future land uses and intensification or expansion where possible to minimise areas of conflict or possible nuisance.

Principle - The application site boundary is directly adjacent to land designated as Green Belt and River Valleys. The building would be entirely within the curtilage of the area designated as lawful business use, and would be wholly outside the Green Belt and River Valley.

The erection of a building to support a Small Local Business under UDP Policy EC4/1 may be acceptable in principle, although it would be subject to scale of development, compatibility with the surrounding area in which it is to be located, of a suitable size and appearance and not conflict with other policies and proposals of the plan.

Residential amenity - It is accepted that the application site edged red on the location plan has lawful B2 use by virtue of an established business use for a period of more than 10 years. There was a small workshop on the site which has been removed. Notwithstanding this, the use of the land for business purposes is considered to be a non-conforming use in a residential area as assessed against UDP Policy H3/1.

Impact on outlook - The building would be located adjacent to an area used by residents of St Andrew's Close to park their vehicles. It would be sited 37m from No 89 and 26m from No 103. There is an access road and some boundary planting which would act as a buffer between the sites. A condition to submit additional landscaping along this boundary would provide additional screening to this part of the site and improve the visual relationships. As such, the residential properties are considered to be a sufficient distance from the proposed siting of the structures and there would not be a detrimental impact on the outlook from these houses.

Intensification of use - The size of the proposed building would facilitate 2 cars which could be worked on at any one time, as well as having the use of the surrounding land where vehicles can be worked on out in the open.

The previous scheme was refused, in part, on residential amenity issues, due to the intensification of the use of the land and associated increase in noise, disturbance and general activities connected with the use. Whilst the Inspector agreed that the use could become more intensive, a building was considered to be balanced with the benefits that would arise from repairs being carried out inside the building, which could potentially reduce noise and disturbance, as well as the benefits from being able to control the proposal through planning conditions. Overall, the Inspector considered the proposal would not necessarily be harmful to local living conditions.

In response to this, the applicant has provided a site layout plan and floor layout of the proposed building to show how the business operates on site. The building would house 2 ramps and equipment and machinery associated with the car repair works would be stored inside. The only cars parked outside would be those waiting to be worked on once there was space in the building.

In terms of noise mitigation, the building would be enclosed on 3 sides, with 2 roller shutter doors on the front elevation facing into the site. Whilst there would be some noise from cars being brought onto the site and into the building, overall, noise would be reduced as the cars would be worked on inside the building, compared to currently where all works are carried out in the open.

The Pollution Control Team have not raised an objection to the application, although they recommend conditions to submit a noise survey to measure the ambient noise levels on site, to restrict the hours of operation and to insulate the building to an approved standard, which would be less disruptive to local residents.

With these mitigating factors, and the condition to provide additional boundary treatment to the west, the proposal is considered to be acceptable and comply with UDP Policies H3/1 - Assessing Non-Conforming Uses and H3/2 - Existing Incompatible Uses.

Visual amenity - Whilst the proposed building would be sited outside the Green Belt, Area of Special Landscape and River Valleys, it would still be close to the boundary and visible against the backdrop of this sensitive area.

In support of the previous reason for refusal, the Inspector agreed that the proposed building would appear large and visually prominent when viewed from Nuttall Lane and nearby dwellings and from the open Green Belt land at the rear of the site would appear unduly large, bulky and visually prominent. The Inspector was not convinced that a building of the proposed overall scale and mass was necessary and concluded it would have a significant adverse effect on the character and appearance of the surrounding area.

The applicant has taken on board these comments and proposes mitigation measures to overcome the previous objections and reasons for refusal.

The height of the main building has been reduced to 3.7m (from 5m on the previous scheme). The applicant states that the height of the building cannot be reduced any further

as it would prevent a car being lifted on the ramp to allow it to be worked on. Consideration therefore has to be given between striking a balance between the potential impact of the size and scale of the building in visual amenity terms, with containing activity within a building to reduce impact on nearby residents.

Whilst the position of the building remains the same as the previous scheme, additional landscaping along the northern and eastern boundary would screen the building when viewed from the Green Belt and would reduce the impact on the openness of the Green Belt and River Valley when viewed from outside the site area to the south.

The width remains the same at 8m and the length has been reduced by 1m to 9m. The attached store and office would be 2.5m high and centrally positioned against the larger build when viewed from the open land to the north. This smaller building would be akin to the size of a domestic garage and considered not to have a detrimental impact on visual amenity.

As such, it is considered the applicant has responded to the issues raised from the previous application and has achieved a satisfactory scheme which would be compliant with OL1/2 - New Buildings in the Green Belt, OL5/2 - Development in River Valleys and EN9/1 - Special Landscape Areas.

Enforcement - The applicant is subject to an Enforcement Notice requiring the removal of 3 unauthorised containers on land which does not have the benefit of the lawful business use. A prosecution is pending and the matter is currently with the legal department.

Response to objectors - Regarding local concerns about safety and the use/storage of certain equipment and chemicals, these are controlled by other legislation. The issues of impact on visual amenity, residential amenity and enforcement issues have been covered 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 proposed development is such that its size and position will not harm the openness of the Green Belt nor the character of the surrounding area. It will not affect the amenities of surrounding residents nor adversely impact on highway safety issues
There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered - SAA/1726/01 - site edge red; 1726/04B; 1726/05 - 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 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 6 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees

or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

4. The area marked blue and annotated as parking area on plan no 1726/05 shall be used for the parking of vehicles only and there shall be no vehicles repaired in this area.
Reason. In the interests of residential amenity pursuant to Bury Unitary Development Plan Policies H3/1 - Assessing Non-Conforming Uses and H3/2 - Existing Incompatible Uses.
5. Noise from or associated with the proposed activity/development hereby permitted shall not increase the prevailing ambient noise levels as measured at the boundary of the site. The ambient noise levels shall be determined by survey prior to any development taking place by the applicant, in a methodology to be first approved in writing by the Local Planning Authority (LPA). A copy of the survey report findings shall be provided to the LPA before any development takes place.
Reason. To protect the amenities of occupiers of nearby properties pursuant to Bury Unitary Development Plan Policy EN7/2 - Noise Pollution.
6. The development hereby approved shall not be brought into use unless and until the building has been insulated entirely in accordance with a scheme submitted to and approved in writing by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the building.
Reason. To protect the amenities of occupiers of nearby properties pursuant to Bury Unitary Development Plan Policy EN7/2 - Noise Pollution.
7. The hours of operation of the approved building shall be restricted to between 8am and 5.30pm Monday to Friday and 8.30am to 2pm on Saturdays, and no working on Sundays or Bank Holidays.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy H3/1 - Assessing Non-Conforming Uses of the Bury Unitary Development Plan.

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

Ward: North Manor

Item 09

Applicant: Mr & Mrs Paul Buckley

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

Proposal: Erection of 1 no. dwelling

Application Ref: 54574/Full

Target Date: 20/12/2011

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 No. 1 Summerseat Lane is a Grade II listed building.

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

The proposed development involves the erection of a detached dwelling with an integral garage. The proposed dwelling would be constructed from stone and slate and would have 5 bedrooms. 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 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. Approved with conditions - 12 October 2011

54367 - 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) at land at 27 Pot Green, Holcombe Brook. Withdrawn - 20 October 2011
Withdrawn as a emergence bat survey was required.

