

## AGENDA FOR

## PLANNING CONTROL COMMITTEE

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**To: All Members of Planning Control Committee**

**Councillors** : A Cummings (Chair), S Briggs, S Carter, R Caserta, D Gunther, P Heneghan, D Jones, A Matthews, A Quinn, S Southworth and Y Wright

Dear Member/Colleague

### Planning Control Committee

You are invited to attend a meeting of the Planning Control Committee which will be held as follows:-

<b>Date:</b>	Tuesday, 30 September 2014
<b>Place:</b>	Peel Room, Bury Town Hall
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	<p><b>If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.</b></p> <p>The Development Manager will brief the Committee on any changes made to the Planning Applications to be considered since the issue of the Agenda. This information will also be provided in the supplementary agenda which will be circulated to Members and made available to the public on the Council's website on the day of the meeting.</p>
<b>Notes to Members:</b>	<p>Food will be available from 5.00 pm (Balcony Bar). Pre-meeting Briefing (Lancaster Room). Details of Site Visits/Member training will be circulated separately, for the information of Members and Officers.</p>

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

Members of the Planning Control Committee are asked to consider whether they have an interest in any of the matters on the Agenda and, if so, to formally declare that interest.

### **3 MINUTES OF THE MEETING HELD ON 2 SEPTEMBER, 2014** (*Pages 1 - 4*)

### **4 PLANNING APPLICATIONS** (*Pages 5 - 100*)

### **5 DELEGATED DECISIONS** (*Pages 101 - 112*)

A report from the Development Manager on recent Delegated planning decisions since the last Planning Control Committee held on 2 September, 2014.

### **6 PLANNING APPEALS** (*Pages 113 - 128*)

A report from the Development Manager on recent Planning Appeal decisions since the last meeting of the Planning Control Committee held on 2 September, 2014.

### **7 URGENT BUSINESS**

Any other business which by reason of special circumstances the Chair agrees may be considered as a matter of urgency.

**Minutes of:** **PLANNING CONTROL COMMITTEE**

**Date of Meeting:** 2 September, 2014

**Present:** Councillor A Cummings (In the Chair)  
Councillors J Black, S Carter, R Caserta, D Gunther,  
P Heneghan, D Jones, A K Matthews,  
A Quinn, S Southworth and Y Wright

**Public attendance:** 15 members of the public were in attendance

**Apologies for  
absence:** Councillor S Briggs

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**P.201 DECLARATIONS OF INTEREST**

Councillor Matthews declared a personal interest in relation to planning application 57475 as he is a member of the Greater Manchester Fire and Rescue Service. Councillor Matthews, having declared the interest, left the room during consideration of this application by the Committee.

Councillor Carter declared a personal interest in respect of planning application 57703, having attended a meeting with both the applicant and Council Officers regarding the site being considered as part of this application.

Councillor Heneghan declared a personal interest in respect of planning application 57784 as a personal friend to the formal objector to this application who was in attendance at this Committee meeting.

**P.202 MINUTES**

**Delegated decision:**

That the Minutes of the Meeting held on 29 July, 2014 be approved as a correct record and signed by the Chair.

**P.203 PLANNING APPLICATIONS**

A report by the Development Manager was submitted in relation to various applications for planning permission. Supplementary information was also submitted in respect of application numbers: 57475, 57703 and 57767.

The Committee heard representations from applicants and/or objectors in respect of the applications submitted. This was limited to three minutes for each speaker.

(Note: Site visits had taken place prior to the Committee meeting in respect of planning applications 57475, 57703, 57725 and 57767).

**Delegated decisions:**

1. That **Approval** be given to the following applications in accordance with the reasons put forward by the Development Manager in the report and supplementary information submitted and subject to the conditions included:-

**57475 Land at Wellington Street, Bury – Bury West – Church Ward**

New operational training and community safety awareness facility for the fire service including mock houses, tram and train training facilities, fire street, urban search facilities, ship facility and eight floor high rise structure

**57703 Land at Kirklees Lodges, Garside Hey Road, Bury – Ramsbottom and Tottington – Tottington Ward**

Community asset and education centre for environmental awareness including stables (equine therapy), paddock, car park and education centre/clubhouse

**57725 Bury Art Museum, Moss Street, Bury – Bury East Ward**

Listed building application for installation of temporary structure (12 months) in alcoves at front of sculpture centre and library entrance

**57767 Super Deli Kosher Meat and Grocery Shop, 53 Bury New Road, Prestwich, Manchester – Prestwich – Sedgely Ward**

Erection of new canopy on front elevation; Creation of 6 no. new car parking spaces; Creation of a new footpath front and side; Cladding over existing roller shutters to be replaced with brick work façade; Replacement roller shutter

**57784 Land to north of Beech House, Clifton Road, Prestwich, Manchester – Prestwich – St Mary's Ward**

Erection of garage

Note: The decision to **Approve with Conditions** was subject to the addition of the following Condition:-

**Condition 4:**

No development shall commence unless and until a structural survey has been submitted to and approved in writing by the Local Planning Authority to show how the garage could be constructed and maintained in an appropriate manner to ensure there is no damage to the culvert which runs through the site. The approved details shall be implemented to the full satisfaction of the Local Planning Authority.

**Reason.** The current application contains insufficient information regarding the stability of the land in relation to the culvert to fully assess the impact.

**P.204 DELEGATED DECISIONS**

A report by the Development Manager was submitted listing all recent Planning application decisions made by Officers using delegated powers.

**Delegated decision:**

That the report be noted.

**P.205 PLANNING APPEALS**

A report from the Development Manager was submitted which presented a list of recent planning appeals lodged and determined and details of recent enforcement appeal decisions. The report included a copy of the Planning Inspectorates Report and Decisions in respect of Case Ref No: 13/0301.

**Delegated decision:**

That the report be noted.

**COUNCILLOR A CUMMINGS (Chair)**  
**(Note: The meeting started at 7.00 pm and ended at 8.15 pm)**

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<b>Title</b>	<b>Planning Applications</b>
<b>To:</b>	<b>Planning Control Committee</b>
<b>On:</b>	<b>30 September 2014</b>
<b>By:</b>	<b>Development Manager</b>
<b>Status:</b>	<b>For Publication</b>

**Executive Summary**

The attached reports present members with a description of various planning applications, the results of consultations, relevant policies, site history and issues involved.

My recommendations in each case are given in the attached reports.

**This report has the following implications**

**Township Forum/ Ward:** Identified in each case.

**Policy:** Identified in each case.

**Resources:** Not generally applicable.

**Equality Act 2010:** All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:  
The elimination of discrimination, harassment and victimisation;  
The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;  
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

**Human Rights:** All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, I have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based

upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

## **Development Manager**

### **Background Documents**

1. The planning application forms and plans submitted therewith.
2. Certificates relating to the ownership.
3. Letters and Documents from objectors or other interested parties.
4. Responses from Consultees.

FOR FURTHER INFORMATION ON THE CONTENTS OF EACH REPORT PLEASE CONTACT INDIVIDUAL CASE OFFICERS IDENTIFIED IN EACH CASE.



- 01 Township Forum - Ward: Radcliffe - East App No. 56744**
- Location:** Land at Bury Road/York Street, Radcliffe, Manchester, M26 2WH  
**Proposal:** Hybrid full planning application for the erection of 153 no. dwellings together with associated works including the laying out of public open space, and the undertaking of engineering operations to remediate the site, raise the levels, construct an emergency access and development platform for future commercial development; Outline planning application for erection of a Class B1/B2 & B8 development of 7435 m2  
**Recommendation:** Approve with Conditions **Site Visit: Y**
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- 02 Township Forum - Ward: Bury West - Elton App No. 57669**
- Location:** Walshaw Motorbodies, Walshaw Road, Bury, BL8 1PL  
**Proposal:** Single storey side extension and single storey spray booth at the rear.  
**Recommendation:** Approve with Conditions **Site Visit: N**
- 
- 03 Township Forum - Ward: Ramsbottom + Tottington - Tottington App No. 57797**
- Location:** Site of Wesley House, Wesley Street, Tottington, Bury, BL8 3NW  
**Proposal:** Repositioning of 2 no. bungalows (plots 4 and 5) with associated external works (retrospective)  
**Recommendation:** Approve with Conditions **Site Visit: Y**
- 
- 04 Township Forum - Ward: North Manor App No. 57825**
- Location:** Walmersley Post Office, 678 Walmersley Road, Bury, BL9 6RN  
**Proposal:** Conversion of dwelling (C3) to Shop (A1); 2 bed flat at first floor level; New shop front and roller shutters  
**Recommendation:** Approve with Conditions **Site Visit: N**
- 
- 05 Township Forum - Ward: Bury East - Redvales App No. 57830**
- Location:** The Trafalgar, Manchester Old Road, Bury, BL9 0TB  
**Proposal:** Change of use from public house to 5 no. flats with first floor extensions to side and rear and new access from Baron Street for parking (resubmission)  
**Recommendation:** Minded to Approve **Site Visit: N**
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- 06 Township Forum - Ward: Bury East App No. 57841**
- Location:** Old County Court, Tenterden Street, Bury, BL9 0HJ  
**Proposal:** Change of use from Office (B1) to Support and Counselling Centre (D1)  
**Recommendation:** Approve with Conditions **Site Visit: N**
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**07**      **Township Forum - Ward:** Prestwich - Holyrood      **App No.** 57852

**Location:** Land at 2 Kestrel Close, Whitefield, Manchester, M45 6SB

**Proposal:** Erection of new two storey dwelling (Re submission)

**Recommendation:** Minded to Approve      **Site Visit:** N

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**Ward:** Radcliffe - East

Item 01

**Applicant:** Cantt Pak Ltd and Countryside Properties (UK) Ltd

**Location:** Land at Bury Road/York Street, Radcliffe, Manchester, M26 2WH

**Proposal:** Hybrid full planning application for the erection of 153 no. dwellings together with associated works including the laying out of public open space, and the undertaking of engineering operations to remediate the site, raise the levels, construct an emergency access and development platform for future commercial development; Outline planning application for erection of a Class B1/B2 & B8 development of 7435 m<sup>2</sup>

**Application Ref:** 56744/Full

**Target Date:** 17/07/2014

**Recommendation:** Approve with Conditions

**It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for the timing and delivery of employment land and units OR compensatory payment in accordance with SPD 14, which will require the delivery of 7435m<sup>2</sup> of employment units within 5 years or commuted sum payment of £468,000.00 (pro rata to floorspace delivered) pursuant to EC1/1/15 – Dumers Lane Employment Generating Area; and the construction, laying out, planting, timing and maintenance of 1.4ha of land for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan; and 15 affordable housing units in accordance with Policy H4/1 of the adopted Bury Unitary Development Plan. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Development Manager. Should the agreement not be signed and completed within the agreed period identified within the Planning Performance Agreement, it is requested that the application be determined by the Development Manager.**

### **Description**

The overall application site covers 10 ha. falls into two main parcels of land to the east of the River Irwell. The first comprises land formerly occupied by Unifi Dyed Yarns Ltd. which sits to the south of an existing unit (currently occupied by Wincanton) and is accessed via York Street. This part of the site has now been cleared. The second comprises open land sitting to the north of the existing Wincanton unit and is accessed via Bury Road

To the west of the site is Bealy's Goit and Swan Lodge and York Street to the south comprises mainly residential properties. The river runs along the easterly and northerly boundary of the site and further to the north across the river is a primary school and an extensive residential area.

The application is a hybrid with outline consent being sought for the employment buildings, and full consent for the development platform for the employment and for 153 dwellings. The residential development would be located on the land to the south of the Wincanton unit, accessed via York Street, and the employment element to the north, accessed off Bury Road.

The access into the residential area would be taken from York Street but would not connect through, for day to day purposes, to the industrial northerly part of the site. The scheme would retain the Bury Road access for Wincanton. There would be an emergency access available through from the residential area and footpath connections would link York Street, along the goit through to Bury Road.

To facilitate the development and for issues concerning flooding, the housing site would be

raised by approximately 1.5m and the employment land platform would be some 2.0m above the existing ground levels.

The surrounding areas of the site would form part of the wider open space and would be planted and ecologically enhanced.

In recognition of the prospective loss of land currently designated as an Employment Generating Area, the development is geared to deliver employment uses. The proposals are set out as follows:

- To undertake the remediation and associated engineering operations to prepare the platform for the new build development.
- To market the retained employment site actively for employment uses over a period of at least 5 years.
- To not progress or promote the site for any alternative uses other than those which fall within B1, B2 or B8 of the Use Classes Order.
- To undertake to make a payment of £468,000 if after 5 years the area of land retained for commercial development (i.e. the development platform required above) has not been brought into active use for commercial purposes; or a building of comparable size to that which consent is sought has been constructed even if such building has not been brought into active use.

The details of these works are to be controlled through conditions or be requirements of the s106 as appropriate.

### **Relevant Planning History**

01354/E - Mixed use residential and commercial development (hybrid) -

53645 - Outline planning for mixed use scheme including erection of 200 dwellings; new warehouse (7435 square metres) and land remediation and raising of land; raised emergency access to Bury Road; open space and car parking - Approve with Conditions 20/04/2011

55811 - Variation of condition no. 3 requiring substantial completion of warehouse extension of planning permission 53645 (Outline for mixed use scheme including erection of 200 dwellings; new warehouse (7435 sq.m) and land remediation and raising of land; raised emergency access to Bury Road; open space and car parking) to completion of groundworks and permitting up to 50 dwellings to be occupied - Withdrawn

### **Publicity**

244 properties neighbouring the site were notified on 22/4/14 and a more detailed reconsultation in relation to the reduced numbers of properties concentrating on York Street and Dumers lane were consulted again on 19/8/14. 1 December 2013. Site Notice was erected 29/4/14. A press notice published in the Bury Times on 24/4/14.

As a result of this publicity there have been 4 representations received comprising 1 comment and 3 objections.

Comment - M.Thornley querying what the use classes description means and states concerns about noise pollution at certain times of the day and night. He also pointed out erosion that has occurred to the river bank.

### **Objections**

63 *York Street*. The new planning application has changed in relation to the entrance for the proposed housing estate off York Street. The previous plan that was submitted (that I was in favour of) showed the access/egress as the original entrance for the dye works which is a larger junction to facilitate traffic volume/deliveries wagons, refuge wagons etc. I object to this new application as traffic will impact massively on the properties that live facing the new proposed entrance/egress route. In Winter time vehicle lights shining into the windows of my property and also noise pollution 24/7. I am a shift worker and I sleep in the front bedroom so this proposal will affect my wellbeing daytime and evening time tremendously and this

has to be taken into consideration during future meetings and plans reverted back to the original entrance site.

**46 Seddon Avenue** - Based on current infrastructure in place I believe traffic will become an issue in the area especially taking into account the Hardy's Gate development. I would be in favour of the development if the traffic situation is addressed. York street should be extended to meet Bury Road for better access.

*Maze Planning on behalf of J & W Whewell Ltd* -

- Concerned about the locating of residential development next to an existing established chemical works.
- Acknowledges existing permission for residential development adjoins the site.
- There is greater potential for vehicular conflict with the introduction of a second access on the south-easterly side of the site with Whewell's vehicles that currently back out on to York Street.
- There has been no consideration of traffic regulation on York Street to keep the highway clear for Whewells.
- The developer could either do a land swap to allow Whewells to occupy all the land to the north of York Street and the applicant have their remaining land to the south
- Provide land to extend the service area to allow Whewell's vehicles to leave in a forward gear.
- Provide off street parking for residents, to free up the highway.

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

### **Consultations**

**Traffic Section** - no objections Add standard conditions concerning visibility splays and emergency routes.

**Environmental Health Contaminated Land/ Air Quality** - No objections. Should the development generate more traffic than is predicted, then the output measures may need to be reviewed.

**Environmental Health Pollution Control** - No objections received.

**Public Rights of Way Officer** - The Flood Evacuation Route follows the line of Public Footpath Number 3, St Marys, Radcliffe. The plans do not show the continuation of the route onto Bury Road and whether a diversion may be needed/desirable to avoid the access road to the existing warehouses. If the evacuation route results in the widening and surfacing of the footpath then I would like to see those improvements extended southwards along the public footpath to connect with York Street. If this section is left in its current condition, it is likely to be unused as people will choose to walk/ride through the estate to reach the start of the evacuation road.

**Waste Management** - No objections.

**Environment Agency** - No objections subject to conditions concerning land contamination remediation and ecological enhancement. The response to the flood risk matters is still awaited and an update shall be provided in the supplementary report to the Committee. It is anticipated, through discussions, to be no objections subject to conditions.

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

**United Utilities (Water and Waste)** - No objections subject to conditions concerning easements to the sewer crossing the site and provision of a surface water regulation system

**The Coal Authority** - The application site falls within the defined Development High Risk Area and The Coal Authority is pleased to note that the application is now accompanied by two Coal Mining Risk Assessments. The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessments are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

Fire Service HQ Greater Manchester

**GMPTE** - Bus stop upgrades on Dumers Lane are welcomed.

**Greater Manchester Ecology Unit (GMEU)** - The developers have provided an updated ecological report as the existing survey information is more than 2 years old in order to

reassure us there have been no material changes on site. GMEU are satisfied that the level of re-assessment. This has identified no additional ecological constraints.  
**GM Police designforsecurity** - No objections in principle. They highlight the need for defensible fencing and planting (fencing heights to open space area should be 2.1m high).  
**The Ramblers Association (Bury)** - No comments made.  
**Manchester & High Peak Ramblers** - No objections.  
**Peak & Northern Footpaths Society** - No comments made.  
**The Open Spaces Society** - No comments made.

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

EC1	Employment Land Provision
EC1/1	Land for Business (B1) (B2) (B8)
EC2	Existing Industrial Areas and Premises
EC2/1	Employment Generating Areas
EC6/1	New Business, Industrial and Commercial
H1	Housing Land Provision
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN9	Landscape
OL5/2	Development in River Valleys
OL5/3	Riverside and Canalside Development in Urban Areas
RT1/1	Protection of Recreation Provision in the Urban Area
RT2	New Provision for Recreation in the Urban Area
RT2/1	Provision of New Recreation Sites
RT2/2	Recreation Provision in New Housing Development
HT5/1	Access For Those with Special Needs
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
SPD16	Design and Layout of New Development in Bury
NPPF	National Planning Policy Framework

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Principle** - The application site lies within the Dumers Lane Employment Generating Area (EGA) and is subject to Unitary Development Plan (UDP) Policies EC2/1 and EC2/1/9.



Currently the application is a hybrid with permission sought in full for the housing and engineering works and outline for the employment development. The emergency access is to be formed in two parts, one with a dedicated emergency route to be shared along the westerly edge of the site and an emergency vehicular access in the unlikely event of a catastrophic failure on York Street, running through the Wincanton site, which is owned by the applicant.

Within the Dumers Lane EGA, the Council will only allow development for Business (B1), General Industrial (B2) and Warehousing (B8) uses. Other uses will only be allowed where they constitute limited development or do not substantially detract from the area's value for generating employment.

In addition, the proposed development platform and employment uses to the north of the Wincanton warehouse sits within the River Valley where, under UDP Policy OL5/2, new buildings or the change of use of existing buildings or the change of use of land will not be permitted except where it would not lead to the division of open parts of the valley into sections and where it satisfies one or more criteria.

**The Presented Case** - In terms of the principle of the proposal, the applicant argues that there is a clear indication that the southern part of the site has no reasonable prospects of being brought back into use for employment purposes and should be made available for alternative uses. Furthermore, it is argued that this part of the site is more suited to housing due to the proximity of existing residential areas. The Council has already considered that the residential use of this part of the site is appropriate, subject to the imposition of appropriate controls.

The applicant argues that there is a pressing need for additional land to be made available for housing based on their view that the Council is unable to demonstrate a 5 year supply.

The previous approval included a condition which required the delivery of an extension to what was the Expert Logistics warehouse (now occupied by Wincanton). However, the change in circumstances arising from Expert Logistic's relocation requires a more flexible approach in order to ensure the delivery of new employment uses.

The applicant has received marketing advice that specifies that building speculative employment uses would limit the market. In light of this, that applicant argues that allowing the site to the north of the Wincanton unit to continue to be marketed for a five year period (as opposed to requiring a speculative employment development up front) will help the applicant to secure users and for employment development to come forward on a design and build basis. The applicant has agreed to make a financial contribution under the terms of SPD14 in the event that the employment site is not delivered after the five-year period period.

For information, it is understood that the applicant is currently in discussion with two prospective occupants with a view to developing new employment units to the north of the Wincanton site. The progression of this application to secure the groundworks under the full element of the planning permission would be a significant factor to demonstrate the ability to deliver the required buildings for these occupants through a separate permission, should this application be approved.

**Council's Consideration on the Principle** - Within the Dumers Lane EGA, the Council will only allow development for Business (B1), General Industrial (B2) and Warehousing (B8) uses. Other uses will only be allowed where they constitute limited development or do not substantially detract from the area's value for generating employment.

In the Council's view, the scale of the residential alone is such that it cannot realistically be

regarded as limited development. However, paragraph 22 of the NPPF specifies that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

In its consideration of the previous application, the Council accepted that it would be likely to be unviable to redevelop the former Unifi Dyed Yarns site for new employment uses, either in full or as part of a mixed use scheme. As such, the principle of residential development on this part of the site has already been accepted.

Furthermore, a balanced approach is required whereby the merits of the scheme as a whole are considered, taking into account the proposed employment opportunities that may arise to the north of the Wincanton site.

Requiring the applicant to deliver the development platform for the employment uses prior to the commencement of the residential uses to the south would secure an early level of commitment from the applicant that they intend to bring the site forward for employment development and would improve the marketability of the site. Any approval should be conditional upon this being delivered.

In terms of the delivery of the employment uses, the Council accepts that the early development of one or more speculative employment units to the north of the Wincanton site may not be the most appropriate way forward in this instance, particularly given current market conditions. It is accepted that the longer-term prospects of delivery may be improved by developing the site on a design and build basis as and when end users have been identified.

However, there is a need to time-limit this approach to allow for alternative provision to be made in the event that prospective end users cannot be identified. The applicant's suggestion that the failure to deliver all or part of the employment site within a five-year period would require a one-off payment to the Council is considered to be a reasonable approach. Such a payment would then allow the Council to help to bring forward employment opportunities elsewhere.