54368 - 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) at land at 27 Pot Green, Holcombe Brook. Withdrawn - 20 October 2011
Withdrawn as a emergence bat survey was required

Publicity

27 neighbouring properties (Pot Green Farm, 18,18A, 19, 20, 20A, 21, 29, 30 Pot Green; Cherry Trees, 1, 6 - 68, 72, 77 Summerseat Lane; 1, 3, 5, 7 Treetops Avenue; 19 - 21a Longsight Road; Woodcocks Solicitors & Hartley Planning & Development Associates) were notified by means of a letter on 26 October and a press notice was published in the Bury Times on 3 November. Site notices were posted on 2 November 2011

6 letters have been received from the occupiers of Cherry Trees, 62, 77 Summerseat Lane, 5 Treetops Avenue, Woodcocks Solicitors, which have raised the following issues:

- The proposed development would have an adverse impact upon the wildlife corridor.
- Weight should be given to previous objections
- The proposal would have an adverse impact upon traffic
- The proposed development would set a precedent for more dwellings
- The proposed development would have an adverse impact upon a protected tree
- The access onto Summerseat Lane has not been applied for or approved by the Council
- Object to the siting of the wheelie bin collection point
- Shouldn't all proposals be stopped until a bat survey has been undertaken

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.

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

Public Rights of Way Officer - No objections.

Waste Management - No objections.

United Utilities - No objections, subject to the inclusion of informatives.

Unitary Development Plan and Policies

| | |
|-------|---|
| EN8/2 | Woodland and Tree Planting |
| 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 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 and impact upon surrounding area - The proposed dwelling would be L shaped and would include an integral garage and home office above. The proposed dwelling has been designed to complement the existing buildings on site and is relatively simple in design. It would be constructed from stone and slate with 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. The Conservation Officer has no objections to the proposal, subject to the inclusion of conditions relating to doors, windows and external materials. 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 dwelling would be set around a common courtyard arrangement. The courtyard would be resurfaced with setts, which would be an appropriate material for the Conservation Area. The proposed development would maintain an acceptable level of amenity space and as such, would not result in an unacceptably high concentration of development within the area. Space has been allocated within the garage for the storage of bins and an enclosure for wheelie bins would be provided near Summerseat Lane for use on collection days. This enclosure would be constructed from reclaimed railway sleepers, which would be acceptable visually and in siting without an undue impact upon the streetscene or neighbours. Therefore, the proposed development would be in accordance with Policy H2/1 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; 49 metres from Holly House and 24 metres from the existing 2 storey building used by 1 Summerseat Lane. Therefore, 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.

Trees - An arboricultural report was submitted as part of the planning application. The existing access would be resurfaced with setts and the construction of a setted access is such that there is the ability to maintain permeability for natural water run off to soakaway. Therefore, a condition on the method of laying the setts would be included. The access is 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 the ground levels remain the same, without the need for excavation or hand digging, then the proposed development would not have an adverse impact upon the life expectancy of the protected tree. Therefore, the proposed development would be in accordance with Policy

EN8 of the adopted Unitary Development Plan.

Highways issues - The proposed dwelling would use the existing access on Summerseat Lane as well as the existing dwelling (No. 27). 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.

Parking - SPD11 states that the proposed development should provide a maximum of 3 parking spaces. The proposed development would provide 2 parking spaces and a 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, siting of the wheelie bin collection point, protected trees, congestion and 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 existing access onto Summerseat Lane did not require formal planning permission as Summerseat Lane is not a classified road. A bat survey is not required as there are no buildings on site and there are no trees within the site with roosting potential and therefore, would not have an adverse impact upon a protected species. 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 is acceptable in principle and would not have an adverse impact upon the character and appearance of the Conservation Area nor the nearby listed building. The proposed development would not have an adverse impact upon the amenity of the neighbouring properties and would not be detrimental to highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered PB3-00, PB3-01, PB3-02, PB3-03, PB3-04, PB3-05, PB3-06 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, external 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 hereby approved shall be implemented to the written approval of the Local Planning Authority not later than 6 months from the date the dwelling hereby approved 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. Prior to the commencement of the development hereby approved, a scheme for the construction of the setted courtyard area (car parking and turning facilities), including a full methodology, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the dwelling 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.

10. 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 prior to first occupation of the dwelling hereby approved.

Reason. To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal pursuant to the provisions of PPS25 – New Development and Flood Risk.

11. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 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.

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

Ward: Whitefield + Unsworth - Unsworth

Item 10

Applicant: The Wilton Estate & The Casey Group

Location: Land at Roach Bank Road, Bury

Proposal: Extension of time implementation of planning permission 50804 for Office Development (resubmission)

Application Ref: 54580/Full

Target Date: 25/01/2012

Recommendation: Approve with Conditions

Description

The application involves 2.74ha of land situated on the westerly edge of Pilsworth Industrial Estate. The site is a large section of land on an 11ha site within an area allocated in the UDP as Employment Land and most of which has recently become developed for industrial and warehousing purposes. It is also within an the Employment Generating Area covering the industrial estate.

The site, which was originally farmland, has been the subject of a landfill operation completed to achieve a level surface in preparation for industrial development. Beyond the westerly site boundary the land falls steeply away and this is the overgrown tip edge sloping down to the River Roch. Just beyond the river and on land well below the level of the site there are two recent housing estates.

To the east on the north side of Roach Bank Road, are well established industrial units while opposite the site on the south side of this road is the L'Oreal warehouse building and a newer large industrial building. Roach Bank Road has been extended by a new loop road leading south to skirt round the edge of the Employment Land to connect to Pilsworth Road.

The application followed the refusal in May 2008 of planning permission for an office development on the site comprising a total of 10194m² of office floorspace served by 327 car parking spaces (ref.49295). The application was refused for the reason that the scheme would, by reason of its size, scale and type give rise to additional volumes of traffic resulting in increased congestion which would be detrimental to the free flow of traffic and residential amenity in the area. There would therefore have been conflict with UDP Policy EC6/1 – Assessing New Business, Industrial and commercial Development. An appeal was lodged against this decision but was subsequently withdrawn following the approval of 50804.

Application 50804 was submitted for full planning permission to build on the same area of land an office development with a reduced amount floorspace compared to the refused scheme. This revised scheme would provide a total of 8864sq m of office floorspace which is 1330sqm less than the refused one. The 13 separate buildings, all of which would be two storeys, would incorporate 18 individual units of accommodation. The development would be accessed from an estate road skirting the westerly edge of the site and continuing the line of the new loop road to the south. Four access spurs would be constructed into the site off the estate road to serve groups of office units. The development would be served by 277 car parking spaces with a set of car parks distributed throughout the layout. It should be noted that this revised proposal involves a reduction by about 13% in floorspace area and about 15% in the number of parking spaces compared with the refused scheme.

Externally, the buildings would be of a similar design and materials. They would be characterised by shallow pitched roofs with a strong eaves overhang. The elevations would incorporate a combination of facing brickwork, polished block work piers, rendered blockwork panels, strong horizontally lines of window panels and full height curtain glazing

at the entrances. As a feature, there would be tubular slimline metal columns beneath the roof to each elevation.

Landscaping elements would include a belt of screen planting on the westerly side of the proposed estate road and grassed/planted areas within the layout. A detailed Landscape Proposals plan has been submitted.

Relevant Planning History

16089/84 - Outline for warehousing and light industrial. Approved on 23rd August 1984.

20335/87 - Class B1 (storage and distribution) and B1 (business) development. Approved on 10th December 1987.