In conclusion, therefore, whilst the proposal does involve the loss of existing employment land on the southern part of the site, the proposal would result in additional employment land to the north of the existing Wincanton site and following the marketing that has been undertaken, there is a good prospect that this will come to fruition.

**River Valley Issues** - As mentioned previously, the proposed employment uses to the north of the Wincanton site are on land that is currently designated as River Valley in the UDP. However, in considering the proposal against UDP Policy OL5/2, it is not considered that development on this site would lead to the division of the River Valley. Furthermore, the proposal is considered to be consistent with criterion (i) of the Policy which provides an exception for limited infilling to an established industrial area.

Consequently, the proposal is not considered to be in conflict with UDP Policy OL5/2.

**Housing Issues** - The principle of residential development on the site was established with the grant of outline consent in August 2012. However, as no reserved matters were submitted within time, this permission has lapsed.

Following revocation of the North West Regional Spatial Strategy on 20 May 2013, there is no statutory housing target for Bury. Work is continuing on Bury's Local Plan which will bring forward a new statutory housing target.

In the meantime, the National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the



supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

Therefore, the proposed development would need to be assessed against Policy H1/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

UDP Policy H1/2 considers that housing can be accepted on sites provided that

- they are directed towards the urban area,
- where there is adequate infrastructure,
- avoids the loss of open or peripheral land,
- that the site is suitable in land use terms, and
- does not conflict with other policies of the UDP.

The site is within the urban area where there is existing adequate infrastructure. There are no objections in terms of drainage issues or any in principle objections from traffic in terms of infrastructure. The development of housing would not affect peripheral open land and in terms of the considerations of the spacing around the proposed housing for amenity purposes, would be compatible in land use terms with its neighbouring land uses.

It is accepted that there is an existing and operating chemical factory to the east of the site. However, the housing would be separated from the boundary with the factory by open space land and as such, no different in terms of what was accepted and approved at the outline stage. As such, there would be no objections to the scheme on these grounds.

H2/1 - The Layout of New Residential Development and H2/2 - The Layout of New Residential Development, provides the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finish materials. As the housing is currently seeking full permission, these matters are shown in details.

The layout of the housing within the development would be set around a circular distributor road with all properties providing natural surveillance of the roads and paths. The aspects between properties would be acceptable and be in accordance with Council policy SPD6.

Boundaries - Apart from the connecting through route to the rear of the site (to the public open space) the proposals would be enclosed by 1.8m high timber boarded fencing, which would be a standard response on a domestic estate. However, all fencing to the west, north and east should be a minimum of 2.1m high given that these plots would be at risk from general access from the public open space. Such fencing would then be a standard response to issues from the designforsecurity team and pursuant to EN1/5 - Crime and Design.

H4/1 - Affordable Housing - The scheme is submitted with an Affordable Housing statement, which effectively holds a position of negotiation in terms of the levels of affordable housing that could be delivered as part of the proposal. Detailed viability assessments have been submitted, which demonstrate that there are a number of significant development costs associated with delivering the proposal, including the need to provide for employment land and the need to increase the ground levels for flood defence works. This information has been considered and it is accepted that there are significant costs associated with bringing this site forward and, as such, the quantum of affordable residential development at 15 units is considered to be acceptable. This equates to 10% of the total number of units provided in the scheme.

However, notwithstanding this, there would be a need to ensure that overage provisions are included in any legal agreement in the event of an upturn in the marketing and subsequent sales. This would be achieved through appropriate clauses relating to overage in the s106 agreement.

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included in any legal agreement in the event of an upturn in the marketing and subsequent sales. This would be achieved through appropriate clauses relating to overage in the s106 agreement.

The affordable plots identified on the scheme are contained within the heart of the development and are slightly larger units than many on the estate, which would also encourage lifetime homes applicability. The reason for the concentration of the affordable plots is because the applicant is seeking to get a Registered Provider to purchase and manage the units. The s106 agreement will seek to secure a greater dispersal of the affordable housing units should the eventual tenure of them be discounted market housing. The layout of the site has reduced in density since the originally submitted scheme mainly due to concerns raised in terms of flood risk. Essentially, the site with more housing would have displaced a greater level of water, which would have put extant housing at risk. The reduced number of houses would now fit on the originally approved platform and thus its impacts were within acceptable levels that the Environment Agency had previously consented to. This is discussed below.

**Flood Issues** - The application has been submitted with a Flood Risk Assessment (FRA) in accordance with the provisions of the NPPF and its technical supporting summary document. The FRA includes the local considerations contained with the Strategic Flood Risk Assessment.

It is a requirement that the development proposals adopt a sequential testing approach and the exceptions test. The Council's Sequential Test for the Core Strategy assesses the availability of suitable land for development and concludes that land within zones 2 and 3 will need to be developed for housing and employment if the development aims of importance to the borough are to remain and be achieved. The reasons for this include regeneration benefits, economic and community reasons, including the ability to maintain objectives for affordable housing and business development across the Borough. The document also assesses whether land in flood zone 3a is sequentially required within the Radcliffe area and concludes that it is, as alternative sites for large scale housing and employment development "do not exist without encroaching into the Green Belt" and that "overall the results of the Sequential Test provide strategic justification for why development in Bury needs to occur within areas at risk of flooding".

The regeneration benefits that could be achieved from the redevelopment of the former Unifi Dying site, the additional employment development to the north of the Wincanton unit, additional land take and the considerations of the Core Strategy Sequential Testing are such that these developments cannot take place at this scale in this area and for these reasons it is considered that the test is complied with.

In consideration of the Exceptions Test, there are three issues to consider namely:

- the wider sustainability benefits,
- the redevelopment of previously developed land and
- whether the development would be safe.

The proposals would result in the development of an allocated employment development site, which would be in and close to residential areas where the employment pool would be close by and maintain a contributor to the local economy. As the site is within the 20% most deprived areas within England as demonstrated within the Indices of Multiple Deprivation, the development would score highly against this issue.

The scheme provides additional cycling and footpath routes, links into the wider green infrastructure and additional housing choice and to a minimum of code 3 (as described within Weetwood FRA 2011). Moreover, the scheme would remove dilapidation and dereliction, provide opportunities for employment (including existing training opportunities provided by the retained employer) and is close to sustainable modes of transport.

Waters would be controlled through flood risk management, maintaining flows across the

site and in the design of the greenspace around the site would provide ecological enhancement, which is discussed in more detail below. Flood risk would be reduced and would result in the redevelopment of a brownfield site and as such is considered to comply with the exceptions test.

Landworks - In order to reduce on site and residual risks from the development there are a number of proposals within the scheme that would be implemented including:

- Land raising of the residential development such that it would be some 1.5m above York Street with the extension floor raised to 70.03m AOD;
- To raise the road levels within the residential development to 69.28 AOD;
- To provide a vehicular emergency access route from the residential development north through the site along Bealy's Goit such that it would be approximately 70.00m AOD; and
- Raise the new car park to the north of Wincanton site to 69.35m AOD.

These levels would ensure that the site and the respective parts of the development would be in accordance with the Flood Risk Assessment and recommendations, which are accepted by the Environment Agency and would provide a 1 in 100 year plus climate change peak surface water level expected at the site plus a freeboard allowance for uncertainty.

The residential development would appear to be 'sat up' when compared to the existing dwellings on York Street. However, there would be sufficient separations available to ensure that there would be no undue impacts upon this street and properties fronting it.

These levels are considered to be appropriate and together with contingencies proposed for emergency access the raised levels would not unduly impact upon amenity beyond the site itself.

Displacement of Water and Residual Risks - The proposals would result in the way that water flows across the site in the event of flooding at both the 1 in 100 and 1 in 1000 years levels. The scheme presents a betterment for surrounding land to the south of the site including the residential properties on York Street and the modelled rates and directions of flows have been accepted by the Environment Agency. The reasoning for the better is that the development of the site would change the flows across the site and in many ways slow the flow rates down. This would ensure that water dissipates more readily rather than areas becoming inundated and unable to dissipate the water. On this basis the modelling and predictions together with the redevelopment of the site would result in an improved situation.

The Environment Agency have been consulted on the proposals and have raised no objections to the proposals on the basis of conditional controls being in place to ensure that finished levels are as proposed.

**Access** - The application is seeking to use York Street as the main entrance into the site for housing, whilst the employment uses would retain the existing access from Bury Road. The application has been submitted with a Transport Assessment (TA) that determines that the use of York Street could accommodate the demands of access for the proposed housing density.

The TA has been subject to assessment by the Greater Manchester Transportation Unit and the conclusion is that York Street, as the main access into the site is acceptable. The TA currently argues that there is no need to signalise the junction of York Street with Dumers Lane. However, the key issue is that this premise is based upon this site coming forward before the already approved outline approved housing on the former Halls site (Property Alliance Group scheme), which it now has done and has undergone the s38 and s278 process under the Highways Act, involving the installation of a signalised junction.

The Traffic Section agree to the proposals for York Street serving as the main access route into the site. However, the issue centres upon when traffic signalling is needed on the York

Street/Dumers Lane junction, bearing in mind the approved Property Alliance Group scheme. The Transportation Unit in Manchester were consulted on the previous application and given the lesser density of this scheme compared to the consented, but lapsed scheme, in terms of the Transport Assessment and have raised no fundamental objections to the proposals.

**Wildlife Corridor and Ecological Enhancement** - The employment part of the proposals site lies within a designated Wildlife Corridor under Policy EN6/4. The application has been submitted with Ecological Assessments including bat survey and habitat enhancements.

The survey found no evidence of bats, but could not rule out occasional use owing to the number of buildings that are on the site. All the older structures on the site have been cleared but given the location of the site, the *site itself* has low roosting potential.

The planning application presents no new ecological constraints and all reports have been updated since originally submitted. GMEU have no objections to the scheme and request planning conditions relating to restrictions of site clearance and ecological enhancement to the site, which are proposed.

Japanese knotweed, Himalayan balsam and giant hogweed are present on the site. Whilst total eradication along the banks of the Irwell would be unreasonable owing to re-colonisation from upstream, eradication of isolated stands away from the river bank should be possible. The ecological assessment notes that stands of invasive species may provide opportunities for otter to lie up and that a re-survey for otters should occur prior to commencement of any works. This can be conditioned.

There is no evidence that otters are utilising the site, but are now known to occur on the River Irwell. The updated ecology report noted the need to ensure no otters are using temporary lying up spots along the riverbank during operations to remove invasive species. In addition the proposed riverside landscaping offers an opportunity to enhance the habitat for otter. Eg an artificial holt. This can be conditioned.

Birds are present on site nesting within vegetation and buildings. Given the particularly location and extent of ecological issues, it is suggested that a condition be imposed to ensure that there would be no vegetation clearance or demolition shall be carried out on site between 1st March and 31st August inclusive in any year without full survey before hand having been carried out.

The proposed development would impact on a wildlife corridor policy (EN6/4), several features of ecological value (ponds, scrub, grassland) (EN6/3), and borders the Swan Lodge Site of Biological Importance (SBI) (EN6/2). A number of noteworthy species including nesting kestrel, amphibians and soft shield fern are also found on the site. In addition to the recommendations of the Ecological assessment which cover all of the above, it is also recommended that measures are also taken to benefit two other Biodiversity Action Plan (BAP) species, reed bunting a UK priority species present on the neighboring SBI and Black poplar a GM BAP species. It is questionable from the proposals whether there is a chance of maintaining the scrub habitats (W21, W22 and W23) as proposed and in any event, there are no strong views regarding which option of the two suggested is implemented for north of Wincanton i.e. Habitat Mosaic or flood meadow.

It is noted that the proposed mosaic though valuable in its own right, is not analogous to the UK priority habitat, which is more along the lines of short ephemeral habitat with scattered tall ruderal, scrub and grassland i.e a Derelict industrial land. As such, in terms of the Habitat Mitigation, a condition should be imposed to also deal with the following matters:

- Details of replacement water bodies including location design, construction and landscaping;
- Details of proposed grassland, scrub, and woodland enhancement and creation for the entire site including large scale plan and species composition;
- Measures to protect and enhance the local amphibian population including timing of

works and habitat creation;

- Specific species measures including kestrel nesting sites, translocation of soft shield fern, introduction of black poplars and habitat management for reed bunting;
- Measures to ensure the integrity of the wildlife corridor is maintained; and
- Buffering of the SBI.

**Parking** - The residential development, which is seeking full planning permission contains two parking spaces per unit. The Council's SPD11 recognises that the site is within a high access area and as such, the provisions of two parking spaces per plot minimum would be sufficient to provide adequate parking for the development. As such there would be no conflict with H2/2 - The Layout of New Residential Development or HT2/4 - Car Parking and New Development.

As the employment site is not seeking permission in full at this stage, the levels of provision cannot be judged, but would need to clearly demonstrate sufficient provision at reserved matters stage.

**Contaminated Land** - The current use of the site splits it into two distinct areas. The southern part of the site was formerly occupied by the former Unifi Dyed Yarns works including tanks, reservoirs and electricity sub stations which covers approximately 5.7 ha. While the northern area is occupied by a former sports ground. Surrounding land uses include a chemical works, housing and industrial and commercial premises.

Previous historic land uses in the southern half of the site have included agriculture, housing, Irwell Bleach and Dye Works, Irwell Oil and Tallow Works, Irwell Tallow and Candle Works, Holywell Mercerising Works, tanks, reservoirs, and areas of filling. While in the northern half of the site, previous land uses have included agriculture and a sports ground. Surrounding former land uses have included cotton mills, a chemical works, warehouses and a refuse tip.

The site lies within 250 metres of a landfill site known as Bury Road, Radcliffe Landfill which is located to the north west. The River Irwell flows along the eastern boundary of the site, while Bealeys Goit is located adjacent to the western boundary. The site is situated within an area that could be affected by a major flood according to the EA flood map. A number of ponds are located to the west of the site with three reservoirs marked as being present on the site itself (within the former dye works). The site is underlain by alluvial deposits over Middle and Lower Coal Measures Secondary A aquifer. A fault cuts the site from north west to south east towards the south.

A number of Desk Study and Site Investigation reports have previously been submitted and reviewed. However, further assessment work including post enabling work gas monitoring and the provision of missing information and a remediation strategy is required.

In line with the National Planning Policy Framework, there is the potential for contamination on this site therefore recommend that contaminated land conditions are placed on any grant of permission.

**Crime and Design** - The application is predominantly in outline with the means of access sought. The comments from the Police are focused purely on the potential for crime without the regard of the wider benefits of the development through the interaction with the countryside. The details of the layout would incorporate footpath widths and planting specifications would also form part of the landscaping, for which a scheme would be finalised through the s106 agreement.

In terms of the access through the Wincanton site, this provision is an absolute emergency in that should access be blocked into the site from York Street, then another means of access would be available. The Wincanton site is currently a 24 hour operation with manned security and CCTV. Access through their site is monitored. Secondly, the applicants have both control and ownership of both sites and thus can ensure that the emergency access



remains specifically for this purpose only. A planning condition can also ensure this in the event of interests in land ownership changing.

### **Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

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

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

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

Reason. To ensure the satisfactory development of the site and because this application is in outline only.
4. No housing development shall commence unless and until the development platform to the north of the existing Wincanton site has been implemented to substantial completion stage in accordance with the approved scheme details.

The 'completion' of the extension to the north of the existing Wincanton building and associated servicing shall be confirmed by an exchange of letters between the developer and the Local Planning Authority and the development platform and its associated parts shall not be deemed to be substantially completed unless and until this is confirmed in writing by the Local Planning Authority.

Reason - To ensure the employment proposals are brought forward at the earliest stage in relation to the case argued by the planning proposals and the designation of the land pursuant to UDP Policy EC2/1 - Employment Generating Areas.

5. As part of the submission of the first reserved matters for the employment site, an Air Quality Assessment report of the impact of the development both during and after the construction phase on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall determine measures to minimise the impacts upon air quality arising from the development and the

measures as approved shall be incorporated into the development.

Reason - The roads leading to the planned development are within the Air Quality Management Area (AQMA). The AQMA in this locality is an area predicted to exceed the objectives for nitrogen dioxide as detailed in the Air Quality Regulations 2000 and (Amendment) Regulations 2002. UDP Policy EN 7/1 - Atmospheric Pollution considers that it is a requirement that this development does not lead to, or significantly add to predicted exceedences of any of the objectives detailed in the Air Quality Regulations 2000 and (Amendment) Regulations 2002.

6. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*) and Giant Hogweed (*Heracleum Mantegazzianum*) including measures to ensure that no harm occurs to otters, 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. This condition can be satisfied in phases.  
Reason. To ensure that the site is free from Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape.
7. No development shall take place until an area of land has been defined and an otter habitat enhancement plan produced for otters. The scheme including details of holt construction, timing for implementation and maintenance thereof shall be submitted before any groundworks to the employment platform are commenced and the holt shall be available for use in accordance with the approved timetable.  
Reason - To ensure that appropriate steps are employed to mitigate any potential impacts upon otters their resting points, habitat and wellbeing pursuant policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
9. No development shall take place until a detailed biodiversity mitigation and enhancement proposal and master plan including avoidance, timing of implementation and habitat creation and enhancement has been submitted and approved in writing by the Local Planning Authority. The plan shall include:
  - Details of replacement water bodies including location design, construction and landscaping;
  - Details of proposed grassland, scrub, and woodland enhancement and creation for the entire site including large scale plan and species composition;
  - Measures to protect and enhance the local amphibian population including timing of works and habitat creation;
  - The design, quantity, location and implementation of artificial bat roosts;
  - Specific species measures including kestrel nesting sites, translocation of soft shield fern, introduction of black poplars and habitat management for reed bunting;
  - Measures to ensure the integrity of the wildlife corridor is maintained; and

- Buffering of the Site of Biological Importance.

Reason - To ensure that appropriate steps are taken to mitigate any potential impacts upon the ecological habitat and that the enhanced ecological biodiversity proposals are carried out pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment and EN6/4 - Wildlife Links and Corridors.

10. No development shall take place including demolition, earth works and site clearance associated with the employment platform shall take place until a scheme and plan for the protection of ecological features to be retained has been produced and implemented in accordance with details approved in writing by the Local Planning Authority.

Reason - to ensure that measures and mitigations are in place to deal with ecology and wildlife enhancement pursuant to UDP Policies EN6/3 - Features of Ecological Value, EN6/4 - Wildlife Links and Corridors and National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

11. No development or land works for the employment building platform shall take place until a biodiversity management and monitoring plan has been produced for the agreed biodiversity mitigation and enhancement plan and agreed in writing by the local authority. The plan will include:

- Monitoring of pond establishment and water levels
- Grassland mowing regimes
- Woodland establishment, beating up and thinning
- Monitoring of species with specific enhancement proposals such as otter, kestrel and soft shield fern.
- Monitoring of invasive species.

Reason - To ensure the longevity of the ecological enhancement areas pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment and EN6/4 - Wildlife Links and Corridors.

12. 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.

This condition can be satisfied in phases.

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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

13. Following the provisions of Condition 13 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. This condition can be satisfied in phases.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural



environment.

14. 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. This condition can be satisfied in phases.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
15. 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.
- This condition can be satisfied in phases.  
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
16. No development shall commence unless and until a Preliminary Risk Assessment report to assess the actual/potential ground gas / landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.
- Where actual/potential ground gas/landfill gas risks have been identified, a detailed site investigation(s), ground gas monitoring and suitable risk assessment(s) shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation / protection measures are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.
- This condition can be satisfied in phases.  
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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
17. Following the provisions of Conditions 12 and 16 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.

This condition can be satisfied in phases.

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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

18. In relation to the Employment part of the application site, the development shall be carried out in accordance with the approved Travel Plan Frameworks which establish the developer and occupier travel plan objectives and targets and includes an implementation programme. The approved measures shall be implemented before each phase of the development is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority. This condition can be satisfied in phases.

Reason - In order to deliver sustainable transport objectives in pursuant to NPPF Chapter 4 - Promoting sustainable transport.

19. **Conditions relating to the Housing Site**

20. In relation to the proposed housing part of the site, 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.

21. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and the Flood Risk Assessment (FRA) from Weetwood (Ref 1510/FRA\_v1.3 dated 4 February 2011), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- details of exceedence event up to a 1 in 100 year including climate change allowance
- details of how the scheme shall be maintained and managed after completion

The scheme shall be fully 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 prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant Chapter 10 of the National Planning Policy Framework and Unitary Development Plan Policy EN5/1 - New Development and Flood Risk.

22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from Weetwood (Ref 1510/FRA\_v1.3 dated 4 February 2011) and the following mitigation measures detailed within the FRA:

1. The external and internal levels are set as per sections 4.1.2 and 4.1.3.
2. Identification and provision of safe routes into and out of the site to an appropriate safe haven as per section 4.1.4.
3. The preparation of an emergency evacuation plan, including the registration with Floodline to receive a Flood Warning as per section 4.1.5.
4. Flood-proofing measures as per section 4.3.

Reason -

1. To reduce the risk of flooding to the proposed development and future occupants;
  2. To ensure safe access and egress from and to the site;
  3. To ensure safe access and egress from and to the site;
  4. To reduce the impact of flooding on the proposed development and future occupants,
- all pursuant Chapter 10 of the National Planning Policy Framework and Unitary Development Plan Policy EN5/1 - New Development and Flood Risk.

23. The emergency access route through from the Wincanton site shall be so designed to ensure that it is capable of carrying fire tender vehicles to carry out emergency operations and emergency general usage for the housing estate. Its specification and details relating to the construction, security of the route, and continued availability of the route to and from the Wincanton site shall also form part of the submitted details. The details for this element of the scheme shall be submitted as part of the reserved matter relating to the layout of the site.

The approved emergency route shall be available for use on first occupation of any dwellings and it shall be available for use at all times whilst the residential development is reliant upon this access for an emergency purpose.

Reason - To ensure that the emergency access route is delivered to serve the residential development hereby approved, pursuant to UDP Policies EN1/5 - Crime Prevention and H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.

24. This decision relates to drawings/reports Weetwood Flood Risk Assessment Report; DTCP Framework Travel Plan Documents (Industrial Jan 2011) and (Residential Nov 2010), DTCP Appendices A to G, 75th Barton Wilmore report January 2011, CUBE Design and Access Statement rev C, Paul Nolan Report Feb 2011, Pioneer Affordable Housing Statement (2 Feb 2011), Crime Impact Statement (21 Jan 2011), PIN Property Land Raising Strategy (received 10 Feb 2011), Prospect Archaeology Report (January 2010), Statement of Community Involvement (Jan 2011), Celtic Geo-Environmental Assessments Vol 1 and 2 (Jan 2011) and (May 2007), Miller Goodall Noise Assessment (6 December 2010). 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.

25. The site shall be developed in relation to the ecology proposals in the following manner :

- The phasing in relation to the ecology shall be implemented in accordance with the provisions to be satisfied within conditions 5 to 12 inclusive;
- The phasing in relation to the remediation of the existing former Unify Dyeing Site and land raising thereto, shall be implemented in accordance with the provisions to be satisfied within conditions 5 to 11 inclusive;

Reason - To ensure that measures and mitigations are in place to deal with ecology and wildlife enhancement pursuant to UDP Policies EN6/3 - Features of Ecological Value, EN6/4 - Wildlife Links and Corridors and PPS9 - Biodiversity and Geological Conservation.

26. The residential development hereby approved shall not be occupied unless and until the site access improvements to York Street have been implemented to an approved specification and to the written approval of the Local Planning Authority.

Reason - To ensure good highway design in the interests of road and pedestrian safety pursuant to Unitary Development Plan Policy HT6/1 - Pedestrian and Cyclist Movement and H2/2 - The Layout of New Residential Development.

27. The visibility splays indicated on the approved plans, shall be implemented and be available for use before first occupation of the housing hereby approved and subsequently be maintained free of obstruction above the height of 0.6m.  
Reason - To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Unitary Development Plan Policy HT6/1 - Pedestrian and Cyclist Movement and H2/2 - The Layout of New Residential Development.
28. In relation to both the residential and employment sites, 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 minimize 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. This condition can be satisfied in phases.  
Reason - To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant Unitary Development Plan Policy HT6/1 - Pedestrian and Cyclist Movement.
29. Notwithstanding the provisions of the approved plans, the timber fencing between the residential plots and the open space only (all other fencing otherwise is as proposed) shall be 2.1m high and not 1.8m as shown.  
Reason - To minimise the effects of crime upon residential plots that adjoin the open space pursuant to NPPF Chapter and UDP Policy EN1/5 - Crime Prevention and SPG3 - Planning out Crime in new Development.
30. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.  
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.
31. Provision for lifetime homes and development of housing to a minimum of code Level 3 shall be incorporated into the development in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved commencing. The development shall then be carried out incorporating the measures in accordance with the approved scheme.  
Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policies UDP policies HT5/1 – Access for Those with Special Needs, PPS25 - Development and Flood Risk (exceptions test) and SPD 16 Design and Layout of New Development.
32. This decision relates to reports and drawings numbered **Reports**  
SK346-SS-01 - Proposed Street scenes - REV A  
Proposed site plan and sections- PPC\_02-AS227-02  
Existing Site plan and Sections - PPC\_01-AS227-01  
Proposed site plan and levels - PPC\_04-AS227-04  
Access and egress levels and sections - PPC\_05-AS227-05  
Proposed new build scheme (dwg no. PPC74-01)  
Flood risk assessment  
Flood Risk Assessment - 03/04/2014  
Proposed site plan (dwg no. SK346-PL01 rev E)  
Planning Statement

Geo-Environmental Assessment, May 2007  
Geo-Environmental Assessment, Rev A, January 2011  
Extended Phase I Habitat Survey 03/04/2014  
Proposed Site Levels (Dwg No: PPC87\_04)  
Phase I & Phase II Geo-Environmental Site Investigation  
Existing Site Plan and Sections (Dwg No: PPC87\_01 Rev: A  
Coal Mining Risk Assessment (Residential)  
Access and Egress Sections (Dwg No: PPC87\_05)  
Phase II Remediation Specification  
Air Quality Assessment  
Coal Mining Risk Assessment (Commercial) - 03/04/2014  
Transport Assessment Appendices - 06/12/2013  
Crime Impact Statement  
Noise impact assessment - residential  
Noise impact assessment - commercial  
Invasive species remediation method statement  
Ground investigation - residential area  
Supporting Document, Design and Access statement

### **Plans**

Location Plan, SK346-LOC-01  
Proposed street scenes; SK346-SS-01 Rev B  
Topographical survey; SK346-TOPO-01  
Ecological enhancements & monitoring plan

LIFE - 3B5P(90) ELEVATIONS 6.0; LIFE-3B5P(90)6.0/04  
LIFE FLOOR PLANS; LIFE 3B5P(90)01  
LIFE ELEVATIONS; LIFE-2B4P(77)05  
LIFE ELEVATIONS; LIFE 3B5P(90)02.SA  
LIFE FLOOR PLANS; LIFE3B5P(90)01.SA  
Life floor plans; LIFE 2B4P(77)01 Rev A

The Lyn Elevations  
The Lyn floor plans; LYN 01  
The Lyn Elevations 6.0 Brick (Detached); LYN-6.0-DET  
The Lyn Elevations 6.1 (Semi); LYN-6.1(SEMI)(A)

Nash (14)- 6.1 FCT brick render elevations  
Nash (14) 01 ground floor plan  
Nash (14) 02 first floor plan  
Nash (14)6.1 FCT brick render elevations  
Nash (14)6.01 semi (A)  
Nash(14)6.1 brick render elevations

The Weaver elevations; WEAV-6.1-SEMI  
The Weaver floor plans; WEAV-01  
The Weaver elevations; WEAV-6.0-DET  
The Weaver elevations semi; WEAV-6.0-SEMI

Long (14)-6.0 brick elevation  
Long (14)-6.1 semi A Render elevation

The Longford 6.2 Elevations (Detached); LONG/6.2/D/02 Rev C  
The Longford 6.0 elevations (Detached); LONG/6.0/D/04 Rev B  
Long(14)-6.1 render elevation  
Long (14)-6.0 brick elevation semi  
LONG(14)-01 FLOOR PLANS



The Wallbrook elevations; WALB-6.0-SEMI  
The Wallbrook elevations; WALB-6.0-4MEWS(A)  
The Wallbrook elevations; WALB-6.0-3MEWS(A)  
The Walbrook floor plans; WALB-01

COLN (14)-01 floor plans  
COLN (14)-6.0 BRICK ELEVATION

The New Severn FCT 6.1 Elevations; NEWSEV/FCT/6.1 Rev C  
The New Severn FCT 1st floor plan; NEWSEV/FCT/02 Rev C  
The New Severn FCT Ground Floor Plan; NEW SEV/FCT/01 Rev B

Ashwood (14)-01 FCT Ground floor plan  
Ashwood (14)-6.1 FCT Render elevation  
Ashwood - 02 (SIG) 1st floor plan

Ashwell elevations; Drawing no. ASH/03/6.1 Rev B  
Ashwell 04 (first floor plan); Ashwell 04 Rev A  
Ashwell FCT (and; bay)- ground floor plan; Drawing no. Ashwell 03 Rev A  
Ashwell elevations 6.0; Ashwell/07 Rev A

Ellesmere floor plans; 14-01  
Ellesmere elevations 6.1;  
Ellesmere 6.1 SEMI (A)  
Ellesmere (14)-6.01 SEMI (A)

Dunham ground and first floor plan; DUN/01 Rev C  
Dunham 2nd floor plan; DUN/02 Rev D

Grantham elevations 6.1; GRANT-6.1-DET  
Grantham; GRANT 01  
Grantham elevations 6.1; GRANT-6.1-SEMI

Dunham 6.2 Elevations; DUN/04 Rev A  
Dun(14) - 01  
DUN(14)-02

and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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



**PLANNING APPLICATION LOCATION PLAN**

**APP. NO 56744**

**ADDRESS: Land at Bury Road / York Street  
Radcliffe**



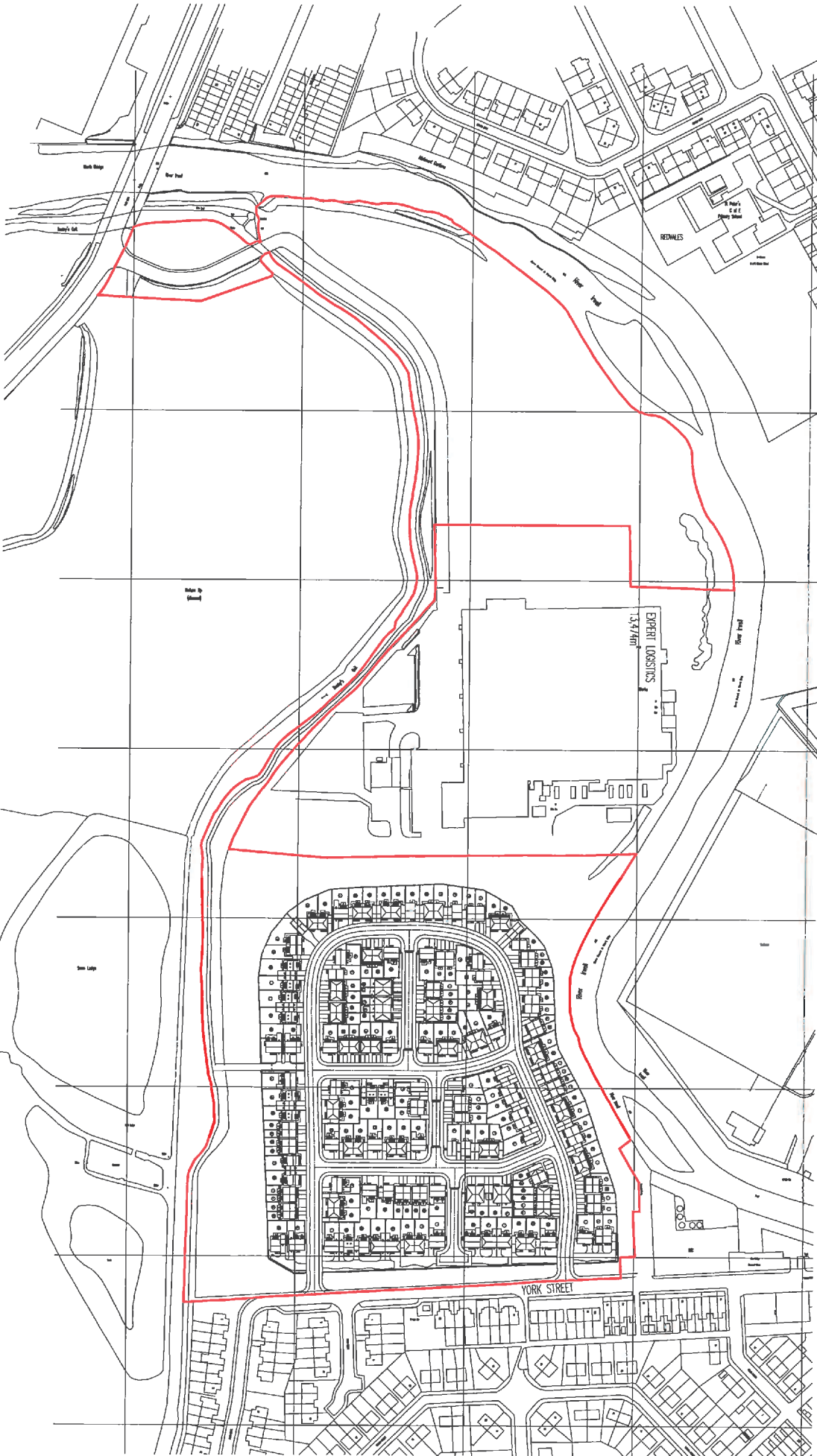
**Planning, Environmental and Regulatory Services 1:5000**

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0 5 10 15 20 50 m  
SCALE BAR 1:1250



**Countryside Properties**  
Countryside Properties (UK) Limited  
Registered in North  
Countryside House  
London SW19  
Mortgage: 020 820  
Tel: 01125 34888 Fax: 01125 34889  
www.countrysideproperties.com

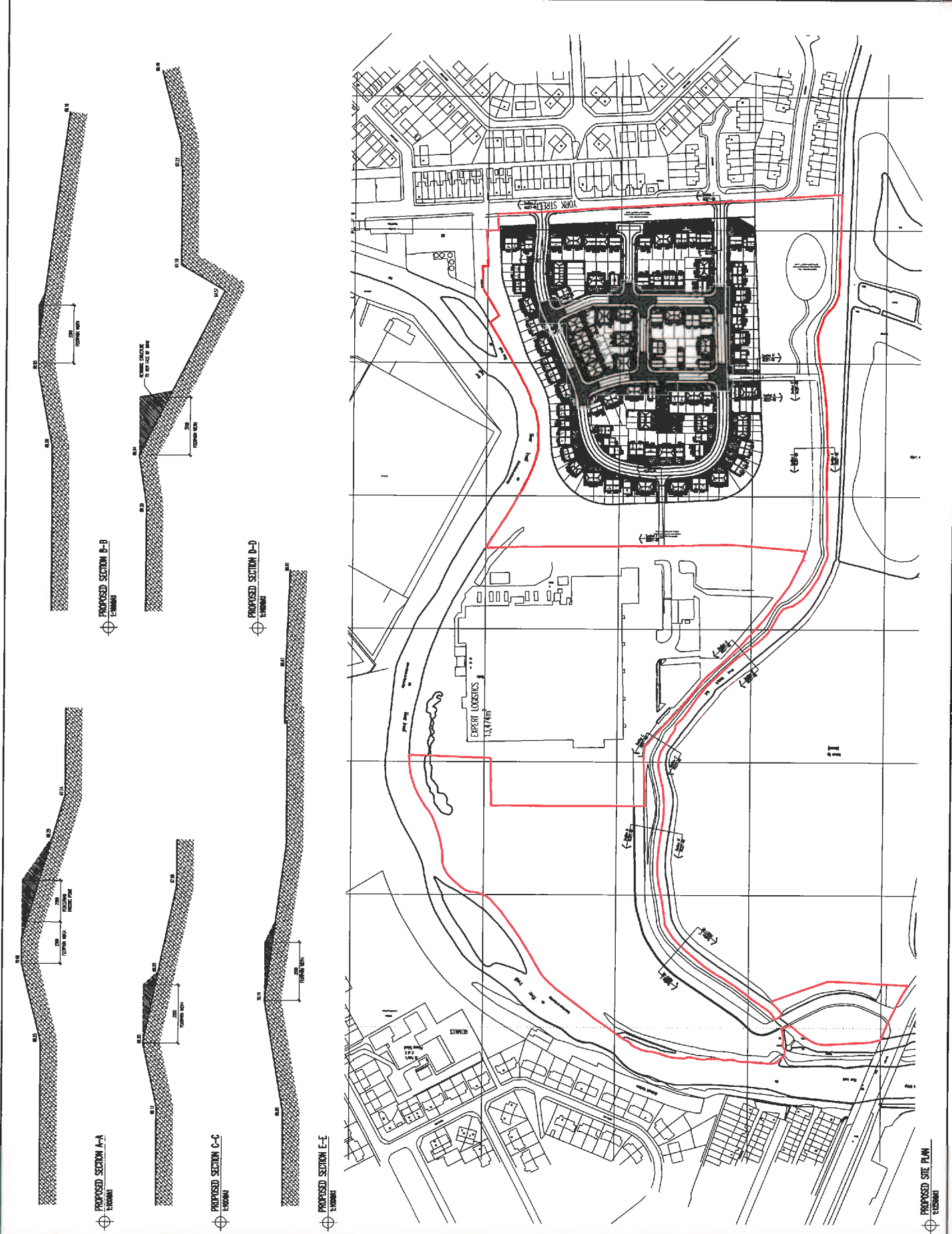
Site: **York Street Radcliffe**

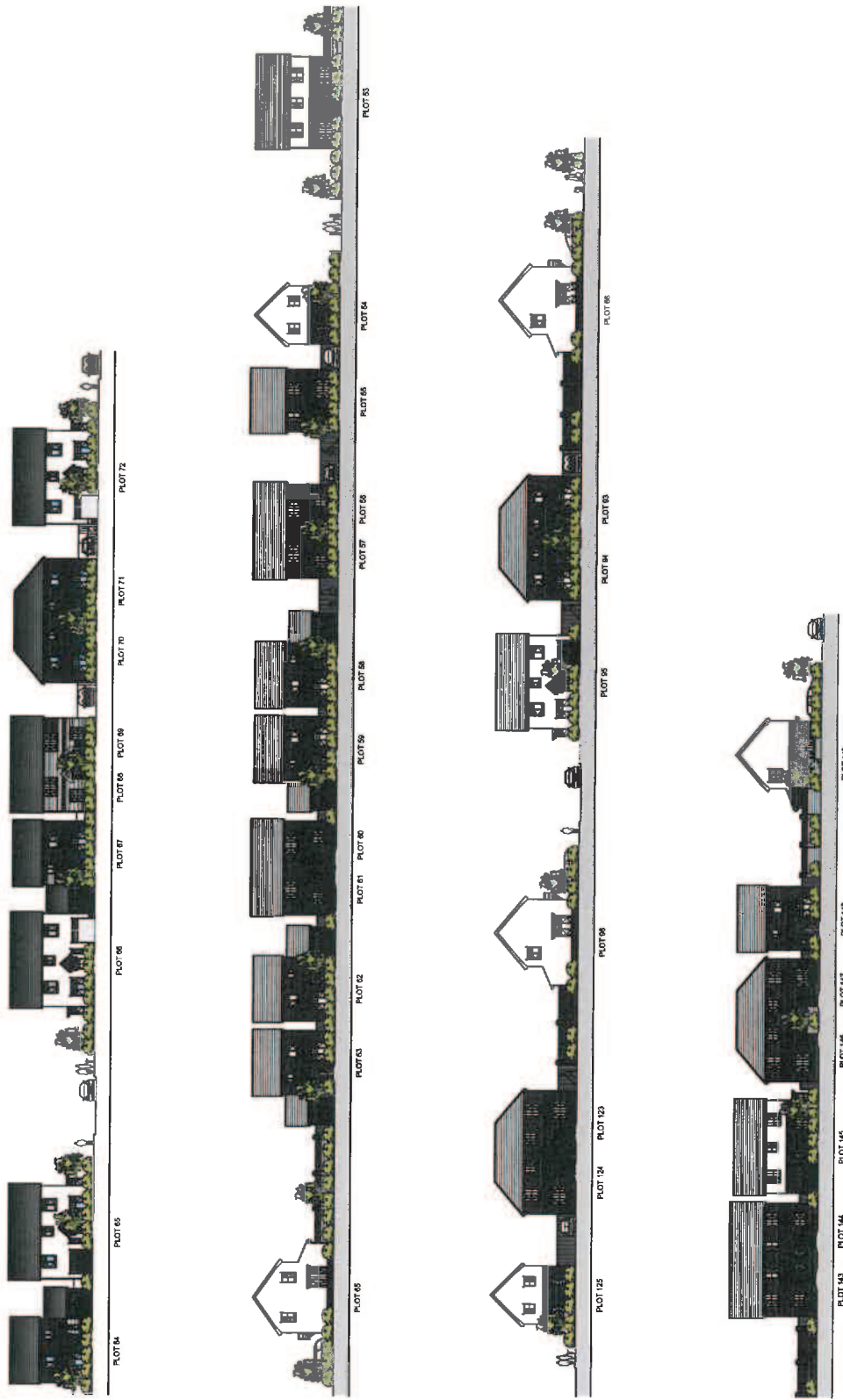
Site: **Location Plan**

Scale: **1:1250** Drawn by: **GWP**  
Date: **July 2013** Checked:

Planning No: **SK346-LOC-01**  
Sheets: 1 of 1







0 1 2 3 4 5 10m  
 SCALE BAR 1:200

<p><b>Countryside Properties</b>          100, The Quadrant, London, W1 8PF          Tel: 020 7460 8000 Fax: 020 7460 8001          www.countrysideproperties.com</p>	
<p>York Street Radcliffe          Typical Street Scenes</p>	
<p>Scale: 1:100          Date: July 2013</p>	<p>Drawn by: APC          Project: SK346-SS-01</p>
<p>Sheet No: 1 of 1          Plot No: 124-149</p>	<p>Scale: B</p>

**Ward:** Bury West - Elton

Item 02

**Applicant:** Walshaw Motor Bodies

**Location:** Walshaw Motorbodies, Walshaw Road, Bury, BL8 1PL

**Proposal:** Single storey side extension and single storey spray booth at the rear.

**Application Ref:** 57669/Full

**Target Date:** 28/08/2014

**Recommendation:** Approve with Conditions

### **Description**

The application relates to an existing single storey industrial unit within Bolholt Industrial Estate. The unit is occupied by Walshaw Motor Bodies - a vehicular repair garage which includes a vehicle body spray booth measuring 6.5m by 3m. In addition to the workshop and spray booth, there is a reception area, toilets and small canteen. Parking for the business is within the courtyard on the front and for cars being worked on, within the building itself. Hours of working are generally between 8am and 6pm. At present there are approximately 5 employees. The proposed extension and alterations would mean 2-3 additional employees on site.

The site is within an established industrial estate but is surrounded on three sides by residential properties. To the west is a row of terraced properties fronting Bolholt Terrace. To the east are houses fronting Warwick Close and to the north is a pair of semi-detached houses, of which one - Rycroft, has a large back garden running up to the rear boundary of the unit. There is substantial and mature planting along the rear boundary. To the front are other businesses and parking within the industrial estate.

The proposal involves two main elements:

- The single storey extension that runs down the east side and wraps around the front corner and part of the rear elevation. The extension would allow for a new reception and office with store and kitchen with a new spray booth (8m x 4.5m) at the rear.
- The existing flue/ ventilation ducts extending out of the roof from the existing spray booth would be removed. The proposed spray booth would have a new flue/ventilation system that would comprise an extractor flue 3m above the roof and a lower level air intake duct. Both ducts can be powder coated a colour of to be agreed with the Local planning Authority.