22675/89 - Tipping of waste material and roads and sewers prior to industrial development. Approved on 14th September 1989.

25001/90 - Tipping of waste material and roads and sewers prior to industrial development without complying with condition 9 of C/22675/90 (required entire length of proposed road within the site to be made up to adoptable standards prior to commencement of future building operations). Approved on 4th October 1990.

27550/92 - Landfilling in preparation for industrial development. Approved on 4th March 1993.

34913/98 - Industrial and warehousing development (Classes B1, B2 and B8). Approved on 1st September 2000.

35849/99 - Variation of condition 4 of planning permission 27550/92 to allow landfill operations to continue for a further five years. approved on 15th February 2000.

48413 - Office development. Withdrawn on 30th October 2007.

49295 - Office development. Refused on 21st May 2008 for the reason that the development would, by reason of its size, scale and type, give rise to additional traffic resulting in increased congestion which would be detrimental to the free flow of traffic and residential amenity in the area. There was an appeal against the decision but was subsequently withdrawn following the approval of 50804.

50804 – Office development - Approved 18/2/09

Publicity

172 properties were notified on 28/10/11. Those notified included the following streets Gigg Lane, Silverdale Close, Redmere Drive, Grasmere Drive, Arncliffe Close, Newby Close, Harrington Close, Astbury Close, Roach Bank Road - Rain Seal Trade Windows, McDonalds Restaurant, The Paper Mill, Smiths of Bury, Multiwood Products and L'Oreal; Spout Bank Farm, Heap Brow, Hollins Residents Group and 123 Pilsworth Road and Ask Property Developments c/o Drivers Jonas.

A site notice was displayed from 31/10/11 and a press notice was published in the Bury Times on 3/11/11.

Two letters of objection have been received from 18 Redmere Drive and 36 Grasmere Drive. Comments raised include -

Mr Robinson, 18 Redmere Drive - When I purchased the property this was classed as green belt, it be ok if it had quick growing conifers surrounding the site, otherwise it will just be a Blot on the horizon

Mr Cope, 36 Grasmere Drive - What is it with Bury Council and office developement do we really need more office developement at Pilsworth. There is already more than enough office space available there that is empty. Yet another unsightly building on the landscape will most probably be passed.

Objectors have been notified of the Planning Committee meeting.

Consultations

Traffic Section - Recommend conditions concerning highway improvements at the

M66/Pilsworth Road and the Croft Lane/Hollins Brow/Hollins Lane junctions, the implementation of visibility splays, turning facilities and car and cycle parking provision and the measures set down in the Interim Travel Plan, including the submission and approval of a full Travel Plan within 12 months of the first occupation of the development.

Baddac - The disabled parking spaces need to be repositioned. A true level approach into the buildings is preferred but will accept contiguous rather than separate 1:40 graded approaches.

Drainage Section - No objections.

Environmental Health Contaminated Land - Recommend land contamination mitigation conditions.

Environmental Health Pollution Control - No response.

Public Rights of Way Officer - No response.

Waste Management - No response.

Projects and Wildlife Officer - Recommends a condition concerning the protection of nesting birds during construction. Concerned that the landscape proposals include some non native species and a condition should require prior approval to revised landscape details that do not include such species.

The Highways Agency - Directs that any permission should include conditions requiring improvements to the junction of Pilsworth Road with the M66 Motorway.

Environment Agency - Recommends conditions requiring prior approval to a scheme to regulate surface water run-off, a detailed scheme for the conservation of the new wildlife enhancement measures proposed as part of the scheme, the provision of temporary protective fencing to the valley perimeter during development.

Greater Manchester Police - designforsecurity - No objections in principle. Recommend a 2.4m high secure perimeter fence and the incorporation of the other crime prevention measures in the Crime Impact Statement.

National Grid Transco - No response.

United Utilities (Water and Waste) - No response.

Chief Fire Officer - No objections.

Rochdale MBC - No objections.

GMPT - The Travel Plan Framework needs to be more specific regarding the applicant's intentions about bus access to the site.

Unitary Development Plan and Policies

| | |
|-------|---|
| EC1 | Employment Land Provision |
| EC1/1 | Land for Business (B1) (B2) (B8) |
| EC2/2 | Employment Land and Premises |
| EC5 | Offices |
| EC5/2 | Other Centres and Preferred Office Locations |
| EC6 | New Business, Industrial and Commercial Development |
| EC6/1 | New Business, Industrial and Commercial |
| EN1/1 | Visual Amenity |
| EN1/2 | Townscape and Built Design |
| EN1/5 | Crime Prevention |
| EN1/6 | Public Art |
| EN5 | Flood Protection and Defence |
| EN5/1 | New Development and Flood Risk |
| EN6/4 | Wildlife Links and Corridors |
| EN7 | Pollution Control |

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 with the renewal 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), and it applied to permissions granted before 1st October 2009. As such, the regulations and guidance applies to the relevant originally approved scheme 50804. 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 and this is the first renewal application. 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.

Policy Changes - As this is the first extension of time application for the site and therefore the regulations enable a positive stance to be taken to renew this permission. The site has planning permission for 8864sq m of office floorspace and the only issue to be considered are the changes in any local or national planning policy since the original grant of permission. In respect of this development there have been no substantive changes to policy such that any different view should be taken to refuse the application. As such, the application proposals would maintain an important development proposal within an allocation for employment as shown within the UDP therefore there would be no conflict with policy.

Original Considerations for 50804

The site forms the northern part of the wider allocation under UDP Proposal EC1/1/12. This allocation identifies the site as being suitable for Business (B1), General Industrial (B2) or Warehousing (B8). Similarly, the site lies within the wider Pilsworth Employment Generating Area which again identifies the area as being suitable for B1, B2 and B8 development. As such, the principle of the proposal is in accordance with the economic policies of the UDP.

River Valley - The site is adjacent the River Roch valley. Following discussions during the course of the previous planning application, the buildings were pulled back from the boundary in order to reduce the impact on skyline development at the edge of the river valley (Policies EN1/1). The scheme included a landscaped buffer zone on the valley side of the development. The buffer strip would be mostly narrow and down to 2m or less for most of its length. The applicants were approached during the consideration of the previous application about improving this depth but they declined to do so. The scheme was approved in this state.

Wildlife Link & Corridor - The river valley at this point is also designated as a Wildlife Corridor. Accordingly, as mentioned above, the buildings were set back from the boundary with the Wildlife Corridor and, in response to Policy EN6/4, the landscaped buffer to be provided includes a hedgerow with native species and a woodland mix in terms of tree planting. However, as indicated above, the narrowness of the buffer zone was previously been raised with the applicants and this part of the proposals has remained unchanged. Furthermore, The species indicated on the landscaping plan were not all locally native and the consent included a condition requiring approval to the planting species within the buffer zone.

Design and Appearance - The buildings would be of a modern design characterised by very shallow pitched roofs with a pronounced eaves overhang. Their appearance was considered to be acceptable. Seven of the 13 blocks would be set nearest the prominent westerly edge of the site but from which they would be separated by the proposed access road and landscaped area. The elevations of these nearest blocks within this view from the valley would be a full width elevation in two cases and a side elevation in the other five cases thus giving the development a varied and, therefore interesting appearance.

The information about the layout and the treatment of the external areas was considered to be sufficiently detailed. The design approach of providing the buildings and the associated small car parks set within landscaping was considered to be acceptable in terms of creating a satisfactory visual environment both within the layout and along its edges.