### **Relevant Planning History**

43396 – First floor and single storey extension to workshop building - Withdrawn

43829 - Revised scheme to extend the workshop at first floor and to rear (single storey) - Approved 11/02/2005. Scheme not commenced.

### **Publicity**

The following 31 properties were notified by letter dated 03/07/14. The Croft and Ryehurst and 13-21(odd) Bolholt Terrace, 62-66(evs) Warwick Close, Rayhome Ltd and units 1-20 Bolholt Industrial Estate, Walshaw Road. A site notice was also posted.

Objections have been received from the following properties- 62 Warwick Close, The Croft and Ryehurst and Unit 14 Bolholt Industrial Estate.

- The business is very close to residential properties and the new spray booth and flue

will make existing (noise/fumes) problems worse.

- Excessive noise from the existing machinery, accompanied by noxious chemical fumes that pervade the air.
- Impact of toxic substances being used and airborne dust particles that contain lead and other metals, that are released whilst sanding/grinding the vehicles in preparation for the paint, these can be extremely hazardous to health, resulting in conditions such as Isocyanate Asthma and Dermatitis.
- Employees in this type of environment are provided with safety/protective equipment but neighbours have no protection.
- The existing spray booth should be made good first and brought within the pollution levels before any further permission is granted.
- Originally, the conifer hedge had to be planted to help reduce noise levels and smell; this has been cut this down without consultation with the neighbours.
- The additional flue would stand well above the existing building and would be unsightly.
- The proposal would be contrary to the Core Strategy 2013 EN18 (Pollution Control), EN14 and CP2 (Design and Layout Considerations) and UDP Policies, in particular EN7/1 Atmospheric Pollution) and EN7/2 (Noise Pollution) and H3/2 (Control of Existing Incompatible Uses)

One representation in support of the proposal has been received from Unit 20 Bolholt Industrial Estate (valeting business).

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

### **Consultations**

**United Utilities** - No objection - informatives to be attached to decision notice.

**Traffic Section** - No objection.

**Drainage Section** - No objection.

**Environmental Health** - No objection subject to conditions relating to fumes and noise levels.

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

EN1/2	Townscape and Built Design
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
H3/2	Existing Incompatible Uses
EC2/2	Employment Land and Premises
EC4/1	Small Businesses
SPD14	Employment Land and Premises
SPD16	Design and Layout of New Development in Bury
NPPF	National Planning Policy Framework

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Policies** - As the site is within an established industrial estate UDP Policy EC2/2 Employment Land and Premises Outside Employment Generating Areas is relevant. This policy seeks to retain existing employment uses.



Policy EC4/1 Small Businesses supports businesses where they are appropriate and compatible with the surrounding area.

Given the adjacent residential uses and the apparent problems that have arisen in the past - see objections - UDP Policy H3/2 Existing Incompatible Uses is considered relevant. This policy indicates that the Council will assess proposals based on their impact on surrounding residential areas. The objective would be to improve the quality and amenity of the areas in question.

UDP Policies EN7/1 and EN7/2 relate to Atmospheric pollution and noise pollution respectively and seek to limit pollution and its impact on surrounding residents.

**Use** - The site is an established repair garage with a spray booth facility and as such the principle of the use of the premises is established. The applicant has indicated that extension and new spray booth is required to allow the business to develop and improve the existing facilities on the site.

**Visual amenity** - Planting along the back boundary would help screen the new single storey extension and ducting from the properties at the rear and the house at the side (21 Bolholt Terrace) has a lean-to extension on the side with only one small obscure window facing the site. The rear garden of the house is set back, away from the extension and would not be affected by the new extension. The old ducting would be removed and the new ducting, although extending higher than the existing flues, can be coloured to the satisfaction of the Local Planning Authority. The extension and ducting should not have a significantly adverse impact on the visual amenity of the nearest neighbours to the side and rear.

The proposal in terms of visual amenity would be acceptable and comply with UDP Policy EN1/2 Townscape and Built Design.

**Residential amenity** - The concerns of the neighbours who have made representations centre around the existing spray booth and the fumes created.

The proposal involves a new spray booth with new filtration and ventilation equipment. It is considered that the new facility with the most up-to date equipment would be cleaner and less noisy than the existing equipment and conditions attached to any approval would ensure that this is the case. The facility would also be subject to existing regulations governing the spraying of vehicles controlled by HMIP (Her Majesty's Inspectorate of Pollution), the Health and Safety Executive and the Council's own Environmental Health team. Given the controls that would be in place and the reasonable operating hours, the Council's Environmental Health section have no objections to the proposal which would comply with UDP Policies EN7/1 and EN7/2 relating to atmospheric and noise pollution and H3/2 Existing Incompatible Uses.

**Parking and Access** - Access is as existing and there is sufficient customer parking within the industrial estate and as such the proposal is acceptable and complies with UDP Policies HT2/4 Parking and EC4/1 Small Businesses.

**Objections** - The issues raised by the objectors have been addressed in the above report.

### **Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of

the National Planning Policy Framework.

**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 DW4-00, 01, 02, 03 and 04B 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 the policies of the Bury Unitary Development Plan listed.
3. Details of the finishing materials to be used in the external elevations, including the exact colour and finish of the proposed ventilation/extractor flue ducting, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials, colour and finishes shall be used for the construction of the development.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. No development shall commence unless and until a scheme for treating and dispersing fumes which demonstrates compliance with the HMIP Technical Guidance Note D1 (Dispersion - June 1993) has been submitted to and approved in writing by the Local Planning Authority,  
The scheme as approved shall be implemented, available for use and maintained in accordance with the approved scheme whilst it serves the existing business.  
Reason. To protect the residential amenities of nearby residential property from impact upon from fumes pursuant to UDP Policy EN7/1 Atmospheric Pollution.
5. No development shall commence unless and until a scheme for the insulation of the proposed spray booth flue/ventilation equipment for the purposes of noise mitigation has been submitted to and approved by the Local Planning Authority. The noise emissions shall not exceed NR (Noise Rating) Curve 35, as measured in the habitable rooms of the nearest residential property.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to UDP Policy EN7/2 Noise Pollution.
6. The spray booth and associated equipment hereby approved shall not be used outside the following times: 0800hrs to 1800hrs Monday to Saturday and at no time on Sundays.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN7/1 Atmospheric Pollution and EN7/2 Noise Pollution.

7. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 57669

ADDRESS: Walshaw Motorbodies  
Walshaw Road  
Bury

Planning, Environmental and Regulatory Services 1:1250

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57669

Photo 1



Photo 2

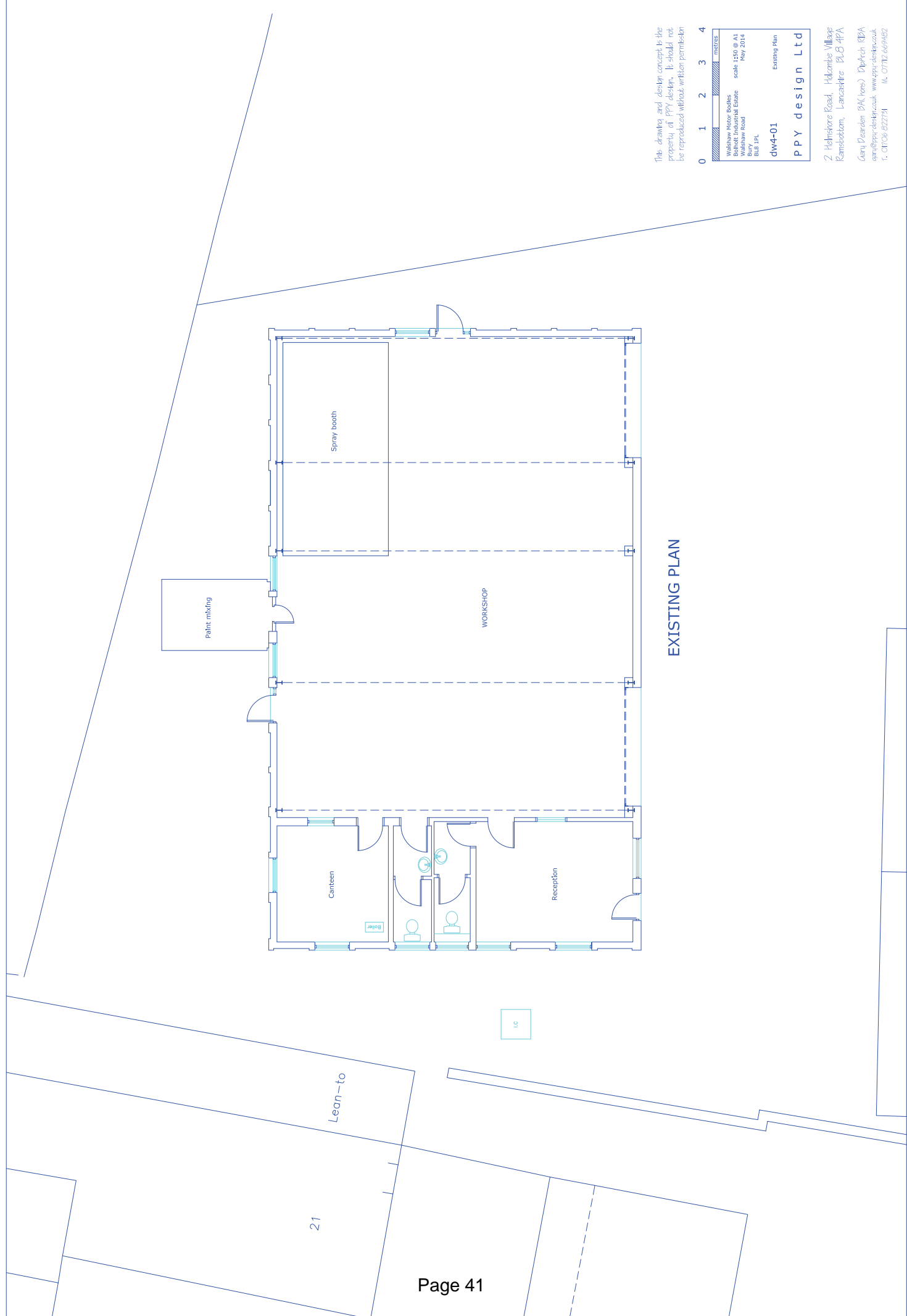


Photo 3



Photo 4



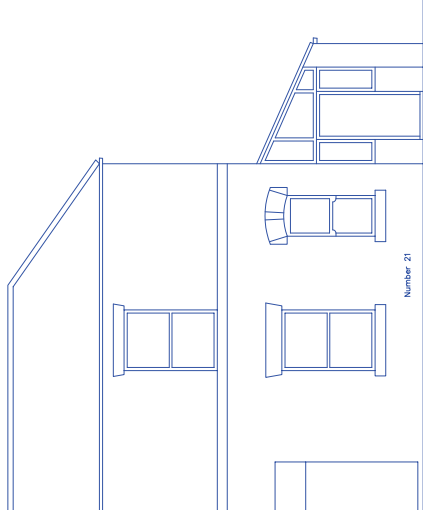


**EXISTING PLAN**

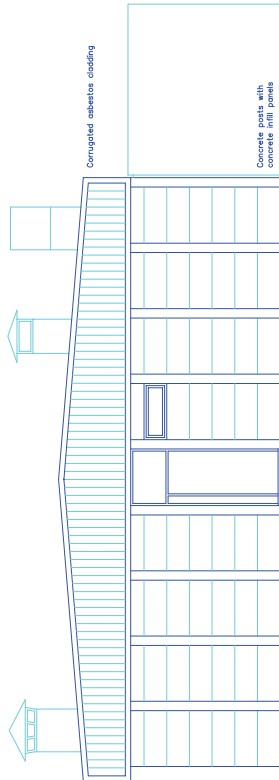
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Welshaw Motor Bodies Belholt Industrial Estate Welshaw Road BL8 1PL	scale: 1:50 @ A1 May 2014	0 1 2 3 4 metres
<b>dw4-01</b>	Existing Plan	
<b>PPY design Ltd</b>		

2 Helmsdale Road, Holcombe Village  
Ramsbottom, Lancashire BL8 4PA  
Gary Deardon (BA Hons) DipArch RIBA  
gan@ppy-design.co.uk www.ppy-design.co.uk  
T: 01706 822771 W: 0712 669482



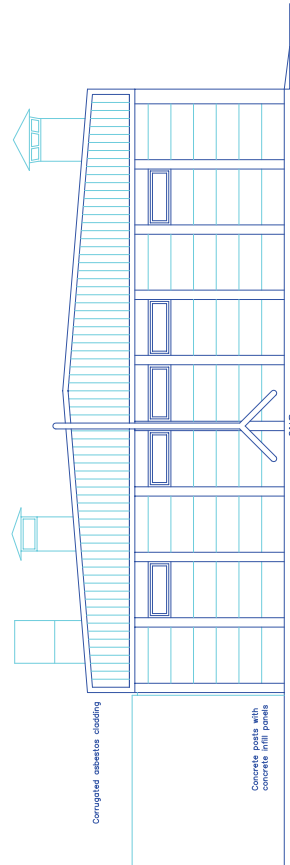
Number 21



Corrugated asbestos cladding

Concrete posts with concrete infill panels

EXISTING SIDE ELEVATION facing EAST

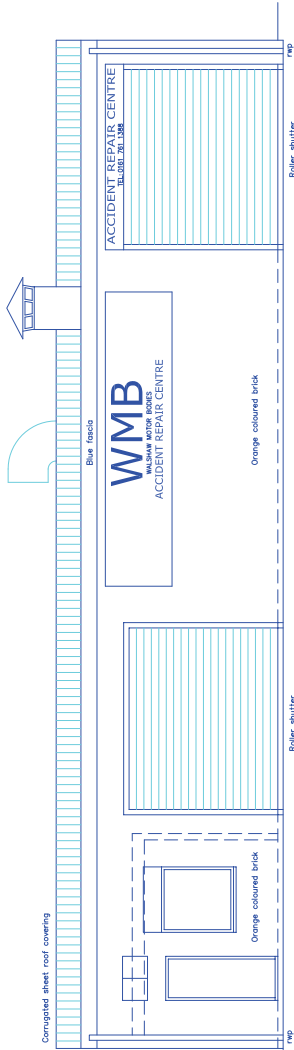


Corrugated asbestos cladding

Concrete posts with concrete infill panels

SKP

EXISTING SIDE ELEVATION facing WEST



Corrugated sheet roof covering

Blue fascia

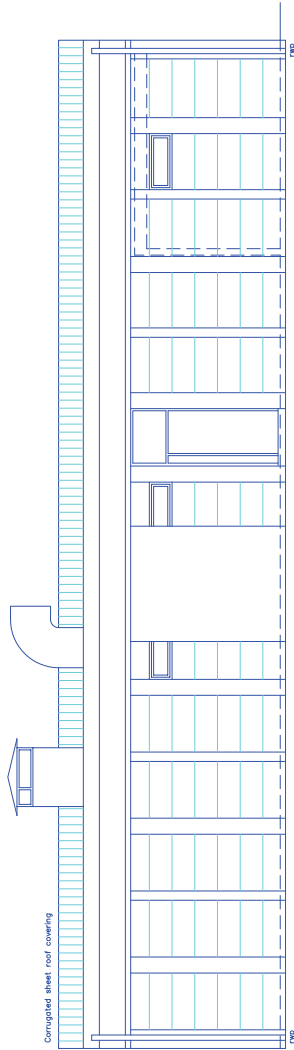
**WMB**  
WILSHAW MOTOR BODIES  
ACCIDENT REPAIR CENTRE

Orange coloured brick

Roller shutter

Roller shutter

EXISTING FRONT ELEVATION facing SOUTH



Corrugated sheet roof covering

Concrete posts with concrete infill panels

EXISTING REAR ELEVATION facing NORTH

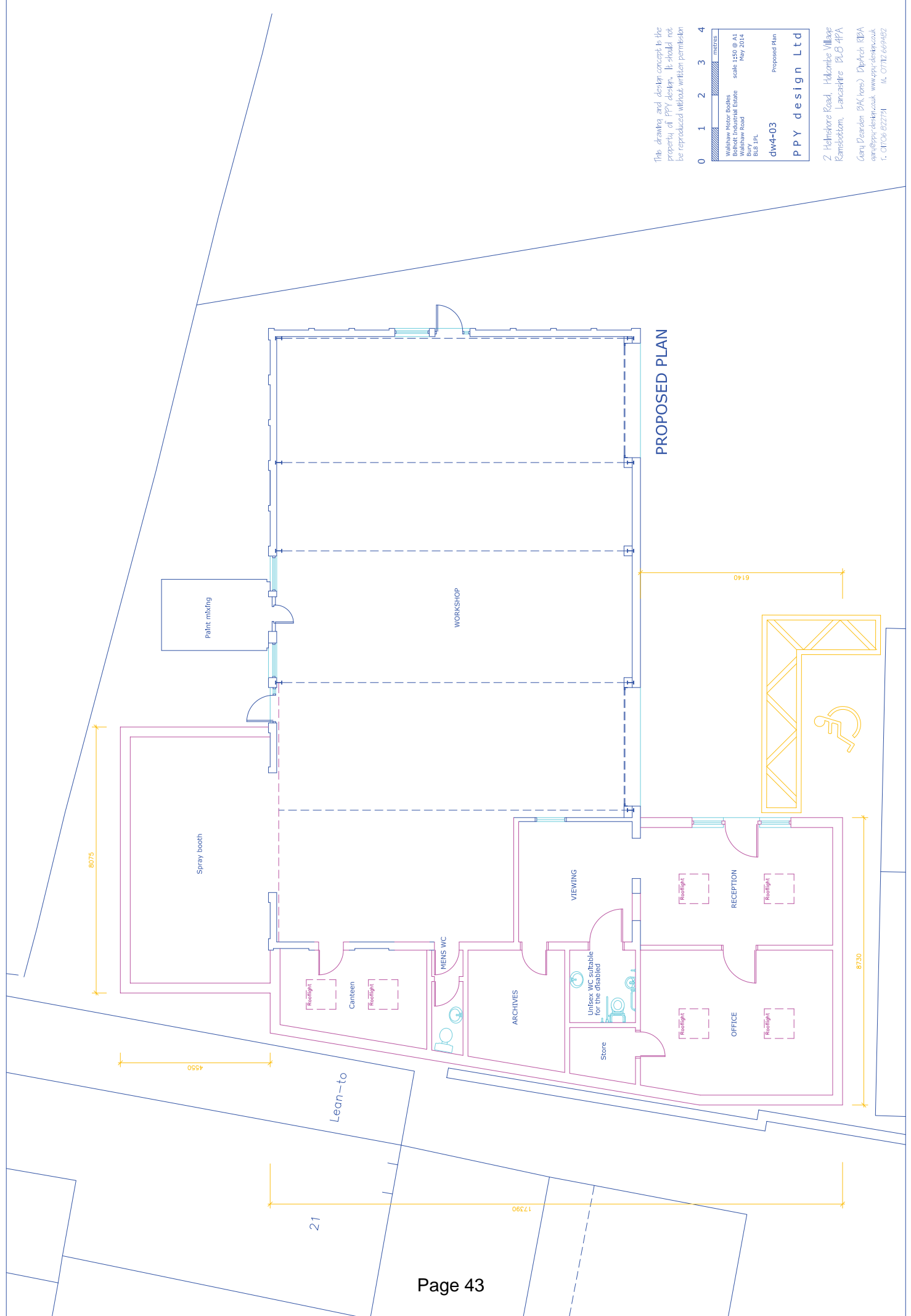
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Welshaw Motor Bodies Belholt Industrial Estate Welshaw Road BL8 1PL	scale: 1:50 @ A1 May 2014	0 1 2 3 4 metres
dw4-02 Existing Elevations		
PPY design Ltd		

2 Helmsdale Road, Holcombe Village  
Ramsbottom, Lancashire BL8 4PA

Gary Pearson (BA Hons) DipArch RIBA  
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T: 01706 822771 M: 07112 669492





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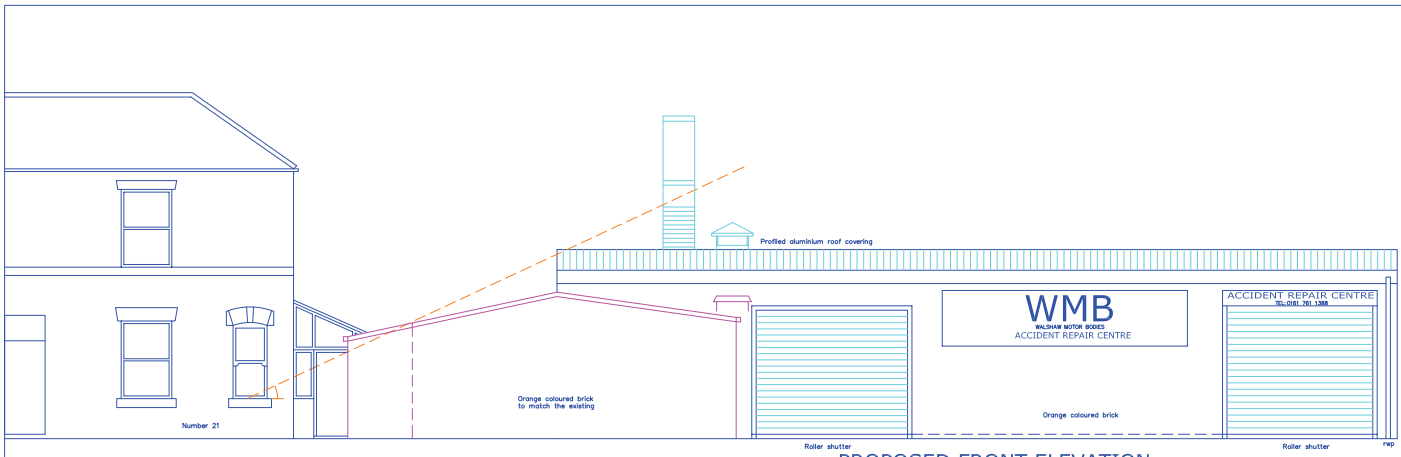
0 1 2 3 4 metres