Flood Risk - The application included a Flood Risk Assessment which was acceptable to the Environment Agency subject to conditions being attached to any consent concerning drainage and ecology.

Public Art - Due to the scale of the proposal the developer is obliged to provide an element of artwork. The applicants have expressed their willingness to comply with the requirement which would need to be the subject of an appropriate condition should permission be granted.

Disabled Access - BADDAC expressed concerns about the provision of level access into the buildings and the location of some of the disabled spaces in relation to main entrances. Revisions were prepared and submitted to resolve these issues.

Secure Design - GMP Architectural Liaison who prepared a Crime Impact Statement recommended that the site should be secured with 2.4m high perimeter boundary fencing completely around the development with the entrances to the site to be gated. This approach, however, was not adopted on the design details with the applicant placing reliance on each building having its own car park and amenity area to maintain security to the individual premises. It is considered that such high security fencing would markedly detract from the open landscaped appearance of the development and this has not been installed on the established nearby Little 66 office park off Roach Bank Road and apparently without significant security issues arising.

Car Parking - The proposed car parking provision (excluding disabled spaces) exceeded the maximum level of car parking for a business park set down in SPD11 by 22 spaces. However, it was taken into account that the location is currently poorly served by public transport and is distant from main bus routes. Furthermore, the Framework Travel Plan accompanying the application set down a number of measures to encourage sustainable travel choices. Therefore, it was and still is considered that the level of car parking provision, although somewhat in excess of the maximum level set down in SPD11, is acceptable. For comparison, a previous refused scheme was on the same floorspace basis provided 40 spaces above the maximum level advocated within the SPD.

Highways Issues - A significant amount of traffic is associated not only with Pilsworth Industrial Estate but also the M66 and commercial developments in Heywood, which passes along Croft Lane giving rise to concern by residents living along this road and in its vicinity about the high level of traffic flow. This concern was reflected in two of the objections to the earlier application. The site, however, is allocated for employment use and that application was supported by a Transport Assessment, including consideration of the situation at Croft Lane. Despite the officer recommendation to approve that application, Members gave greater weight to the issue of traffic generation and the impact on conditions in Croft Lane. Consequently, the application was refused for the reason that the development would, by reason of its size, scale and type, give rise to additional traffic, resulting in increased congestion which would be detrimental to the free flow of traffic and residential amenity in the area. This resulted in an appeal.

The current proposal included a lesser amount of office development with reductions of 13% in floorspace and 15% in the number of parking spaces. As well this reduction in scale the scheme, as previously, also includes provision for highway mitigation measures at the M66 junction 3 with Pilsworth Road and at the Croft Lane/Hollins Brow/ Hollins Lane junctions. Highways Team recommended that any planning permission should include conditions including requirements concerning the provision of the junction improvements/modifications at these junctions. Notwithstanding the proposed mitigation measures, it is predicted that the traffic generation from the proposed development is likely to lead to additional queues at the Croft lane/Hollins Lane/Hollins Brow and Manchester Road/Hollins Brow junctions. However, on balance, it is not considered to raise sufficient highway safety concerns that would warrant refusal of the application. It is also considered that this additional traffic generation would not result in such a degree of loss of amenity to residents in the Croft Lane area that would warrant the refusal of planning permission.

Furthermore, since the grant of 50804, traffic restrictions have been introduced on to Croft Lane limiting the weight of vehicles permitted to use it. This has improved the situation. It is also understood that an application is to be submitted by the Highway Authority for an application to widen and provide a longer left turning lane with its junction with Manchester Road. These measures would improve and reduce waiting times upon Croft Lane.

It should be noted that The Highways Agency issued a direction that any planning permission must include a condition regarding improvements to be made at junction 3 of the M66 motorway junction with Pilsworth Road. This has been re-iterated with the consultation on this renewal application.

Response to objectors -

- The application site is not Green Belt, tree screening along the valley edge is proposed as part of the development and the buildings have been set back from the edge of the site to mitigate the impact of the development on the skyline as seen from the Lower Gigg Area.
- Need for the development is not a material consideration with this renewal application and is a matter for the developer.
- In terms of appearance of the scheme, this has been dealt with within the 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 development is acceptable in principle and in terms of the amount of development, its layout and external appearance. The level of car parking provision is also acceptable and, subject to appropriate conditions, the development does not raise material concerns regarding its impact on the capacity of the affected highway network. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
3. Notwithstanding the details shown on drawing number LL01 Revision F and in section 5.4 of Ecological Walk-Over and Desk Study by Smeeden Foreman, the planting details for the woodland mix planting and the native hedge schedule shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. These planting details shall only include the provision of locally native species. The approved landscaping scheme for the whole site and the habitat creation and enhancement measures referred to in the Smeeden Foreman study document shall be implemented not later than 12 months from the date on which the first building to be constructed 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. The habitat creation works shall be maintained in accordance with the measures set down in section 5.4 of the Ecological Walk-Over and Desk Study Report.

Reason: To secure the satisfactory development of the site and in the interests of visual amenity and wildlife corridor mitigation pursuant to policies EN1/2 - Townscape and Built Design, EN8/2 – Woodland and Tree Planting and EN6/4 - Wildlife Links and Corridors of the Bury Unitary Development Plan.

4. The development hereby approved shall incorporate an element of public artwork in accordance with Policy EN1/6 - Public Art of the Bury Unitary Development Plan and the associated Development Control Policy Guidance Note 4 - Per Cent for Public Art.

Reason: To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Unitary Development Plan Policy EN1/6 - Public Art.

5. No development shall take place unless and until full details of external lighting, including a specification of both luminaire and mounting arrangements (including elevation angles) and a lighting diagram have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: In order to safeguard the amenities of residential properties pursuant to Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and EN7 - Pollution Control.

6. 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.

7. Following the provisions of Condition 6 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.

8. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and; The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development

being brought into use.

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

9. 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.

10. The development hereby approved shall not be commenced unless and until a scheme to regulate the surface water run-off has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the Flood Risk Assessment by BWB Consulting (ref:CDP/538/FRA/A). It shall be fully implemented and subsequently maintained in accordance with the timing/phrasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason. In order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan.

11. Before the development is commenced and during the course of construction period, temporary protective fencing shall be erected along the northern and western perimeters of the development. The details of the type of protective fencing to be used shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the river corridor and prevent debris and construction material from encroaching into these sensitive amenity and wildlife areas pursuant to policies EN6/3 - Features of Ecological Value and EN6/4 - Wildlife Links and Corridors of the Bury Unitary Development Plan.

12. No development pursuant to this permission shall be commenced unless and until the developer has submitted the following full design and construction details of the required improvements to M66 Junction 3, such details to be agreed by the Local Planning Authority, in consultation with the highway authorities and shown in outline in Drawing 1016/02, revision B, dated June 2006, prepared by the Transportation Consultants, Ashley Helme Associates:

- How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations
- Full signage and lighting details,
- Confirmation of full compliance with current Departmental; Standards (DMRB) and Policies (or approved relaxations/departures from standards)
- An independent Stage One and Stage Two Road Safety Audit (Stage Two to take account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes.

No part of the development shall be first occupied unless and until the highway

improvements, in accordance with the above, have been implemented to the satisfaction of the Local Planning Authority in consultation with the Highway Authorities.

Reason: To ensure that the M66 motorway might continue to fulfil its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, and for the safety of traffic on the highway network.

13. No development shall take place unless and until the details of the facilities for the storage and collection of waste have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
Reason: To secure the satisfactory development of the site and in the interests of amenity and pursuant to Unitary Development Plan Policy EC6/1 - Assessing New Business, Industrial and Commercial Development.
14. The development shall be carried out in accordance with BREEAM (Building Research Establishment, Environmental Assessment Methodology) sustainability standards and/or the North West Sustainability Checklist for Developments. This shall achieve a rating of very good/good practice and deploy low and zero carbon technologies (LZC's) to achieve a 10% improvement over the Target Emission Rate (TER) for Carbon Dioxide as defined by 2006 Building Regulation Standards, unless otherwise agreed in writing by the Local Planning Authority. No development shall be carried out unless and until an appropriate assessment has been submitted to the Local Planning Authority and has been approved and the development shall not be carried out other than in accordance with the approved assessment.
Reason - To meet the requirements of PPS1 (Climate Change Supplement, 2007) and RSS for the North West - Policies DP9, EM18 and SPD 16 - Design and Layout of New Development.
15. The car and cycle 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 buildings hereby approved being occupied and shall thereafter be maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT/2/4 of the Bury Unitary Development Plan.
16. Notwithstanding the highway improvement works indicated on Ashley Helme Associates submitted plan reference 1016/09 Revision B, the development hereby approved shall not be commenced unless and until full details of a scheme for the improvement or modification of the Croft Lane/Hollins Brow/Hollins Lane junction has been submitted to and approved in writing by the Local Planning Authority. The highway works subsequently approved (after appropriate public consultation has been carried at by the Council, at the expense of the developer) shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use, unless otherwise agreed in writing with the Local Planning Authority.
Reason - To ensure good highway design in the interests of road safety pursuant to Policy EC6/1 - Assessing New Business, Industrial and Commercial Development of the Bury Unitary Development Plan.
17. The visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m.
Reason: To ensure the intervisibility of the site and the adjacent highways in the interests of road safety pursuant to Policy EC6/1 - Assessing New Business, Industrial and Commercial Development.

18. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.
Reason: To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policy EC6/1 - Assessing New Business, Industrial and Commercial Development of the Bury Unitary Development Plan.
19. The car and cycle 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 buildings hereby approved being occupied and it shall, thereafter, be maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policies EC6/1 - Assessing New Business, Industrial and Commercial Development and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
20. The development hereby approved shall not be first occupied unless and until the physical measures detailed in the submitted 'Interim Travel Plan' (e.g. secure covered cycle parking and provision of shower, changing and locker facilities) have been implemented to the written satisfaction of the Local Planning Authority. The measures to be implemented post occupation (e.g. appointment of a Travel Plan Co-ordinator with duties and responsibilities detailed in paragraphs 3.2 & 3.3, etc) shall be done so in accordance with the 'Interim Travel Plan' unless otherwise agreed in writing with the Local Planning Authority. The occupier will provide the Local Planning Authority with contact details of the member of staff designated as the Travel Plan Co-ordinator, carry out a travel survey of staff within 6 months of first occupation and submit a full Travel Plan to the Local Planning Authority for approval within 12 months of first occupation, with targets, objectives and an action plan as stated in the 'Interim Travel Plan'. The full Travel Plan will then be reviewed every 12 months as stated in the 'Interim Travel Plan'.
Reason: In order to deliver sustainable transport objectives in accordance with PPG13 - Transport.
21. This decision relates to drawings numbered M2537-00, M2537-SK01 RevB, M2537 - 02, M2537 - 04, M2537 - 05, M2537 - (1,2,11,12) - 01, M2537 - (1,2,11,12) - 02 REV A, M2537 - (3 & 5) - 01, M2537 - (3 & 5) - 01, M2537 - (467) - 01, M2537 - (467) - 02, M2537 - (8 & 16) - 01, M2537 - (8 & 16) - 02, M2537 - (9 & 10) - 01, M2537 - (9 & 10) - 02 REV A, M2537 - (13) - 01, M2537 - (13) - 02, M2537 - (14,15,17,18) - 01, M2537 - (14,15,17,18) - 02 REV A and the documents Planning Statement, Design and Access Statement, Ecological Walk-Over and Desk Study Report, Crime Impact Assessment, Post-Completion Geotechnical Investigation, Travel Plan Framework, Transport Assessment, Air Quality Assessment, Flood Risk Assessment, Phase 1 & 2 Geo-Environmental Assessment Report. The development shall not be carried out except in accordance with the drawings and particulars 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 **Dave Marno** on **0161 253 5291**

Ward: Whitefield + Unsworth - Besses

Item 11

Applicant: UAP Ltd

Location: Unit 2, Albert Close, Whitefield, Manchester, M45 8EH

Proposal: New entrance door and window openings to the existing side (North) elevation, external roller shutter.

Application Ref: 54584/Full

Target Date: 28/12/2011

Recommendation: Approve with Conditions

Description

The building is a warehouse/office unit within an established industrial estate in Whitefield. It comprises of a mix of brickwork and cladding with the main entrance and roller shutter door for servicing purposes on the front elevation facing other industrial units in the estate.

The unit is sited in the north east area of the estate and is accessed via Albert Close. The site is enclosed by a paladin mesh fence with two vehicular gated openings in the north and western sides and a pedestrian access gate which has also been created within in the northern boundary.

To the north are houses and flats on Naden Walk whose rear elevations face the site and are separated by Albert Close. To the east are houses on Waterdale Drive.

The application is retrospective and seeks to regularise elevational changes which have been carried out to the side (north) elevation of the building facing Albert Close. The alterations include the insertion of 2 full height glazed windows and glazed entrance door to allow a direct access to the offices at the rear of the building. An external roller shutter over the openings has been fitted. The proposals also include the provision of an access ramp. The previous scheme approved under reference 53705 for extensions to the industrial unit showed this elevation with 2 low level windows.

Relevant Planning History

44394 - Two storey extension at front - Refused on loss of servicing and car parking - 31/05/2005

53478 - Single storey extension at side; First floor extension at front - Refused on inadequate servicing and insufficient information on access arrangements -18/02/2011

53705 - Extension at the side and rear - Approved 20/4/2011

54621 - Part change of use of kitchen area to food preparation area for external food sales; Extractor unit to side elevation; External seating area for staff; Installation of solar panels to roof - Current application.

Publicity

8 letters sent to properties at Nos 1,3,5,7 Naden Walk and 2,4,6,16 Waterdale Drive, Whitefield on 3/11/11.

One letter of objection received from No 7 Naden Walk which is summarised as follows:

- The work has already been completed;
- Question why the applicant did not insert a standard door and window openings, as per the approved plan if the access is for staff purposes only. This would serve the same purpose and give consideration and privacy to the residents directly opposite;
- The roller shutters are open 7 days a week including weekends when food is also being cooked;
- Creates more traffic, with staff using the proposed entrance/exit to access the offices;

- A new kitchen is being used as outdoor catering for the public, and the entrance/exit being used for deliveries to this area. This is both dangerous and compromises privacy.
- The industrial estate is extending out onto Albert Close. Cars have been parking on Albert Close at the back of properties on Naden Walk as access to the site has been made easier with the insertion of new gates;
- The additional traffic compromises safety for pedestrians and school children;
- There is no regard by the applicant for the considerations of local residents;
- The previous use of the building as a dairy and garage/car maintenance did not create as much traffic, noise or lack of privacy as the existing use.

The objector included 2 photographs with their comments.