Welshaw Motor Bodies Belholt Industrial Estate Welshaw Road BL8 1PL	scale: 1:50 @ A1 May 2014	Proposed Plan
<b>dW4-03</b>		
<b>PPY design Ltd</b>		

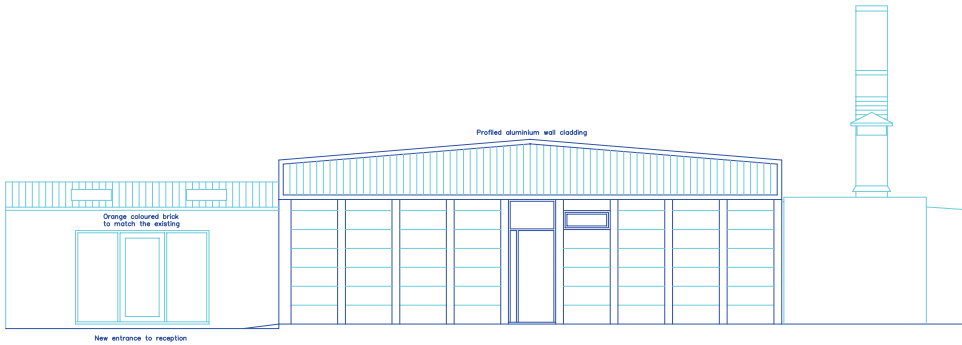
2 Helmsdale Road, Helmsdale Village  
Ramsbottom, Lancashire BL8 4PA  
Gary Deardon (JK) Hons) DipArch RIBA  
gan@ppy-design.co.uk www.ppy-design.co.uk  
T: 01706 822771 M: 0712 669482

**PROPOSED PLAN**

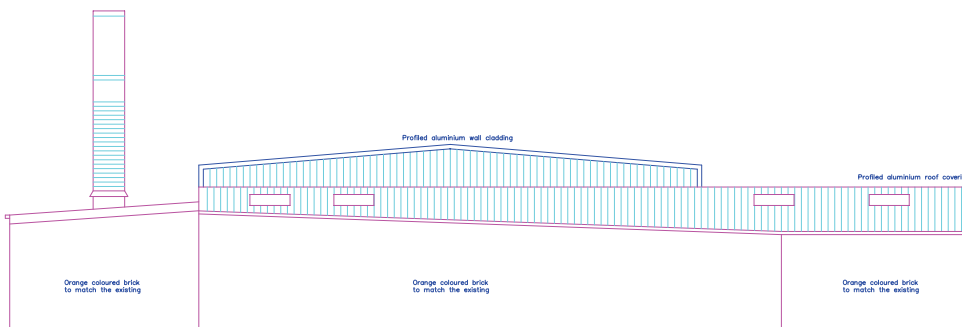




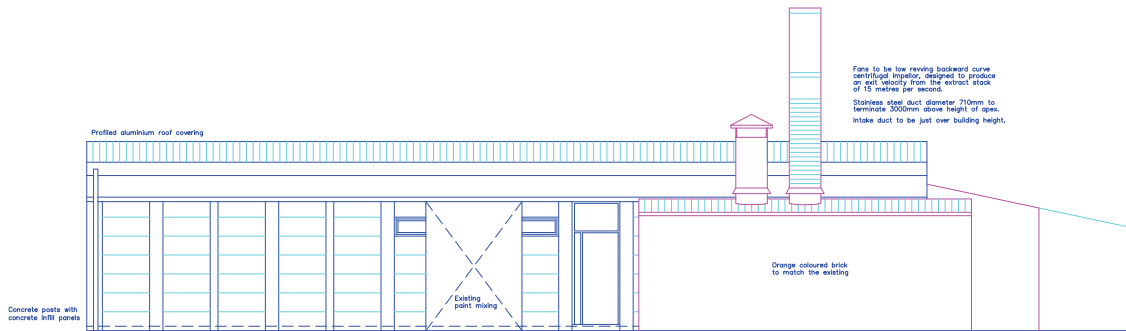
PROPOSED FRONT ELEVATION  
facing SOUTH



PROPOSED SIDE ELEVATION  
facing EAST



PROPOSED SIDE ELEVATION  
facing WEST



PROPOSED REAR ELEVATION  
facing NORTH

B OM extracts removed 15/09/2014  
A Extract files added 03/07/2014

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0 1 2 3 4 metres

Walslow Motor Bodies  
Bosworth Industrial Estate scale 1:60 @ A1  
Walslow Road May 2014  
Bosworth  
BLS IPL

dw4-04B Proposed Elevations

PPY design Ltd

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Ramsbottom, Lancashire BL5 4PA

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**Ward:** Ramsbottom + Tottington - Tottington

Item 03

**Applicant:** St Vincents Housing Association

**Location:** Site of Wesley House, Wesley Street, Tottington, Bury, BL8 3NW

**Proposal:** Repositioning of 2 no. bungalows (plots 4 and 5) with associated external works (retrospective)

**Application Ref:** 57797/Full

**Target Date:** 15/09/2014

**Recommendation:** Approve with Conditions

### **Description**

The site relates to a piece of land which was formerly occupied by sheltered housing accommodation. The immediate area is predominantly residential in character with a sheltered housing complex, Harwood House on the opposite side of the road from the site, Wesley Court to the west and private detached properties accessed off Spring Vale Drive to the south.

Planning permission was granted in April 2012 for the demolition of the care home and its redevelopment to provide 12x2 bedroomed bungalows. Each dwelling would have its own parking space, a private rear garden, bin store area and 1.8m high boundary fencing to the sides and rear. A new private road into the site off Wesley Street would be provided to access plots 4,5,6 and 7. The scheme comprised 100% affordable housing intended for occupation by the elderly.

Following the commencement of the development in 2014, contrary to the approved scheme, the levels of plots 4 and 5 in the furthest most south eastern corner of the site were been raised by approximately 2.5m and a gabion wall erected to the southern and eastern boundaries of the site abutting the gardens of Nos 5, 7 and 9 Spring Vale Drive and No 13 Wesley Street respectively. The applicant has stated that this was to achieve both level access to the bungalows and enable the connection to the existing foul and surface water sewers. The applicant states that they had genuinely believed that the levels carried out to date were approved but they subsequently realised, following the intervention of the Local Planning Authority, that the levels in this part of the site were shown and approved as pre-development levels.

A temporary stop notice was served by the Council's Enforcement Team and works to this part of the site ceased until a reasonable solution could be found to rectify the situation. The applicant has subsequently submitted the current application accordingly.

Subsequent discussions have taken place between the applicant and local residents and between the applicant and the Local Planning Authority. The submitted plans have been revised throughout the application process, following feedback received from some of the neighbours.

The application seeks to amend the current as built works to plots 4 and 5 only and the proposals comprise the following: (For clarification, this application is on the boundary of No 13 Wesley Street and Nos 7 and 9 Spring Vale Street).

#### Boundary to No 13 Wesley Street -

- At the most south easterly part of the site, the reduction of the existing 2.6m high gabion wall to 1.6m high, gradually reducing to a height of 0.6m along the boundary, and thereafter continuing along the boundary towards Wesley Street with the erection of a

1.8m high close boarded timber fence.

- Erection of a 1.5m high close boarded timber fence located behind the gabion wall (to the rear of plots 4 and 5).

Boundary to No 7 Spring Vale Street -

- 1.8m high gabion wall and the erection of a 1.8m high fence located behind the gabion wall.

Boundary to No 9 Spring Vale Street -

- 2.4m high gabion wall and the erection of a 1.8m high fence set back into the garden of plot 5.

In addition, the following amendments are proposed to plots 4 and 5 -

- Repositioning of bungalows on plots 4 and 5 by 1.5m to the west and 1m to the north and the regrading of the rear gardens with stepped access. Reduction in finished floor level by 225mm from 155.840 AOD to 155.615 AOD.

Plot 5 -

- Land level to be 1.3m above the current ground level of the garden of No 13 Wesley Street at the highest point, ground levels reducing further along the eastern boundary to 0.8m.
- Re-positioning of the bins and store area to the front garden enclosed by a 1.8m high fence.

**Relevant Planning History**

54740 - Demolition of existing building and erection of 12 No. bungalows - Approved 18/4/2014.

**Publicity**

10 letters sent on 24/7/2014 to properties at Nos 1,3,5,7,9,11, Spring Vale Drive; 13,13A Wesley Street; 11, 11A Spring Street.

Letter of objection from Mysons Associates (Building Surveyors) on behalf No 13 Wesley Street which raises the following issues:

- The raised ground level and completely dominating gabion wall by reason of its elevated position and proximity to the boundary results in a serious degree of overlooking of the private garden area of No 13 Wesley Street which is detrimental to the levels of privacy of the occupiers of that property. Appears contrary to your Policies;
- The supporting wall of the raised land, by reason of its design and visual appearance when viewed from the garden of No 13 Wesley Street is detrimental to the visual amenities of these occupiers. As such, the development appears contrary to your Policies.

Letter of objection received from No 13A Wesley Street with the following issues:

- If the original plan had been followed and the bungalows built at the natural ground level behind a 5/6' fence only the tops would have been visible from my house/garden;
- Ground levels have been raised about 8' in some places so the back windows of the bungalows will overlook my garden/house intruding privacy - infact looking down on my property;
- Returning land levels to what they were is the only acceptable solution;
- Request Planning Committee to come and view the situation to make an unbiased decision.

Objection received from No 7 Spring Vale Drive (2 letters) which raises the following issues:

- The plans show a gabion wall height of only 1600mm with a fence on top of 1500mm to 1800mm. This would mean the perimeter border for the immediate neighbours will effectively only be at the height of the foundations of the new bungalows (plots 4 and 5). This is totally unacceptable in terms of overlooking and loss of privacy.
- The design of the perimeter fencing for plots 4 and 5 does not afford adequate privacy for the immediate neighbours;
- Security to my property will be impacted as it will be easier to climb into my back

garden;

- Regarding the current height of the gabion wall that is already built, am happy with this as the proposed fencing on top would give complete privacy in the garden and improve security.

In response to feedback made by No 7 and No 9 Spring Vale Street to the applicant, revised plans were received with amendments to the application which comprise the following:

- Proposed finished floor level reduced by 225mm from 155.840 to 155.615,
- reduction in gradient of the garden area adjacent to the gable of plot 5,
- height of gabion wall to the boundary of No 7 Spring Vale Street retained;
- height of gabion wall to the boundary of No 9 Spring Vale Street reduced to 2.4m and proposed 1.8m boundary fence set back into the garden of plot 5;
- re-positioning of the bin and store area to the front garden of plot 5 enclosed by a 1.8m high fence.

Following a further re-consultation with the neighbouring properties of the revised drawings, the following comments have been received -

Objection received from No 11 Spring Street which raises the following:

- The builders have raised the floor level without the appropriate consent so there is no reduction in floor levels as stated in the revised letter;
- Did not raise an objection to the originally approved drawings as there was little visual impact. The reduction of trees was welcomed as it allowed for better natural light;
- However, the proposed plans show the final height will be equivalent to a 2 storey building if not more and there will be loss of privacy and natural daylight again. The landscape has now been changed dramatically to caged boulders and a 6ft fence;
- The original plans showed existing ground level builds, and feel the situation has been manipulated by the builders to raise the floor levels in advance. the new plans would severely change the rear landscape, reduce natural daylight, infringe on privacy and impact on the value of our property;
- Would be happy with the original scheme.

Objection received from No 13A Wesley Street which raises the following:

- The revised letter is not clear. Is the finished floor levels being reduced by 225mm and something to be excited about when ground levels have been raised by 2.5m, over 10 times as much;
- Along with worries about being overlooked, I am concerned about the effect elevated land levels will have on drainage into mine and the neighbours gardens.
- The only acceptable solution is returning the land to its original level.

Objection received from Mysons Associates on behalf of No 13 Wesley Street:

- Quite aside from major engineering operations in raising levels, there are other matters of greater concern;
- Plot 1 currently under construction is directly opposite a habitable room window is 6.5m away and has an overbearing and loss of light effect. The Council's standards refers to Extensions and Alterations only, not new residential build and therefore contrary to policy. The original plan showed a separation of 7.5m and therefore not built in accordance with the approval;
- The development flies in the face of previous Enforcement Notices and action taken where no less than 13m is accepted;
- All LPA's in Greater Manchester generally provide distances between elevations from around 11 to 13m not 6.5m as accepted here. The bungalows are a much greater mass than a single storey extension and appear at an elevated height;
- The development is apparently for older people but in the process you are destroying lives for local people in the same group;
- Abundantly clear there has been an enormous blunder in the survey and or site layout which has affected the considerations relating to planning layout design and approval;

- Notes on the previous plans stated there would be no loss of sunlight to surrounding properties when there clearly is to No 13;
- This matter demands immediate action to remedy the errors.

Further objection received from Mysons Associates with the following issues -

- The application includes for the retention and slight amendment of the completely unauthorised works involving the removal of trees previously designated for retention and a former construction free zone to protect them;
- Then complete remodelling of the lands in the area raising it some 2.5m to 3m in height together with the construction of the gabion wall without drainage, with no indication this has been structurally designed;
- Section E-E shows gabion wall only at waist height of around 0.9m;
- The wall has no right to be built, no drainage and will form a dam effect with water accumulating and discharging to adjacent properties.

No 7 Spring Vale Street - objection withdrawn.

- Following assurances that the gabion wall and fence at the back of the house will not be reduced, raise no objection based on this.

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

### **Consultations**

**Traffic Section** - No objections subject to conditions.

**Drainage Section** - No formal response received to date and an update shall be provided in the supplementary agenda. However, it is understood that there are no fundamental objections.

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

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

OL7/2	West Pennine Moors
OL1	Green Belt
EN9/1	Special Landscape Areas
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
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
SPD5	DC Policy Guidance Note 5: Affordable Housing
NPPF	National Planning Policy Framework
EN6	Conservation of the Natural Environment
HT5/1	Access For Those with Special Needs
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN6/3	Features of Ecological Value
EN8/2	Woodland and Tree Planting

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.



**Principle** - The principle of residential development on the site has previously been established in the approved planning permission reference 54740.

**Layout** - The only proposed alteration to the buildings on plots 4 and 5 is the repositioning of the footprint of the bungalows by 1.5m to the west and 1m to the north. The layout of the road and the other remaining plots are as approved and are not under consideration as part of this application.

The bin store area to plot 5 would be slightly further forward towards the front garden area and enclosed by a 1.8m high fence to screen it from public view. Ambulant stepped access from the rear of the properties into the garden area would be provided to access the proposed regraded gardens.

As such, the proposed layout is considered to be acceptable and would comply with UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development.

**Impact upon residential amenity** - The increase in the levels to the south eastern part of the site means that the proposed bungalows on plots 4 and 5 would be similar to a 2 storey relationship to the properties on the shared boundaries rather than as single storey bungalows. It is noted that the site formerly contained two storey buildings.

In terms of assessing separation distances between properties, SPD6 is appropriately and regularly used to advise on acceptable aspect standards between new housing development and extensions to existing housing, in relation to neighbouring buildings. In this respect, it advises a distance of 20m between habitable room windows, and 13m between a ground floor habitable room window and a 2 storey blank gable. An additional 3m separation is normally added to take into consideration increases in levels differences where the development is proposed. It also recommends a minimum distance of 7m between first floor habitable room windows and a directly facing boundary to a neighbouring property.

The neighbouring properties affected by the revised layout and regrading of the land levels are No 13 Wesley Street, No 13A Wesley Street, No 11 Spring Street and Nos 7 and 9 Spring Vale Street.

No 13 Wesley Street - The position of the bungalows on plots 4 and 5 is such that there would be no direct relationship or overlooking from these properties to the dwelling of No 13.

The main issue is the impact of the raised land levels in the south eastern part of the site and the subsequent relationship of the bungalows on plots 4 and 5, together with the erection of a gabion wall and boundary fence, to the side/rear garden of No 13.

Turning to the issue of the raised land levels, the proposed application seeks to reduce the existing over engineered ground level on the site.

To summarise the situation -

- Pre existing ground level in the garden of 13 Wesley Street adjacent to the south east corner of the site was 153.080 AOD. Unauthorised works have lowered this to 152.90AOD (0.18m lower). It is proposed to retain the level at 152.90 AOD.
- The current unauthorised level in the south east corner of the rear garden of plot 5 is approximately 2.5m above the ground level of the adjacent garden of 13 Wesley Street.
- The proposed ground level in the south east corner of the rear garden of plot 5 (154.20AOD) would be reduced to 1.3m above the ground level of the garden of 13 Wesley Street (152.90AOD).

At the most south eastern part, the 2.6m high gabion wall would be reduced down to 1.6m, behind which 300mm of backfill would be removed. The garden to plot 5 would then gently slope upwards towards the rear wall of the bungalow by 0.8m over the whole rear garden length.

Whilst the bungalows would be in a more elevated position than the originally approved scheme, the section plan demonstrates that there would be limited overlooking from the plots. There would also be a 1.5m boundary fence positioned behind the gabion wall to provide further privacy.

In addition, there would be 7m between the rear elevation of Plot 5 and the shared boundary to No 13 and a 10.3m distance from the rear elevation of plot 4 to the boundary, both at the shortest points. Given this set back of the bungalows into the site, and the separation distance and relationship of the bungalows to the garden of No 13, the siting of the bungalows would therefore be acceptable and policy standards would be satisfied.

In terms of the height of the gabion wall, it would be reduced to 1.6m and would progressively reduce northwards towards Wesley Street to 0.6m high at which point a 1.8m high fence which would continue along this boundary towards Wesley Street. The gabion wall is similar in height to other forms of boundary treatments found between residential properties and visually would provide not an unattractive alternative to more common fencing types, and as such considered not to be unduly oppressive when viewed from the garden of No 13.

There were formerly leylandii trees along the boundary in the garden of No 13, which have now been cut down and which would have previously screened the site, but at the same time, they would also have also cast a certain amount of overshadowing to the neighbouring garden. There remains some planting along this boundary, together with a greenhouse and shed. Given the height of the proposed boundary treatment, reduction in the existing ground levels and the set back of the bungalows from the site, it is considered issues of impact on light and overshadowing would not be significantly different than the previous situation on site.

The proposed measures are therefore considered to be acceptable solutions to mitigate the works which have been carried out to this area of the site and as such would be in compliance with UDP Policies EN1/2 and SPD6.

No 13A Wesley Street - There would be no direct overlooking from the proposed bungalows into this property. The garden of No 13A is separated from the site by the intervening boundary wall to the garden of No 13. Given there would be a distance of 17.4m between the rear elevation of plot 4 and the garden of No 13A and a distance of 21.5m to the corner elevation of No 13A, separation distances would be acceptable.

No 11 Spring Street - The side elevation of No 11 Spring Street would be 13.5m from the gabion wall and 20m from the rear elevation of plot 5. Taking into account the re-graded land levels and relationship to habitable room windows, aspect standards would be satisfied. Together with the intervening garden and boundary wall to No 13 Wesley Street, the relationship to this property is considered acceptable.

No 7 Spring Vale Street - There would be no windows in the proposed side elevation of plot 5 and with a separation distance of 23.5m from the rear of No 7 and 17m from the gabion wall, aspect standards would be acceptable. The gabion wall would be retained as existing, at a height of 1.8m and additionally a 1.8m high close boarded timber fence would be erected behind it which would restrict overlooking into the garden of No 7. This approach was discussed and agreed between the neighbour and applicant prior to submission of the revised plans. The resident has since withdrawn their objection.

No 9 Spring Vale Street - There would be a separation distance of 22m between plot 5 and

the rear elevation of No 9 and 17m to the gabion wall. The 1.8m high fence would be set back from the gabion wall into the garden of plot 5, which would maintain suitable privacy into the garden of this house. This approach was also discussed with the neighbour.

Whilst there would be a difference in levels between this part of the site and the properties to the south and east, the applicant has sought to resolve issues of overlooking and privacy by moving the footprint of the bungalows and erecting boundary fencing. Separation distances pursuant to SPD6 would be maintained and it is considered that the approach taken would offer satisfactory solutions to the concerns of the neighbouring properties. As such, the proposals are considered to be acceptable and comply with UDP policies H2/1 - The Form of New residential Development, H2/2 - The Layout of New Residential Development and SPD6 - Alterations and Extensions to Residential Properties.

**Design and appearance of the proposed bungalows** - There would be no change to the design of plots 4 and 5 from those previously approved. The bungalows would have modest roof pitches and gable ends and the palette of materials comprise multi brickwork and grey roof tiles with buff coloured art stone door and window surrounds.

The bungalows would be fully accessible and designed to be adaptable to Lifetime Homes Standards.

As such, the design and appearance are considered to be appropriate to the area and this type of development and comply with UDP Policies EN1/2 - Townscape and Built Design and H2/1 - The Form of Residential Development.

**Parking and access** - Plots 4 and 5 would be accessed via the new road created into the site from Wesley Street with an in curtilage parking space for each dwelling.

SPD 11 - Parking Standards in Bury states the maximum provision required would be 1.5 spaces for 2 bed properties in a high access area. The development proposes 1 in-curtilage space for each of the 2 bed bungalows. However, these are maximum standards and given the type of accommodation proposed where car ownership is likely to be lower, and that there is a regular bus service through Tottington, the parking provision for each property is considered to be satisfactory.

As such, the proposals are considered to comply with UDP Policy H2/2 - The Layout of New Residential Development and HT2/4 - Car Parking and New Development.

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

- The objections raised relating to overlooking, privacy and proximity of the proposed bungalows on plots 4 and 5 and the height and positions of the gabion wall and boundary fencing have been covered in the above report.
- The gabion wall reduces in height along the rear of plots 5 and 4. Plan P03 Rev D, Section E-E is correct in that it shows the height of the gabion wall at the *reduced* height of 0.9m, which is close to the boundary with plot 4.
- The design and gabion wall construction is overseen by Building Control to ensure compliance with the Building Regulations.
- Drainage for the new road and houses would be dealt with by condition and Building Regulations. The gabion wall would not cause a dam effect as rainwater would naturally soak away as any other garden to garden relationship.
- The objections raised by Mysons Associates relating to the position of plot 1 are not relevant to this planning application which has been previously approved by planning permission reference 54740.

## **Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

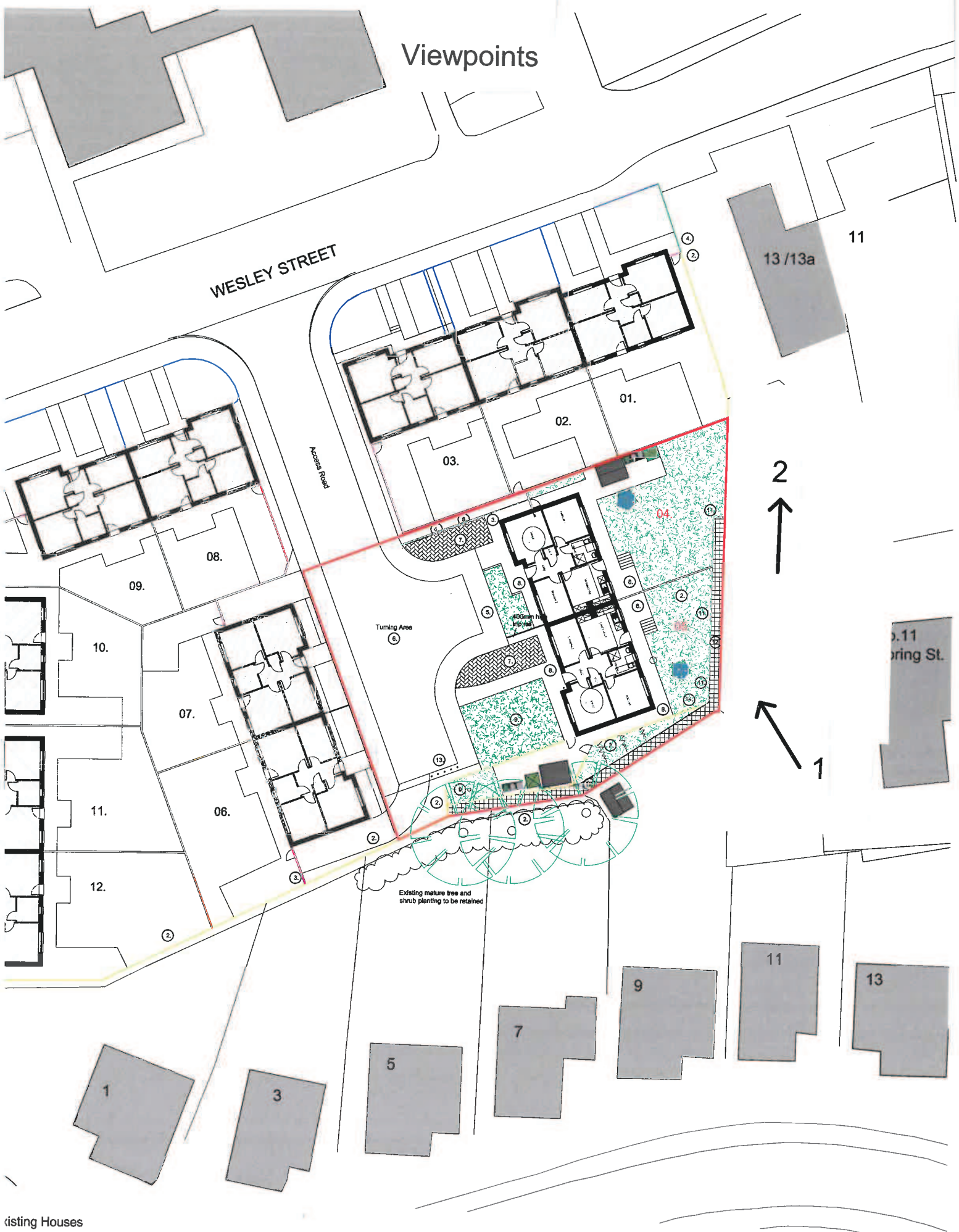
1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Site location plan 14-1968-L01; Site layout and external works 14-1968-P01 Rev B; Proposed GA Plans and elevation - plots 4 and 5 14-1968 P02 Rev A; Gabion wall site plan 14-1968-P03 Rev D; Gabion wall elevations and sections 14-1968-P04 Rev D; Topographical land survey S11/411; Drainage layout CL7263-03 Rev C and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

5. The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the surface water sewer that is located within the site boundary at a rate not exceeding 20l/s.  
Reason. To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal pursuant to National Planning Policy Framework.
6. No development shall commence unless and until details of foul and surface water drainage aspects have been submitted to and approved by the Local Planning Authority. This must include assessment of potential SUDS options for surface water drainage. The approved scheme only shall be implemented.  
Reason. To reduce the risk of flooding and ensure the satisfactory treatment of surface water drainage pursuant to Chapter 10 of the National Planning Policy Framework - Meeting the Challenge of Climate Change, Flooding and Coastal Change and Unitary Development Plan Policy EN5/1 - New Development and Flood Risk.
7. Notwithstanding the details indicated on approved plan reference 14- 1968 -P01 Rev B, the in-curtilage parking spaces shall be a minimum of 5m in length.  
Reason. To allow adequate space to maintain a vehicle clear of the highway, in the interests of pedestrian safety pursuant to Bury Unitary Development Plan Policies HT6/2 - Pedestrian and Vehicular Conflict, H2/2 - The Layout of New Residential Development and HT2/4 - Car parking and New Development.
8. The turning facilities indicated on approved plan reference 14-1968-P01 Rev B shall be provided before the development is first occupied and shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Bury Unitary Development Plan Policies HT6/2 - Pedestrian and Vehicular Conflict and H2/2 - The Layout of New Residential Development.
9. The development hereby approved shall only be developed by or on behalf of the applicant as an affordable housing scheme and each and every residential dwelling constructed as part of the scheme shall subsequently be occupied only and at all times as affordable housing in accordance with the provisions of Development Control Policy Guidance Note 5 – Affordable Housing Provision in New Residential Developments.  
Reason - The proposed development has been granted given the particular circumstances of the applicant following a funding package from the Homes & Communities Agency (HCA) which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Unitary Development Plan Policy RT2/2 (Recreation Provision in New Housing Development) and Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to satisfying the need for affordable housing provision pursuant to Bury Unitary Development Plan Policy H4/1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments.

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



# Viewpoints



Existing Houses

ungalows currently under construction under planning permission 54740

57797

Photo 1



Photo 2





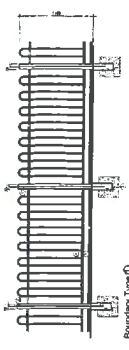
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Originally approved site layout plan for application 54740

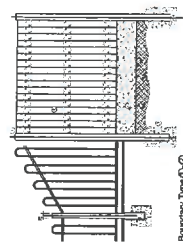


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Project	Westley Street Tottenham
Client	James Johnson Housing Trust
Drawn by	Proposed Site Layout
Checked by	Finalist
Date	11-10-2011
Scale	1:200
Sheet	SHV
Date	Dec 11

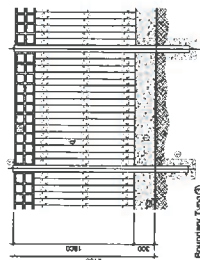




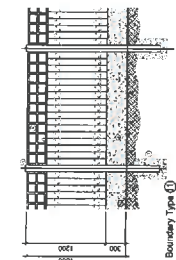
**Boundary Type D**  
 Scale NTS  
**Front Boundary (Railings) - 1100mm High metal fence**  
 Scale NTS  
 1. 60x25mm powder coated galvanized steel rail.  
 2. 100mm concrete base.  
 3. 300x300x300mm concrete base to 100mm.  
 4. 300mm gravel base.



**Boundary Type C**  
 Transition Detail  
 1000mm High timber fence  
 1. 100mm concrete base.  
 2. 300x300x300mm concrete base to 100mm.  
 3. 300mm gravel base.



**Boundary Type B**  
 Scale NTS  
 2100mm High timber fence with walls  
 1. 100mm concrete base.  
 2. 300x300x300mm concrete base to 100mm.  
 3. 300mm gravel base.

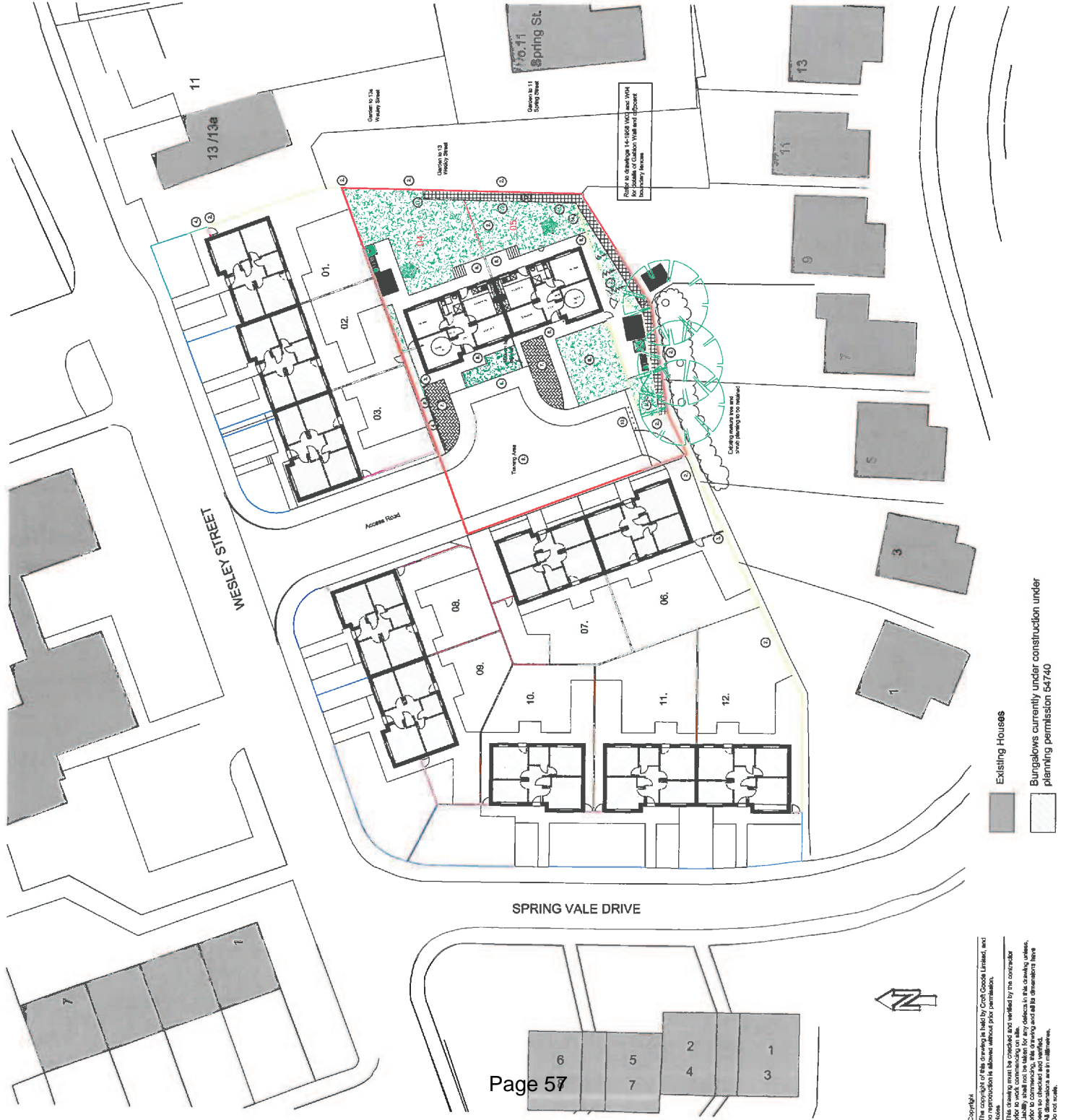


**Boundary Type A**  
 Scale NTS  
 1800mm High timber fence with walls  
 1. 100mm concrete base.  
 2. 300x300x300mm concrete base to 100mm.  
 3. 300mm gravel base.

- ① NOT APPLICABLE
- ② 600mm High powder coated metal railings with 100mm concrete base
- ③ 1000mm High timber fence with 100mm concrete base
- ④ 1000mm High timber fence with 100mm concrete base and 300mm gravel base
- ⑤ 2100mm High timber fence with 100mm concrete base and 300mm gravel base
- ⑥ 2100mm High timber fence with 100mm concrete base and 300mm gravel base and 100mm high stone wall
- ⑦ 900mm High stone faced timber fence & posts
- ⑧ Black timber to adaptable landscape standard
- ⑨ Black timber to adaptable contemporary standard
- ⑩ Concrete block piers to parking bays
- ⑪ Concrete paving flag to pedestrian access only (50x100mm)
- ⑫ Landscaped areas to contractor design
- ⑬ Cement paving to contractor design and SUD Approval
- ⑭ 1000mm High stone faced timber fence with 300mm walls
- ⑮ Stone faced garden tables
- ⑯ Stone faced garden tables
- ⑰ 1800mm High stone faced timber fence with 300mm walls



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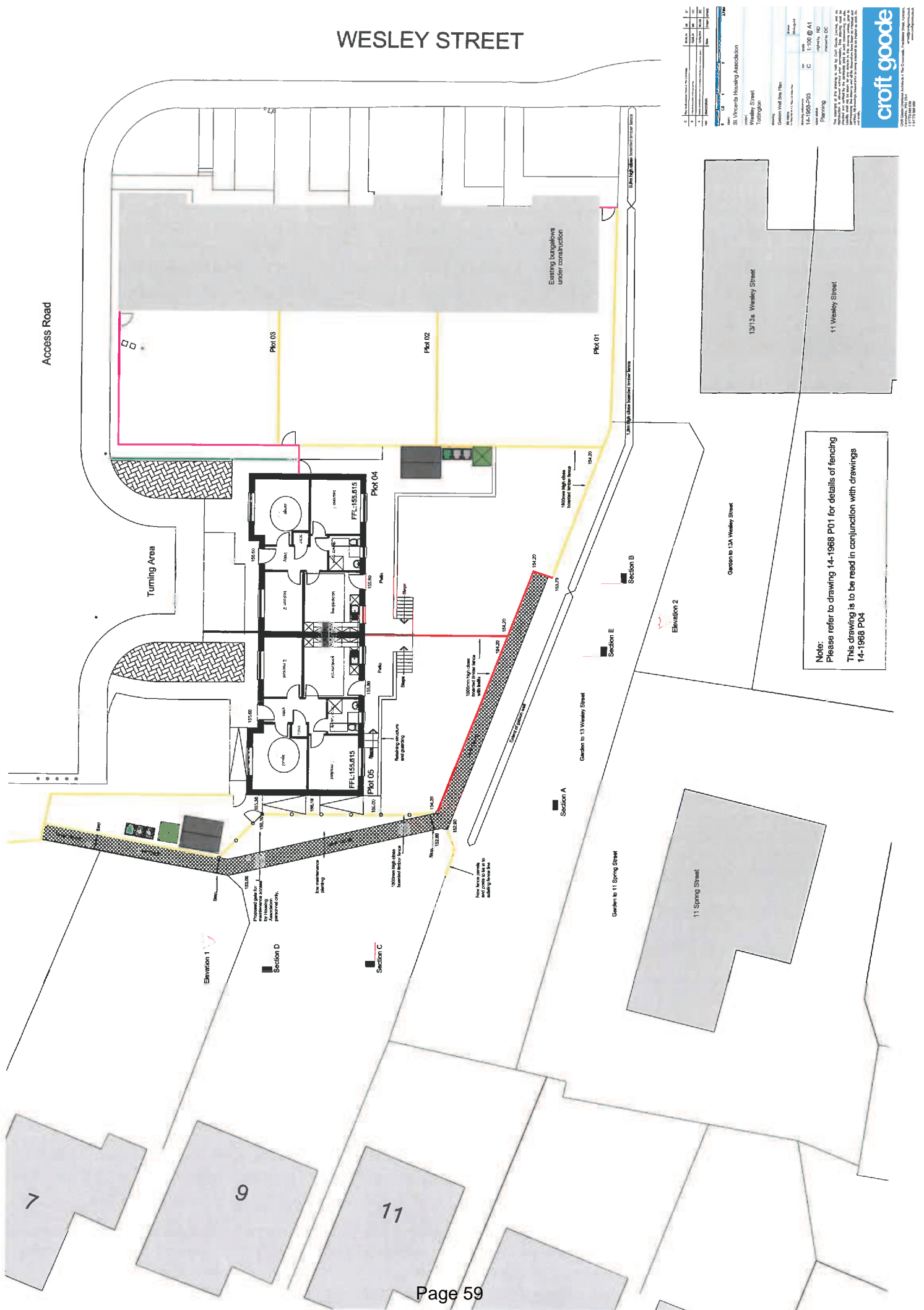
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**Existing Houses**  
 Bungalows currently under construction under planning permission 54740





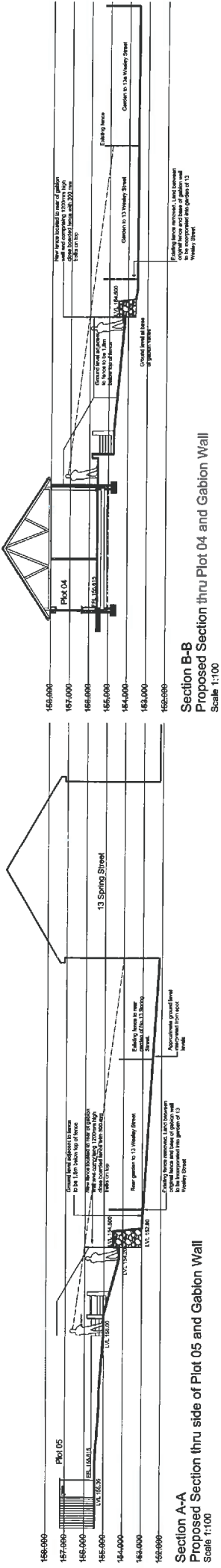
# WESLEY STREET



**Note:**  
Please refer to drawing 14-1968 P01 for details of fencing  
This drawing is to be read in conjunction with drawings  
14-1968 P04

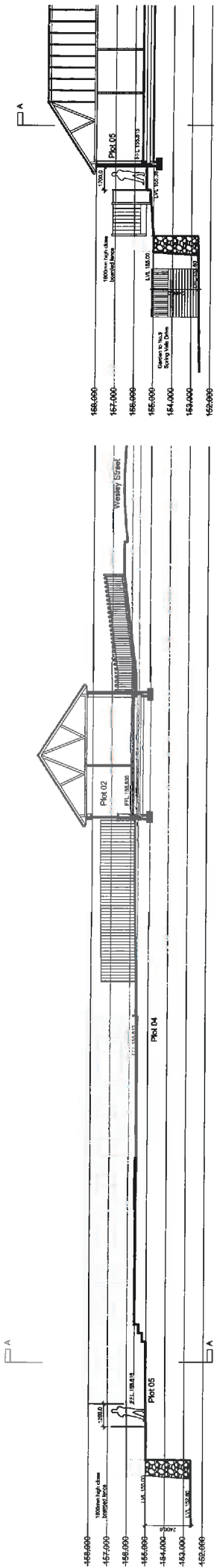
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Project	Wesley Street Housing
Drawn	1:100 @ A1
Scale	1:100 @ A1
Date	14/08/2014
Sheet	1 of 1

**croft goods**  
1000 Green Lane, Weymouth, Dorset, DT9 8JL  
Tel: 01328 860000  
www.croftgoods.co.uk



Section A-A  
Proposed Section thru side of Plot 05 and Gabion Wall  
Scale 1:100

Elevation 1  
Proposed Elevation on Gabion Wall from South  
Scale 1:100



Section B-B  
Proposed Section thru Plot 04 and Gabion Wall  
Scale 1:100

Section C-C  
Proposed Section thru Plots 04, 05 and 02  
Scale 1:100

Section D-D  
Proposed Section thru gable of plot 05  
Scale 1:100

Section E-E  
Proposed Section thru Plot 05 and Gabion Wall  
Scale 1:100

Page 00

1	Plot 05	1:100	1:100	1:100	1:100
2	Plot 04	1:100	1:100	1:100	1:100
3	Plot 02	1:100	1:100	1:100	1:100
4	Plot 01	1:100	1:100	1:100	1:100
5	Plot 03	1:100	1:100	1:100	1:100
6	Plot 06	1:100	1:100	1:100	1:100

3) Vicinity Housing Association  
Wesley Street  
Collingwood

Drawn by: [Name]  
Checked by: [Name]  
Date: [Date]

Scale: 1:100 @ A1

Project: [Project Name]

Client: [Client Name]

Address: [Address]

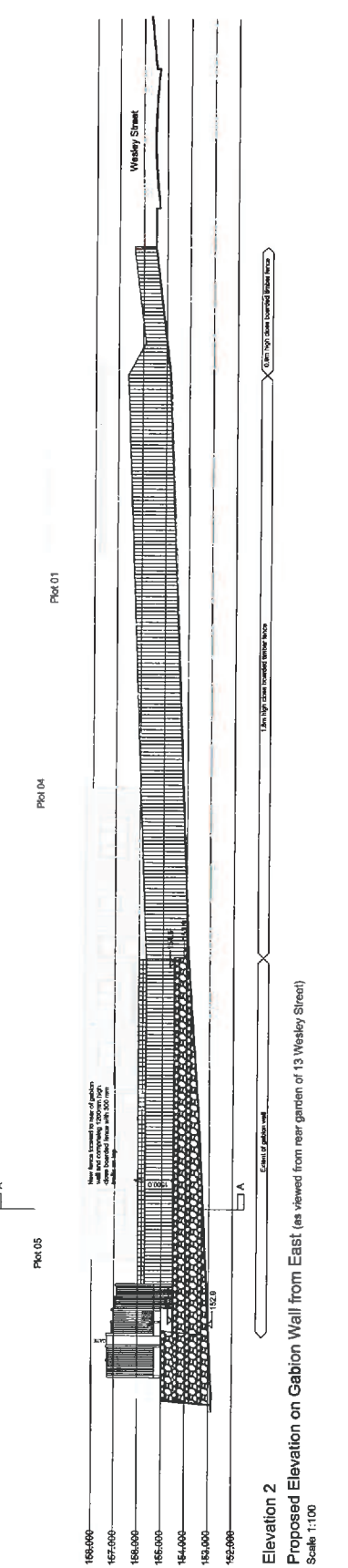
City: [City]

State: [State]

Postcode: [Postcode]

Contact: [Contact Info]

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Elevation 2  
Proposed Elevation on Gabion Wall from East (as viewed from rear garden of 13 Wesley Street)  
Scale 1:100

**Ward:** North Manor

Item 04

**Applicant:** Mr M R Ali

**Location:** Walmersley Post Office, 678 Walmersley Road, Bury, BL9 6RN

**Proposal:** Conversion of dwelling (C3) to Shop (A1); 2 bed flat at first floor level; New shop front and roller shutters

**Application Ref:** 57825/Full

**Target Date:** 29/09/2014

**Recommendation:** Approve with Conditions

### **Description**

The site relates to a 2 storey stone building on the corner of Walmersley Road and Walmersley Old Road, which comprises a Post Office and an attached dwelling. The premises are allocated within a Neighbourhood Shopping Centre in Bury Unitary Development Plan Policy under S1/5. The post office is located on the ground floor with access on the corner elevation facing the road. The dwelling comprises living accommodation at the ground floor and 4 bedrooms above, with the main entrance off Walmersley Road. There is a shared yard area to the rear and on street parking for both properties.