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

Objection received from Councillor Boden with the following comments:

- based on the close proximity of the premises to residential properties and the unsatisfactory access arrangements. These factors would give rise to noise, odours and loss of amenity and privacy for nearby residents.

Consultations

None relevant.

Unitary Development Plan and Policies

| | |
|-------|---|
| EC6/1 | New Business, Industrial and Commercial |
| EN1/2 | Townscape and Built Design |
| HT5/1 | Access For Those with Special Needs |
| EC3/1 | Measures to Improve Industrial Areas |

Issues and Analysis

Policies - EC6/1 - Assessing New Business, Industrial and Commercial Development assesses proposals with regards to scale, size, density, layout, access and parking, impact on neighbours and safety of employees and visitors.

EN1/2 - Townscape and Built Design seeks a high standards of design for proposals and takes into consideration access, parking and servicing provision.

Design and appearance - The glazed entrance and window openings have been located in the single storey element of the building to the rear of the site and are minor insertions in relation to the full elevation of the building. They are simplistic in design and the roller shutters are not uncommon additions for a warehouse unit within an industrial estate.

As such, their appearance is considered to be acceptable and complies with EN1/2 - Townscape and Built Design.

Impact on residential amenity - The entrance and windows are 19.7m from the rear boundary fence of the properties on Naden walk and 28m from their rear elevations. Although full height in size, they are positioned in the single storey element of the building towards the rear of the site and do not directly face these houses. There is also a wooden boundary fence along the rear of these houses which affords a certain amount of screening from this elevation.

The newly formed door and the proposed entrance would be secondary to the main entrance and only used by staff to access this area at the rear of the building for access to a training room and offices. As such activity in this part of the site would be minimal compared to the main entrance, where access is more intensively used.

Given the distance away from the houses on Naden Walk and the amount of activity there would be in this area from employees using the entrance, it is considered there would be minimal disturbance caused to the residential amenity of occupiers in these properties.

Vehicular access to this area is via an existing opening and does not require planning permission.

The proposal is therefore considered to comply with EC6/1 - Assessing New Business, Industrial and Commercial Development.

Response to objections -

- The design, appearance and position of the openings has been covered in the above report.
- There is a parking area adjacent to the proposed entrance for staff to park which was the subject of the previous planning approval reference 53705, using an existing vehicular access point off Albert Close. The main car park is to the front of the building and used by the majority of the staff and for deliveries to the site.
- The use of the kitchen area and sale of hot food as a takeaway use is the subject of a separate planning application but is invalid.

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 elevations alterations are considered to be appropriate to the design and appearance of the existing unit and in keeping with the character of an industrial estate. The proposals do not harm the amenities of neighbouring residents nor does it adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings - 2751-02 Rev C - Proposed elevations and layout 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 **Jennie Townsend** on **0161 253-5320**

Ward: Prestwich - Holyrood

Item 12

Applicant: Mrs Shabana Khalid

Location: 470 Bury Old Road, Prestwich, Manchester, M25 1NL

Proposal: Change of use of ground floor from A1 (Retail) to A3 (Restaurant / Cafe); ground floor extension to rear and external flue at rear.

Application Ref: 54591/Full

Target Date: 26/12/2011

Recommendation: Approve with Conditions

Description

The application site is a currently vacant property located in the middle of a row of shops allocated as a Local Shopping Centre fronting Bury Old Road. There are 14 shops on the row which comprise nine A1 retail (including the application site), and five non-retail units, three of which are hot food takeaways.

To the rear of the shops is an access road, beyond which are residential properties on Polefield Grange.

The shops are accessed off the main road via a lay-by where there is restrictive parking between 7.30am and 6.30pm.

The application seeks the change of use of the premises from A1 retail to A3 cafe/restaurant. The proposals include a single storey rear extension to provide a kitchen, toilet and staff room. An extraction flue would be fitted to the single storey rear elevation. Level access would be created to the existing front entrance into the shop by lowering the internal floor area. Hours of opening proposed are Monday to Saturday 6am to 11pm and Sundays and Bank Holidays 10am to 11pm.

Relevant Planning History

42108/04 - Change of use to cafe/sandwich bar - Refused 31/3/2004.

41816/03 - Change of use to hot food takeaway - Refused 3/2/2004.

Publicity

One letter of objection received from No. 476 Bury Old Road which raises the following issues:

- There are already too many restaurants/cafes on the same street, with a Chinese, pizza and Indian food outlets.

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

Consultations

Environmental Health Pollution Control - No objection subject to condition to submit details of the proposed flue/extraction system.

Traffic Section - No objection.

Drainage Section - No comments received to date.

Baddac Access - Welcome the disabled toilet. Seek clarification on details of the disabled access into the building where there appears to be a small step.

Unitary Development Plan and Policies

S2/6 Food and Drink

EN1/2 Townscape and Built Design

S1/4 Local Shopping Centres

Issues and Analysis

Principle - Unitary Development Plan Policy S1/4 - Local Shopping Centres states that the Council will seek to maintain and enhance these centres and will encourage the provision of a range of shopping facilities to serve the local need. Retail provision is encouraged although there is opportunity for other uses to be considered which would add to the facilities of a centre.

UDP Policy S2/6 - Food and Drink has regard to factors including the amenity of nearby residents, character of the shopping centre, parking and servicing, refuse and litter bin provision and environmental impact of flues.

A proposal for a hot food takeaway at this property was refused in February 2004, due to over concentration of A3 uses on this row. The applicant reapplied for a cafe/sandwich bar at the same premises, which was refused for the same reason as well as lack of details relating to the shop front or other information which would support their application (March 2004).

At that time, Class A3 included cafes, restaurants, pubs and hot food takeaways and it was considered that an additional A3 use would impact on the character of the shopping centre. In addition to this, there were four other A3 uses within the same block.

Changes to the legislation have since divided food uses and premises into separate Use Classes against which proposals are now assessed. The above refused proposals were also some time ago.

The existing row of shops comprises 9 properties in A1 use (including the application site) and 5 non retail (3 of which are hot food takeaways). The proposed change of use would introduce the only cafe/restaurant on this row of shops and as such a significant number of properties would remain in A1 use. The property has been vacant for a considerable amount of time (November 2007) and given it would be open during the day as well as night time, and would maintain an active shop frontage, it is considered to contribute to the vitality and viability of the centre.

As such, it is considered there is sufficient retail provision in the centre and the proposed cafe/restaurant use contribute to local needs. The proposal would therefore comply with UDP Policy S1/4 - Local shopping Centres and S2/6 - Food and Drink. .

Residential amenity - The nearest residential properties which are located to the rear of the site on Polefield Grange would be 22m from the proposed development, and separated by an access road and boundary treatment along the rear of their houses. It is considered that the opening hours of the proposed development would be appropriate to a local shopping centre and would not impact adversely upon the amenity of the neighbouring residents.

The proposed extension would infill part of the rear yard between the rear elevation of the shop and the existing garage to provide a kitchen, toilet facilities and staff room. The extension would project 5m into the yard area along the boundaries of the adjacent properties. The scale of the extension would have a flat roof and not be any higher than the existing adjacent extension or fencing to No 472.

The flue would be positioned on the rear elevation of the premises away from the windows of the adjacent properties. Both these properties are in business use and the applicant states that neither have residential accommodation at first floor.

As such, the proposal is considered not to be detrimental to nearby residencies and complies with UDP Policy S2/6 - Food and Drink.