The site is located within an area of mixed uses comprising both residential properties and a row of local shops to the east on Walmersley Old Road. There is unrestricted parking directly in front of the shops, as well as an informal unmade car park to the rear and side.

The dwellinghouse has been empty for over 2 years and the Post Office premises which is too small to provide and maintain effective services. The application seeks the conversion of the ground floor of the dwelling to extend and improve the existing Post Office and to create a separate retail shop unit. External alterations include a new shop front, roller shutter and entrance fronting Walmersley Road.

The first floor would be converted to a 2 bed roomed flat and would have a separate entrance off Walmersley Road. The doorway to the property would reuse materials and stone surrounds from the redundant dwelling entrance. The yard would continue to be shared by both properties.

### **Relevant Planning History**

None relevant.

### **Publicity**

37 letters sent on 6/8/2014 to properties at Nos 2-10 (evens) Walmersley Old Road; Lee Court 1, 3-5, 5 Springside Road; The Lee 635 Walmersley Road; 1, 4 Chadwick Fold; Lower Longcroft Cottage Walmersley Old Road, 162 - 184 (evens) Carr Bank Walmersley Old Road; Carr Bank Walmersley Old Road, Baldingstone Garage, Folly Lodge, 190 Hark to Dandler, all Walmersley Old Road; 651, 653, 655, 678, 678 A, 680, 682, 684, 686, Walmersley Road.

Three letters of objection received from -

The Lee, Walmersley Road which raises the following issues:

- My property is Grade II Listed and as such of historical importance, with strict guidelines how I can improved or alter the building and i have to consult with the LPA to gain permission to alter the external appearance in any way;

- The Post Office is an equally historic building together with the properties on Chadwick Fold;
- It is therefore disappointing that the Council are even considering a major alteration to this prominent area. Is there no area of Bury that can be protected from such development, particularly taking into consideration the number of empty shops at the town centre and the end of Walmersley Road.

#### 10 Walmersley Old Road:

- There is a lack of parking available which is worse during peak times and whilst children are dropped off and collected from Springside School.
- Putting external shutters on a very old stone building will not look right and will be detrimental to the local area.

#### 36 Greymont Road:

- The building is a fine stone structure and appears to be a purpose built Toll House, believe it was constructed when the present upper section of Walmersley Road was completed;
- Insertion of a shop front, roller shutter and box together with a fascia sign will spoil the appearance of the Toll House.

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

Revised plans received on 3/9/2014 with amendments to the shop frontage to incorporate a stone stall riser and change the roller shutter to a brick bond type from perforated shutters.

### Consultations

Not applicable

### Unitary Development Plan and Policies

NPPG	National Planning Policy Guide
HT2/1	The Strategic Route Network
EN1/2	Townscape and Built Design
EC4/1	Small Businesses
EN1/8	Shop Fronts
S1/5	Neighbourhood Centres and Local Shops

### Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Principle** - Unitary Development Plan Policy S1/5 - Neighbourhood Centres and Local Shops seeks to retain retailing as the predominant use in new or existing local shops, to cater primarily for the day to day needs of residents, businesses and those passing by, thus reducing the need for additional trips and assisting in sustainable development.

EC4/1 - Small Businesses and EC6/1 - Assessing New Business, Industrial and Commercial Development takes into account impact of proposals on the surrounding environment, including scale and density, access and parking and amenity.

H2/2 - The Layout of New Residential Development is concerned with ensuring good standards of layout are maintained.

Located within a Neighbourhood Shopping Centre, the expansion and creation of premises

for A1 retail use are acceptable in principle. The proposals would result in relatively small scale retail development within a local area and it is considered that such an expansion is acceptable in scale. Access, parking and amenity issues are dealt with below.

There are permitted development rights that permit the creation of a flat above a shop. As such, this part of the proposal could be carried out without the need for permission once the retail unit was implemented. The flat would continue to provide suitably sized accommodation in the area and no net loss of dwelling as a result of the proposal. The layout demonstrates that the flat could successfully utilise the 1st floor space in terms of layout and access and as such considered to be acceptable.

**Appearance** - EN1/8 - Shop Fronts seeks to ensure that proposals for new and altered shop fronts properly respects the architectural elements of the building and the character of the street scene. The choice of shutter design should be carefully considered to ensure that, where possible, they detract as little as possible from the character of the building or the street scene.

The only alteration to the building would be to the front elevation facing Walmersley Road.

The building is located on a prominent corner location on a main route through the Borough and it would be expected that proposals for alterations to such frontages respect the locality and surrounding area.

The building is not listed and therefore not subject to the same considerations as a Listed Building. Nonetheless, it is an attractive stone building with quoin detailing. The proposed new shop front would be glazed and comprise a stone stall riser at the lower level, which would follow the line of the lower quoin. This together with the stone surround, would retain the symmetry and character of the fenestration. The existing doorway to the dwelling would be moved slightly to access the flat above using the existing stone surround and header, which again would preserve part of the original facade of the building.

The mechanism for the roller shutter would be hidden from view behind the fascia signage. The blind would be of brick bond design and have a more open and "see through" effect, and is considered to be a more acceptable design than the perforated type. A suitable colour would be included as a condition.

The alterations to the building would be relatively modest, and through the re-use of materials and design of the shop front itself, are considered to retain the character and appearance of the existing building.

**Residential amenity** - There would be no additional openings created or external alterations which would cause any privacy, overlooking or amenity issues for adjacent occupiers.

**Parking** - There is currently no dedicated parking for the Post Office or the dwelling and non proposed for the development. Whilst the Post Office extension and new retail unit may result in more vehicles to the area, the businesses would be relatively small scale, principally for local day to day needs, and located within an existing Neighbourhood Centre, likely to draw local trade or those passing for a short period of time. The flat is also less likely to require any more parking than the existing dwelling house.

There is unrestricted on street parking on both sides of Walmersley Old Road as well as an unmade car park to the rear and side of the row of shops to the east. It is considered that the proposed development would not cause any significant adverse impacts in terms of parking in the area and as such considered to be acceptable.

The proposals are therefore considered to be in compliance with UDP Policies S1/5, EC4/1, EC6/1, EN1/2, EN1/8 and H2/2.



**S106 obligations** - There would be no residential net gain as a result of the development and therefore no requirement for recreation contribution.

**Response to objectors** - The objections relating to the location of the use, external alterations and parking have been covered in the above report.

**Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

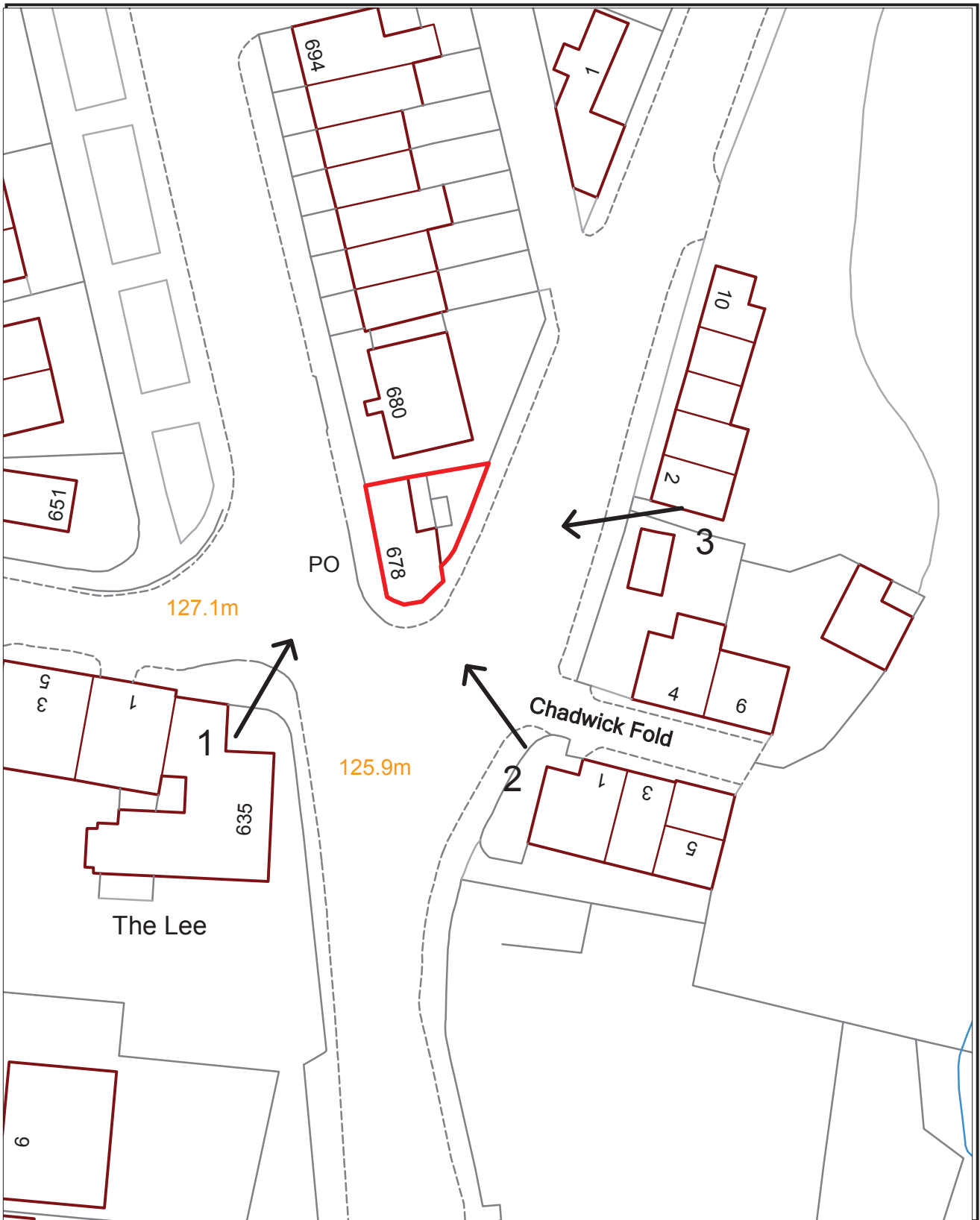
**Recommendation:** Approve with Conditions

**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 NA-P01 Existing plans; NA-P02 Proposed plan received and indexed 3/9/2014 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 the policies of the Bury Unitary Development Plan listed.
3. The roller shutter hereby approved shall be a brick bond type, a sample of which and colour to be submitted and approved by the Local Planning Authority prior to the shutters being installed on the property. The approved shutters only shall thereafter be maintained.  
Reason. In the interests of visual amenity pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and EN1/8 - Shop Fronts.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 57825**

**ADDRESS: Walmersley Post Office  
678 Walmersley Road, Bury**



**Planning, Environmental and Regulatory Services 1:1250**

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57825

Photo 1



Photo 2

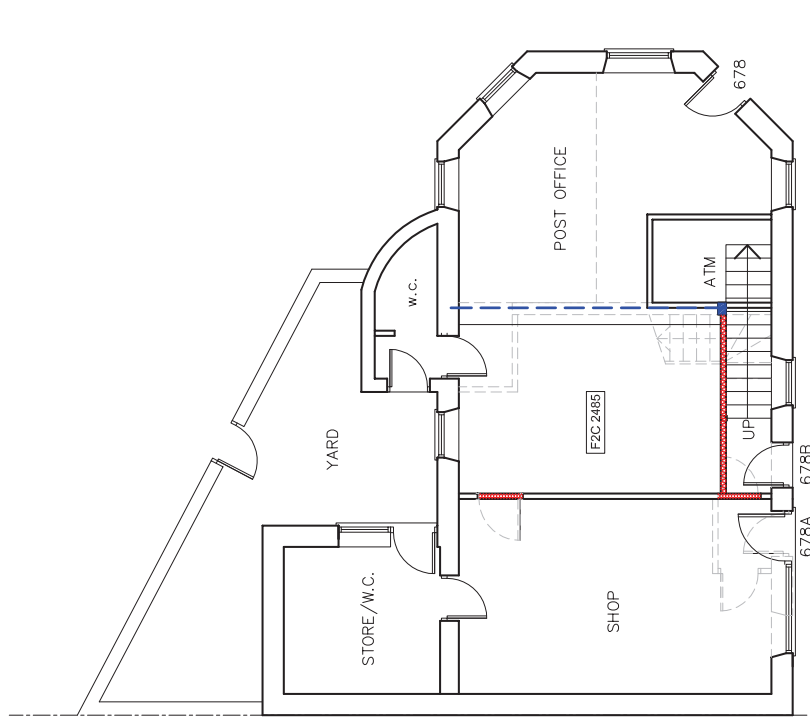


Photo 3

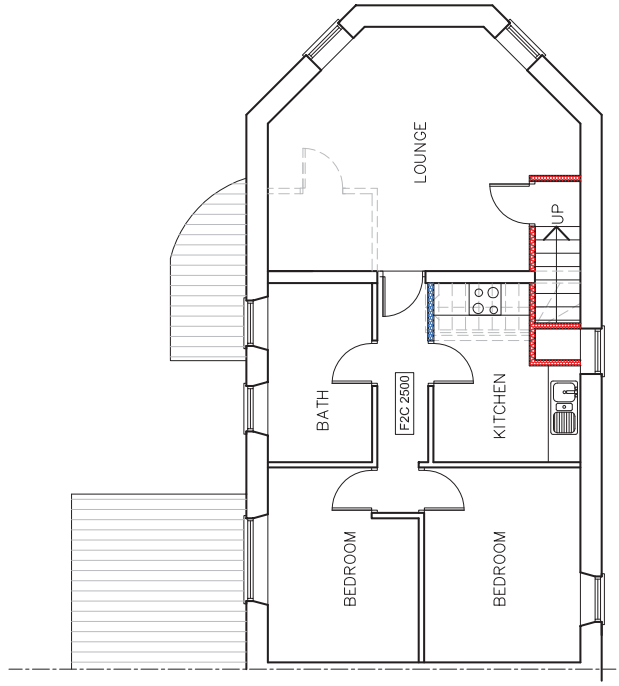


PURPOSE OF ISSUE **PLANNING**

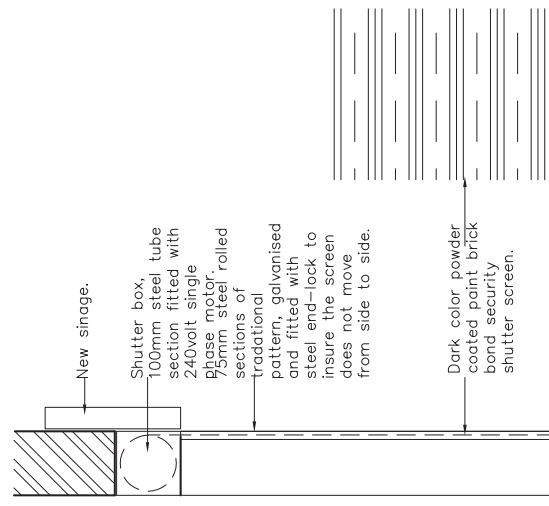
Do not scale from this drawing. All information should be checked by the contractor on site before commencing work. Any discrepancies should be reported to the architect immediately. All rights are reserved and are not transferable. Unauthorised reproductions of this drawing are not permitted. The contractor shall ensure that all Planning, Conditions and Building Regulations have been resolved to the satisfaction of the Local Authority.



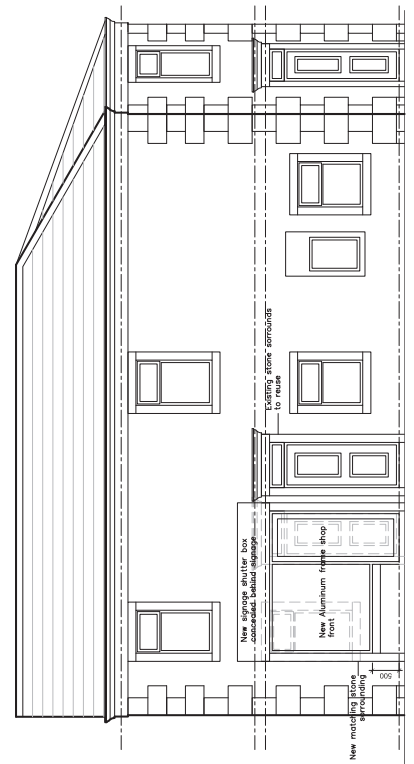
PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



ROLLER SHUTTER DETAIL scale 1:25



PROPOSED FRONT ELEVATION



**Ward:** Bury East - Redvales

Item 05

**Applicant:** Mr Anand

**Location:** The Trafalgar, Manchester Old Road, Bury, BL9 0TB

**Proposal:** Change of use from public house to 5 no. flats with first floor extensions to side and rear and new access from Baron Street for parking (resubmission)

**Application Ref:** 57830/Full

**Target Date:** 21/10/2014

**Recommendation:** Minded to Approve

**It is recommended that this application is Minded to Approve subject to the signing and completion a Section 106 agreement for recreation provision contribution in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1. Should the Section 106 not be signed and/or completed within a reasonable period, it is requested that the application be determined by the Development Manager under delegated powers.**

#### **Description**

The application is a resubmission following a previous application for a similar scheme - 56944 - which the Planning Control Committee was 'Minded to Approve' in February 2014. The application was subsequently refused on 08/05/2014 due to lack of progress on the S106 legal agreement concerning recreation provision. The applicant has submitted this application with a view to completing the S106 legal agreement.

The application relates to a vacant public house on the corner of Manchester Old Road and Baron Street, to south side of the Town Centre. It is a large detached two storey brick/render building with a slate roof. There is a yard area to the rear and a driveway to the side with an existing access onto Manchester Old Road. There was also a second access onto Baron Street that has been blocked up with a concrete panelled fence. The property has been vacant for approximately one year.

The area is a mixed residential/commercial area with houses to the rear along Baron Street and to the south, over the metro line, along Manchester Old Road. There are commercial properties to the north, across Baron Street and an area of public open space opposite the site.

The proposal involves the change of use of the public house to five flats - (3x1bed and 2x2bed). There would be parking to the side and rear and a small amenity space and bin store. The main pedestrian street access would be from the existing entrance on Manchester Old Road with vehicular access off Manchester Old Road and Baron Street.

The scheme also involves first floor, hipped roof extensions, both measuring approx 5.5m by 4m, over the flat roofed outrigger at the rear/west elevation and over the single storey, pitched roof outrigger on the side/ south elevation. Both extensions would be finished in a render to match the main building with a slate tile roof. It is also proposed to render the existing red brick extensions that are on the side and rear.

The application includes the agreement for the applicant to enter into a S106 relating to recreation provision as set out in SPD 1 Open Space, Sport and Recreation Provision and New Housing Development.

It is noted that a similar application for 5 flats was presented to the Planning Control Committee, to be 'Minded for Approval subject to a S106 agreement on recreation provision'

in February this year. This was eventually refused due to lack of progress on the legal agreement - see Relevant Planning History.

### **Relevant Planning History**

56944 - Change of use from public house to 5 no. flats with first floor extensions to side and rear; new access from Baron Street for parking - The Planning Control Committee was 'Minded to Approve' the proposal in February 2014 but the application was refused on 08/05/2014 due to lack of progress on the S106 legal agreement concerning recreation provision.

### **Publicity**

Site notice posted and the following neighbours notified by letter dated 26/08/14: 2-14(evs) and 1-55(odd) Baron Street, 10 Manchester Old Road.

Two objections have been received from the occupiers of Nos.5 and 15 Baron Street. Concerns are summarised:

- More housing, this will result in increased traffic and parking and exacerbate the current parking problems in the area.
- The parking on site is not sufficient.
- Need spaces for visitors and delivery vehicles etc.

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

### **Consultations**

**Traffic Section** - No objection.

**Drainage Section** - No objection.

**Metrolink** - No objection.

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

H2/4	Conversions
H1/2	Further Housing Development
H2/2	The Layout of New Residential Development
H2/1	The Form of New Residential Development
EN1/2	Townscape and Built Design
SPD11	Parking Standards in Bury
EN7/2	Noise Pollution
RT2/2	Recreation Provision in New Housing Development
SPD1	Open Space, Sport and Recreation Provision
SPD15	Residential Conversions
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD16	Design and Layout of New Development in Bury
EN1/5	Crime Prevention
HT2/4	Car Parking and New Development
NPPF	National Planning Policy Framework

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Principle** - The proposal enables development to be directed towards the urban area avoiding the need to release peripheral open land. The development therefore complies with Policy H1/2 - Further Housing Development. Given its former use as a public house with accommodation above together with the current vacancy period (1 year), the proposed residential use is welcomed as it would bring the building back into productive use within the locality and compliment predominant surrounding land uses.

**Design and Appearance** - Given that the proposed extensions to the side and rear would reflect style of the existing building and the other alterations proposed, such as the new boundary treatment, the character of the building would be retained and its appearance on the streetscape enhanced. The proposal is acceptable in terms of design and appearance and complies with UDP Policies EN1/2, H2/1 and H2/2 in this respect.