Visual amenity - The existing shop front would be maintained with the doorway located centrally between two large display windows. The flue would be positioned at the rear of the building and as such not visually intrusive to the street scene. As such, the proposal would comply with EN1/2 - Townscape and Built Design.

Parking and servicing - There is existing parking in a lay-by in front of the row of shops which would serve the proposed property. At the rear, there are no parking restrictions and would be accessible for delivery purposes. The garage in the rear yard would continue to be used in association with the first floor living accommodation.

Access - The existing entrance would be maintained and a level access created by lowering the internal floor. As such, the proposal is considered to comply with HT5/1 - Access for Those with Special Needs.

Response to objector - The proposal would introduce the only cafe/restaurant on this row. There are 3 other food outlets on this row of shops which are takeaways. The principal of the change of use is considered acceptable as discussed in the report above.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
The proposed development is considered to be acceptable in principle and would not harm the character of the shopping centre or impact on residential amenity. There are no 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 - Sheet 1 Existing elevation, Sheet 2 Existing floor plans, Sheet 3 Proposed elevations Rev 1 15.11.11, Sheet 4 Proposed floor layout, Design and Access Statement and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating, diluting and dispersing fumes and odours has been submitted to and approved by the Local Planning Authority. A written statement from a competent person shall be submitted with the proposed scheme which shall confirm that the proposed scheme will achieve the requirements of adequate treatment, dilution and dispersion of fumes and odours under all normal operating circumstances, such that there is no loss of amenity to local residents. All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.
The installation shall be so designed such that the maximum noise emitted does not exceed NR25 (Noise Rating) in the bedrooms of the nearest residential property, with the windows of that residential property being open in the normal manner for ventilation purposes.
The scheme shall be implemented prior to first use of development, in accordance with the approved details unless otherwise agreed in writing with the Local

Planning Authority

Reason - In order to prevent loss of amenity to local residents by virtue of fumes, odour and noise, pursuant to UDP Policy S2/6 - Food and Drink.

4. The use hereby permitted shall not be open to customers outside the following times: 6am to 11pm Mondays to Saturdays and 10am to 11pm Sundays and Bank Holidays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S1/4 – Local Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

Ward: Bury West - Elton

Item 13

Applicant: Elton Liberal Club

Location: Elton Liberal Club, New George Street, Bury, BL8 1NW

Proposal: Single storey extension at rear (Resubmission of 54138)

Application Ref: 54603/Full

Target Date: 29/12/2011

Recommendation: Approve with Conditions

Description

Elton Liberal Club is a single storey building, constructed from brick and slate. The building is bounded by Allen Street, New George Street and Hillyard Street. There is a bowling green to the northwest of the building and the site is bounded by 2 metre high brick walls and concrete fence panels. There are residential properties to all boundaries of the site.

The proposed development involves the erection of a single storey 'L shaped' extension to the northwestern elevation of the liberal club and would infill between the liberal club and the bowling green. The proposed extension would be 21.6 metres in length and would project between 2.25 metres and 8.6 metres from the club building. The extension would be constructed from brick with a slate roof.

Relevant Planning History

51262 - Proposed new roof at Elton Liberal Club, New George Street, Bury. Approved with conditions - 22 June 2009

54138 - Single storey extension at rear at Elton Liberal Club, New George Street, Bury. Refused -12 August 2011

Publicity

56 neighbouring properties (5 - 41 (odds) New George Street; 39 - 59 (odds) Hillyard Street; 16 - 34 (evens) Allen Street; 21 - 39 Harvey Street; 164 Wood Street; 44 Robert Street) were notified by means of a letter on 7 November 2011.

12 letters have been received from the occupiers of 23, 33, 35 New George Street, 49 Hillyard Street; 18, 22, 24, 26, 32 Allen Street; 22 Spencer Street; 164 Wood Street, which have raised the following issues:

- Impact upon parking provision, particularly on evenings and weekends;
- Children can no longer play outside.;
- The drainage pipe from the roof of the Club flows straight onto the pavement on Hillyard Street, causing problems for pedestrians;
- Noise from smokers outside;
- The bowling green should be turned into a car park;
- The application form is incorrect.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objections.

Drainage Section - No response.

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

Waste Management - Comments awaited.

Unitary Development Plan and Policies

| | |
|-------|---|
| PPS9 | PPS9 Biodiversity and Geological Conservation |
| EN1/2 | Townscape and Built Design |
| EN7 | Pollution Control |
| EN7/2 | Noise Pollution |
| S2/6 | Food and Drink |
| HT2/4 | Car Parking and New Development |
| HT5/1 | Access For Those with Special Needs |
| EN6/3 | Features of Ecological Value |

Issues and Analysis

Design and impact upon surrounding area - The proposed extension would be located on the northwestern elevation of the building and would create an additional 63 square metres of floorspace. The proposed extension has been designed so as to match the external appearance of the existing building and would be constructed from brick with a slate roof. The proposed development would be partially screened by the boundary brick wall and as such, would not be a prominent feature within the streetscene and would be in accordance with Policy EN1/2 of the adopted Unitary Development Plan.

The club currently runs functions from the existing building and as such, the proposed extension would not change this. The proposed extension would increase the floorspace at the club by 63 square metres (10% increase), which would be minimal in comparison to the overall building. As such, the proposed extension would not significantly increase the number of people accessing the site and there would be no openings near residential properties. Therefore, the proposed development would not increase the level of noise in the surrounding area significantly.

SPD6 contains aspect standards, which are relevant in this case and it states that there should be at least 6.5 metres from a habitable room window to a single storey building. There would be 14 metres from the proposed extension to the nearest residential dwelling. As such, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties.

Bats - A bat survey has been submitted as part of the application. The survey states that it is very unlikely that bats were roosting in this building and work should preferably take place between December and March. If work is delayed until after April 2012, a further survey should be undertaken. The Wildlife Officer has no objections, subject to the inclusion of a condition requiring a further survey if works are delayed past 2012. Therefore, 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 and PPS9.

Parking - There is no specific standard within SPD11 for this type of use (social club). Similar uses would be a restaurant (1 space per 7 square metres of public floor area), which equates to 8.5 spaces or D2 (1 space per 25 square metres), which equates to 2.4 spaces.

The applicant has undertaken a parking survey and recorded how spaces on the club's side of the street were used on an hourly basis over 2 weeks. There were always 5 parking spaces available during this period. This level of parking provision would be double that normally required of a D2 use and approximately half of that for a restaurant. On balance, this level of parking provision would be acceptable as there would be some parking spaces available and a number of people would walk or get taxis to the club. The Traffic Section has no objections to the proposal. Therefore, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Response to objectors

The issues of parking provision and noise have been addressed in the main report. Question 8 of the application form was completed incorrectly and this has been rectified by the applicant. The bowling green is protected recreation space and as such, the change of use of it to a car park would contravene planning policy. The issue of the drainage pipe has

been brought to the attention of the applicant through an informative.

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 be unduly prominent in the streetscene and would not have a significant adverse impact upon the amenity of the neighbouring properties. The proposed development would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered RW/20/5, RW/20/6D and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. If demolition works are delayed beyond April 2012, a survey shall be conducted, and the survey results established as to whether the buildings are utilised by bats or owls prior to demolition works commencing. A programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS9 - Biodiversity and Geological Conservation.

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

Ward: Whitefield + Unsworth - Pilkington Park

Item 14

Applicant: Vodafone (UK) Ltd and Telefonica (UK) Ltd

Location: Pavement 90 metres to east of 96 Ringley Road, Whitefield, Manchester, M45 7LN

Proposal: Prior notification for 15 m high monopole including shrouded antennae and equipment cabinets to facilitate site sharing

Application Ref: 54622/Telecom Determination **Target Date:** 04/01/2012
(56 Days)

Recommendation: Prior Approval Required and Granted

Description

The site is located in the Green Belt, on the pavement on the northeastern side of Ringley Road. The site is some 91 metres from the boundary of No. 96 Ringley Road and there is a 3 metre high hedge at the back of the footway. There are a number of streetlights in the locality and a vehicle activated warning sign adjacent to the site.

There are open fields to the south of the site and a golf course to the north. The nearest residential properties are some 91 metres to the east and Clarke's Hill reservoir is some 260 metres to the west.

The proposed development includes the installation of a 15 metre high monopole, including 6 antennae and equipment cabinets. The proposed mast would be shared by two operators.

Relevant Planning History

53740 - Prior notification for 15 m high monopole including 6 antennae and equipment cabinets to facilitate site sharing at junction of Ringley Road West and Old Hall Lane, Whitefield. Withdrawn - 13 April 2011

This application was withdrawn as there was insufficient information with regard to the impact on Great Crested Newts, which are a protected species under the European Habitat Directive and the Green Belt.

Publicity

48 neighbouring properties within 150 metres of the site and the Old Hall Park Residents Association were notified by means of a letter and site notices were posted on 15 November 2011.

9 letters have been received from the occupiers of 39, 43 Rivington Court, 6 The Spinney, 72, 80, 83, 92 Ringley Road and Old Hall Park Residents Association, which have raised the following issues:

- Loss of view;
- Impact upon pedestrians as the proposal would be sited on a narrow pavement;
- Perception of loss of environmental quality;
- Impact upon openness of Green Belt;
- Impact upon health;
- The proposal would have an adverse impact upon visibility for drivers approaching the cottages (presumed 90 - 96) on Ringley Road West;
- The area is residential/semirural and not industrial;
- Proposed mast would be visually prominent due to its height;
- Clarke's Hill Reservoir is located within the search area and would be a suitable alternative site;
- The grid reference numbers for sites at Stand Golf Club and Stand Lane are inaccurate.

- The radio base station would not pose a health risk to local residents;
- Consider that the proposed position is an acceptable distance from residential properties;
- Prefer to see the cabinets treated with anti-graffiti paint. The applicant has indicated that they would be minded to accept such a condition.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objections.

Drainage Section - No response.

Wildlife Officer - No objections, providing the development is carried out in accordance with the report.

Unitary Development Plan and Policies

| | |
|--------|---------------------------------|
| EN1/1 | Visual Amenity |
| EN1/2 | Townscape and Built Design |
| EN1/4 | Street Furniture |
| EN1/7 | Throughroutes and Gateways |
| EN1/10 | Telecommunications |
| EN6/3 | Features of Ecological Value |
| EN7 | Pollution Control |
| OL1/2 | New Buildings in the Green Belt |
| HT2/4 | Car Parking and New Development |
| HT6/2 | Pedestrian/Vehicular Conflict |
| PPG2 | PPG2 - Green Belts |
| PPG8 | PPG8 - Telecommunications |

Issues and Analysis

Green Belt - Policy OL1/5 states that within the Green Belt other development will be inappropriate unless it maintains openness and does not conflict with the purposes of including land in the Green Belt.

The proposed development has been designed to look like existing street furniture and as such, would not have a significant adverse impact upon the openness of the Green Belt. Therefore, the proposed development would be in accordance with Policy OL1/5 of the adopted Unitary Development Plan.

Health issue - Current government guidance in the form of PPG8 with respect to health risk, states that "Providing such proposals meet the ICNIRP guidelines, local authorities should not need to consider those aspects or any concerns about them any further". In this case, the applicant has indicated that the proposal would meet the ICNIRP guidelines through the submission of a certificate.

Supporting information - 5 alternative sites were put forward by the agent and include Stand Golf Club, Clarke's Hill Reservoir, the pavement on Stand Lane, Outwood Gate Farm and the corner of Ringley Road West and Old Hall Lane.

These sites included greenfield installations, installations on existing structures and existing sites and were discounted for the following reasons:

- visually intrusive;
- too far from coverage area;
- insufficient space to install equipment;
- too close to residential properties;
- the previous application was withdrawn following discussions with the Council

The agent has confirmed that Clarks Hill Reservoir is outside of the search area and would not provide the relevant coverage.

The proposed development is required to increase network capacity and to provide 3G coverage to this area. Sufficient information has been provided to justify the need for the

proposed development in terms of improved coverage for both operators for the site. Therefore, the proposed development would be in accordance with Policy EN1/10 of the adopted Unitary Development Plan.

Impact upon surrounding area - The proposed mast would be located at the back of the footway. The proposed pole has been designed to reflect the existing street furniture in the immediate vicinity, which includes numerous streetlights and highways signs. As such, the proposed development would be viewed in the context of the existing street furniture and would not be a prominent feature in the streetscene.

The proposed development would not be directly overlooked by any residential property and there is over 90 metres to the nearest residential dwelling. As such, the proposed development would not have a detrimental impact upon the amenity of the neighbouring properties. Therefore, the proposed development would be in accordance with Policies EN1/2, EN1/10 and EN8 of the adopted Unitary Development Plan.

Ecology - A Great Crested Newt (GCN) survey was submitted as part of the application and concluded that as the works are to be undertaken across unsuitable GCN habitat (hardstanding), it is considered highly unlikely that any GCN are present within the areas of the proposed works. The Wildlife Officer has no objections subject to the inclusion of a condition relating to the recommendations of the report. Therefore, 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.

Highways issues - The proposed development would be set at the back of the footway and would not have an adverse impact upon the visibility splays at the nearby junctions. The footpath is 2.3 metres wide and as such, the proposed equipment would not impact upon pedestrian safety. The Traffic Section has no objections to the proposal. Therefore, the proposed development would be in accordance with Policy EN1/10 of the adopted Unitary Development Plan.

Response to objectors

- It is acknowledged that the site is located within a semi-rural/residential area. The agent has provided additional information and it has been confirmed that Clerke's Hill Reservoir is too far from the coverage area and as such, would not be suitable as an alternative site.
- The grid reference numbers for the alternative sites at Stand Lane and Stand golf club were inaccurate and are as follows:
Stand Lane - 379592, 405737
Stand Golf Club - 379941, 405713
- The issues of health, impact upon visual and residential amenity, the impact upon visibility and pedestrian safety, the impact upon the openness of the Green Belt and the need for the proposed development have been addressed in the main report. The impact upon view is not a material consideration and cannot 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 not have an adverse impact upon the openness or character of the Green Belt. The proposed development would not be a prominent feature in the streetscene nor would it have an adverse impact upon the amenity of the neighbouring properties. The proposed development would not be detrimental to highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Prior Approval Required and Granted

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date

of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings numbered 100 issue 3, 200 issue 3, 300 issue 3 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 equipment cabinets hereby approved shall be painted with an anti-graffiti paint, unless otherwise agreed in writing with the Local Planning Authority.

Reason. In the interests of visual amenity and crime prevention pursuant to Policies EN1/2 - Townscape and Built Design and Policy EN1/5 - Crime Prevention of the Bury Unitary Development Plan.

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