**Parking and Access** - The site is within a particularly sustainable location, close to Bury Town Centre with the main bus and Metro stations approximately half a kilometre away. The revised layout indicates two parking spaces with turning at the rear and two tandem spaces at the side. Given its sustainable location and the building's previous use as a public house with no customer parking at all, the four spaces proposed within the site are considered adequate and would comply with UDP Policies H2/2, HT2/4 and SPD11 relating to parking and would not be detrimental to road safety.

**Residential Amenity** - The amenity space in the south west corner of the site, measuring 32sqm, although modest, is considered to be adequate to cater for the needs of the future residents of the flats. There is no overlooking or overshadowing issues arising and as such the amenity of surrounding residents is not detrimentally affected by the proposed development. Indeed the residential amenity of surrounding residents is likely to be improved with the loss of the public house which would open late and have the potential for creating noise and disturbance. The proposal is considered acceptable and complies with UDP Policy H2/2 in respect to residential amenity.

**Objection** - The issues raised with regard to parking have been addressed in the 'Parking and Access' section above. Whilst the area, being on the edge of the town centre does have its parking issues, the proposal does have off road parking which is more than the existing public house (and flat above) and is therefore considered acceptable.

**Recreation Provision** - The applicant has agreed to enter into a S106 legal agreement relating to recreation provision in accordance with Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Supplementary Planning Document 1 - Open Space, Sport and Recreation in New Housing Development. The contribution would be for £6,839.45 which relates to 4 flats only, as there was a flat above the previous pub. As such the proposal complies with Policy RT2/2 and associated guidance and therefore should be refused for this reason.

### **Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

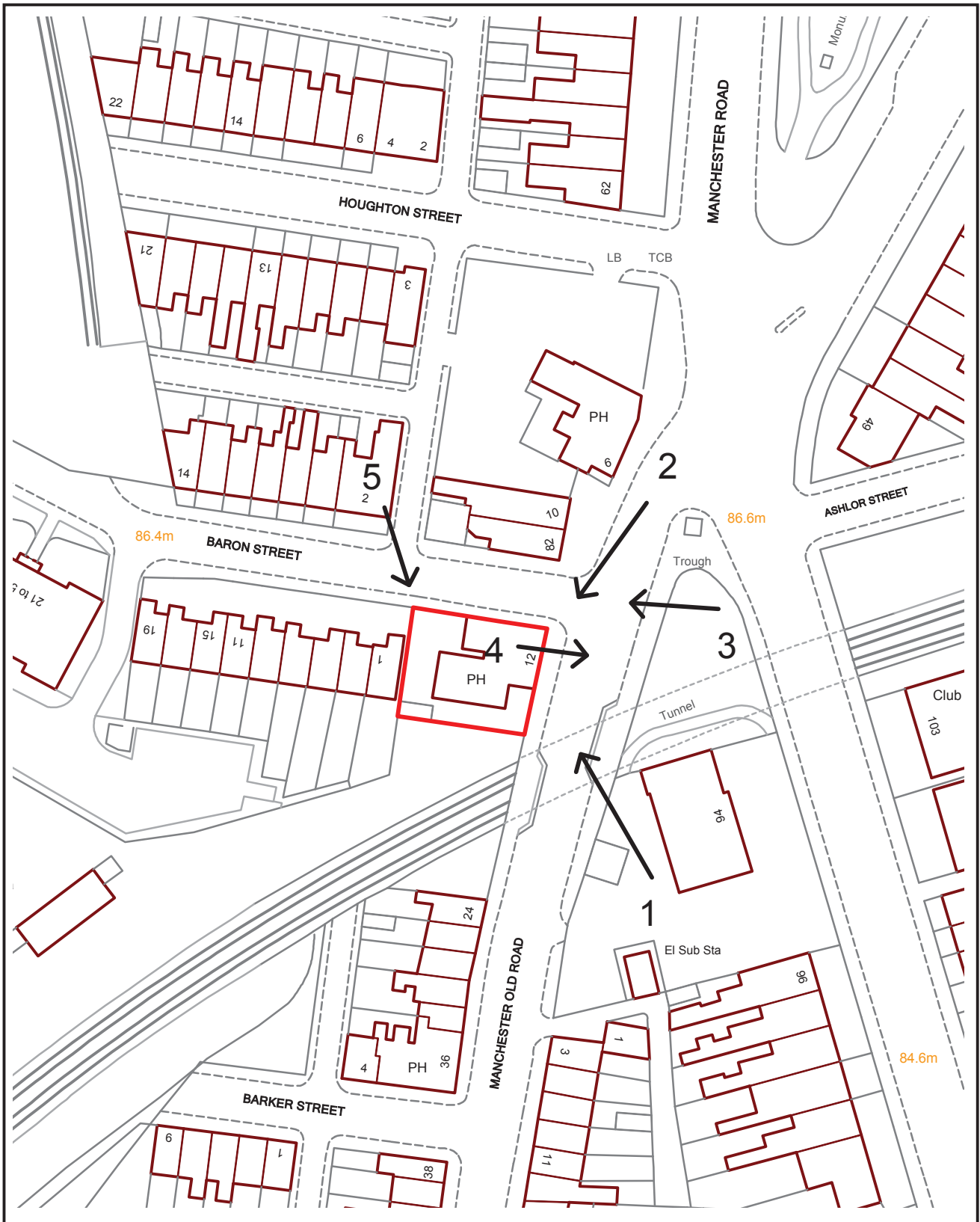
**Recommendation:** Minded to Approve

## Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered of 1, 2, 3, 5, 6 and 7 of 7 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 the policies of the Bury Unitary Development Plan listed.
3. Details 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. Only the approved materials shall be used for the construction of the development.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. A scheme to surfaced, demarcate the parking area within the site shall be submitted to and approved in writing by the Local planning Authority before development is commenced. Only the approved details shall be used in construction of the development. The parking shall be made available for use prior to the first occupation of the development.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
5. The construction of the footway crossing serving the new parking and turning area off Baron Street indicated on approved plan reference 3 Revision B shall be implemented to the written satisfaction of the Local Planning Authority before the flats hereby approved are first occupied.  
Reason. To ensure good highway design in the interests of pedestrian safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.
6. The turning facilities indicated on approved plan reference 3 Revision B, including the area to be infilled, shall be provided to the written satisfaction of the Local Planning Authority before the flats hereby approved are first occupied and the areas used for the manoeuvring of vehicles shall be subsequently maintained free of obstruction at all times.  
Reason. To ensure adequate turning movements of vehicles within the site in the interests of highway safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 57830

ADDRESS: The Trafalgar  
Manchester Old Road  
Bury

Planning, Environmental and Regulatory Services 1:1250

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57830

Photo 1



Photo 2



Photo 3



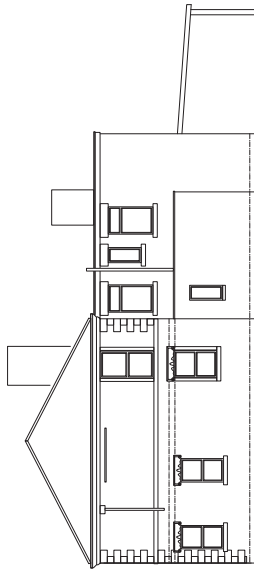
Photo 4



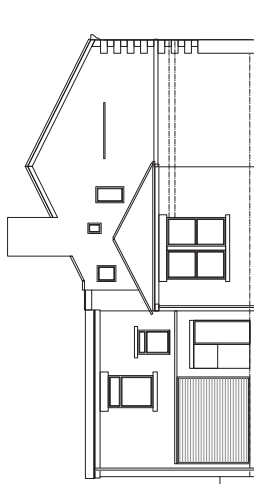
Photo 5



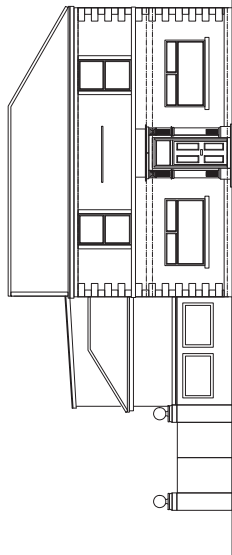




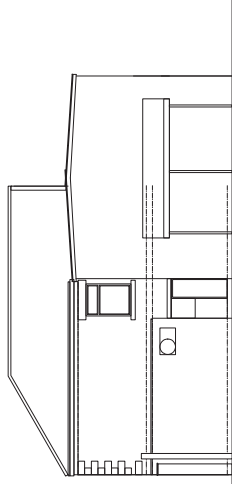
FRONT ELEVATION  
as existing



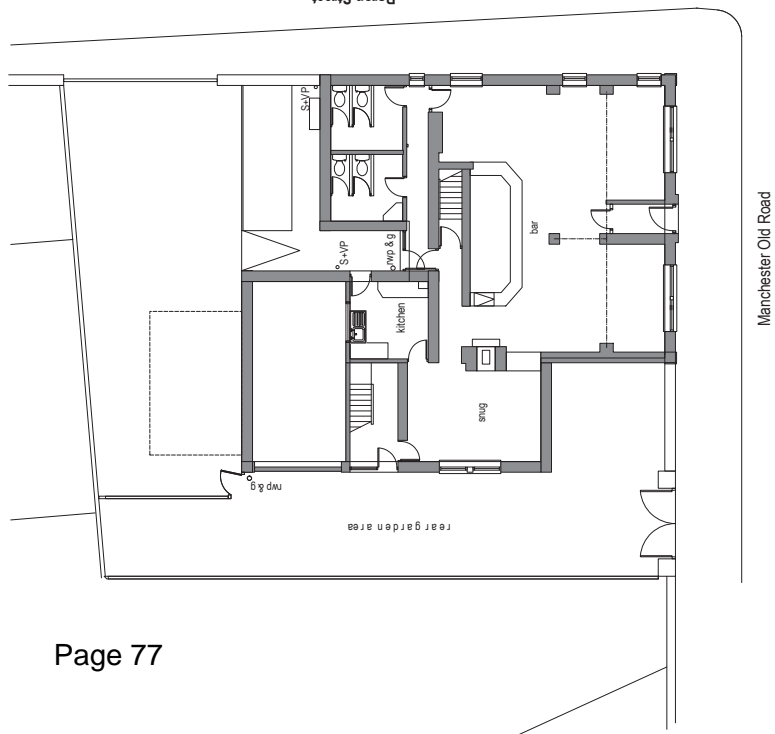
SIDE ELEVATION  
as existing



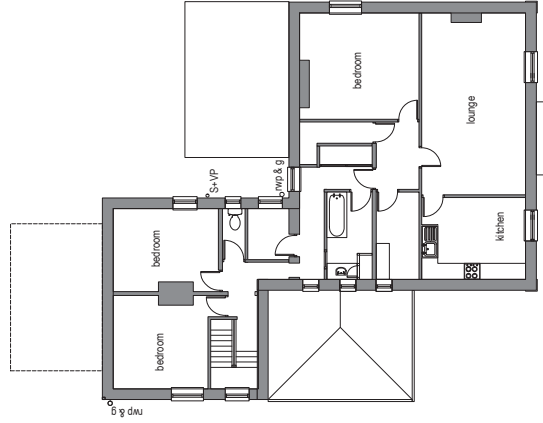
FRONT ELEVATION  
as existing



REAR ELEVATION  
as existing



GROUND FLOOR PLAN  
as existing



FIRST FLOOR PLAN  
as existing

SUBJECT TO PLANNING AND  
BUILDING REGULATIONS APPROVAL  
Subject to the grant of such approval

Revisions			

Proposed Change of Use from Public  
House to Flats  
"The Trafalgar"  
Manchester Old Road, Bury,  
Mr J. Atwood

DATE	10/09/2013
DRAWING	1 of 7
BY	MR J. ATWOOD
STATUS	Planning Submission



SUBJECT TO PLANNING AND  
 BUILDING REGULATIONS APPROVAL  
 Building Regulations approval is required for all work.

Part 1	Proposed Change of Use from Public House for Flats	Site 14
Part 2	"The Trafalgar" Manchester Old Road, Bury.	Site 14
Part 3	M. J. Atwood	

DATE: Sept 2013  
 DRAWING: 3 of 7  
 DRAWING: GROUND FLOOR PLAN  
 AS PROPOSED  
 DATE: 16/09/2013

STATUS: Planning Submission **B**



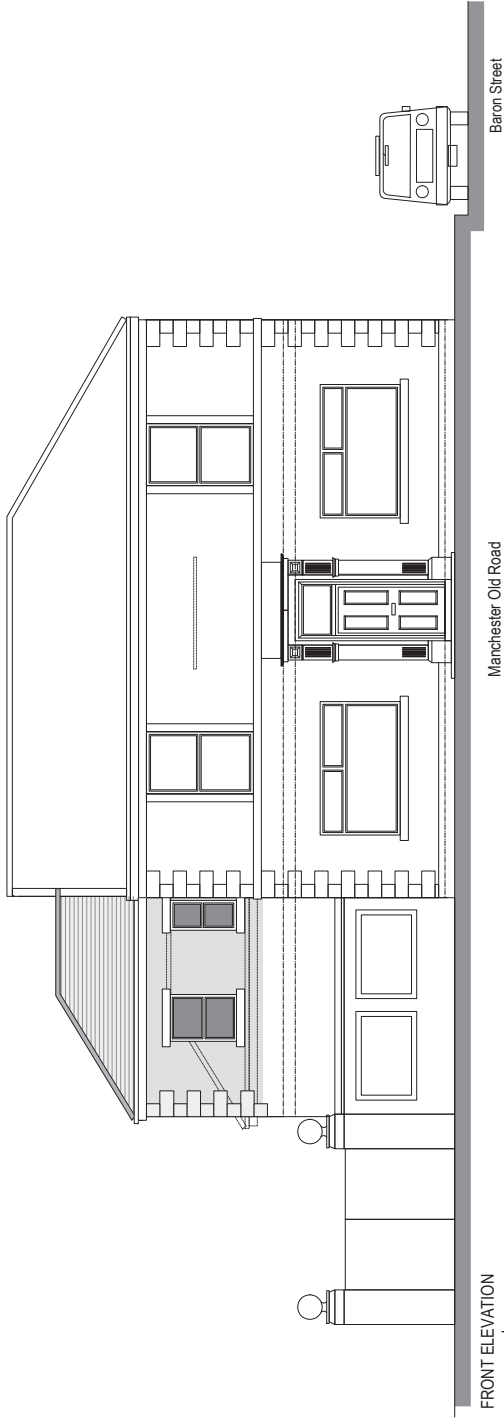


SUBJECT TO PLANNING AND  
 BUILDING REGULATIONS APPROVAL  
 Building Regulations approval at each stage.


Proposed Change of Use from Public  
 House to Flats  
 "The Trafalgar"  
 Manchester Old Road, Bury.  
 Mr J. Atkind

DATE	18/03/2013
DRAWING	5 of 7
SCALE	1:100
STATUS	Planning Submission

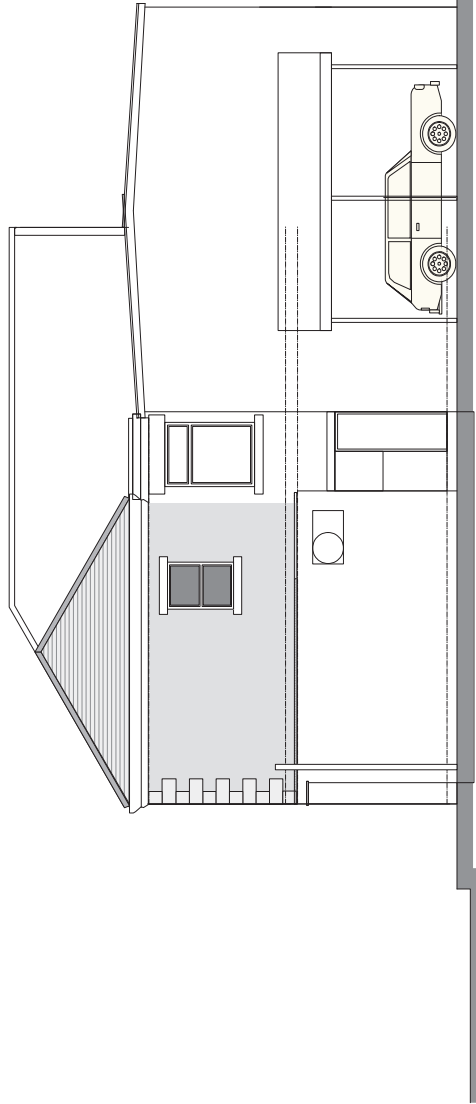
PLANNING NOTES  
 All external signage to be removed.  
 New finishes to match existing.



FRONT ELEVATION  
 as proposed  
 scale 1:100

Manchester Old Road

Baron Street



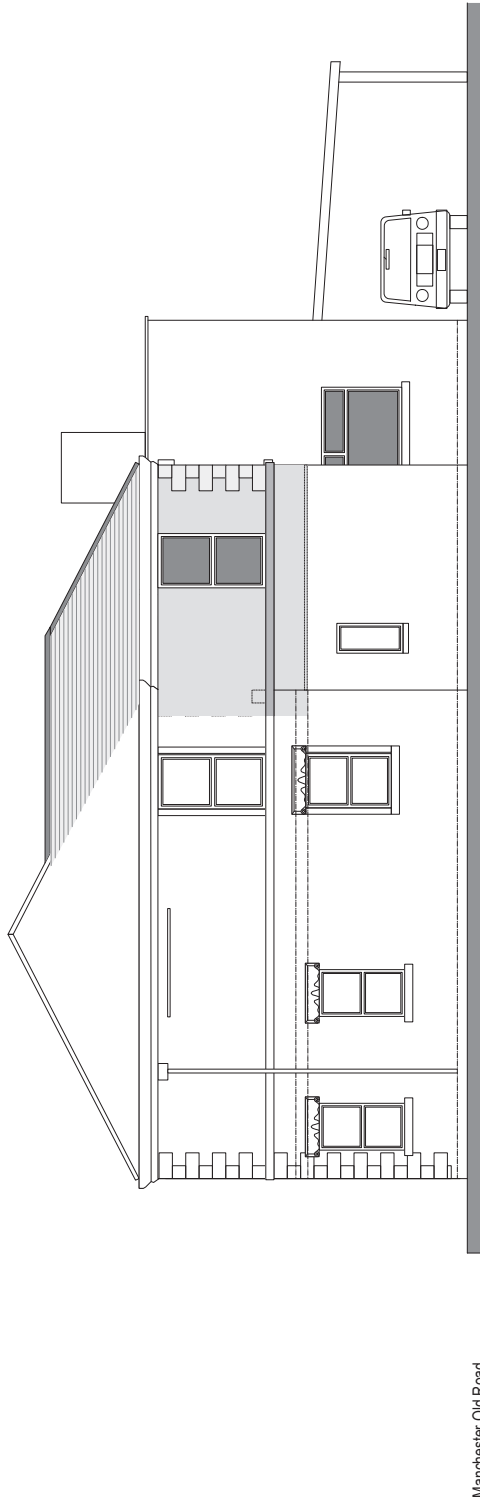
REAR ELEVATION  
 as proposed  
 scale 1:100

Baron Street

SUBJECT TO PLANNING AND  
 BUILDING REGULATIONS APPROVAL  
 (Building Regulations approval is required for the proposed works)


Proposed Change of Use from Public  
 House to Flats  
 "The Trafalgar"  
 Manchester Old Road, Bury,  
 Mr J. Atwood

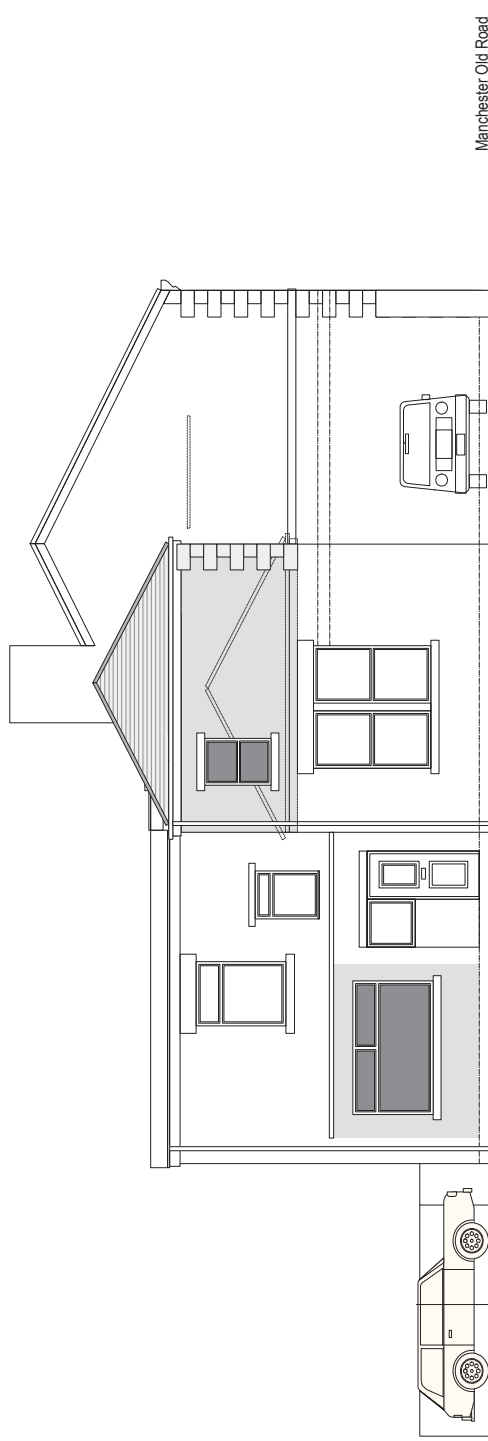
DATE	20/03/23
DRAWING NO.	6 of 7
DATE ISSUED	20/03/23
STATUS	Planning Submission



Manchester Old Road

SIDE ELEVATION  
as proposed  
scale 1:100

Baron Street



Manchester Old Road

SIDE ELEVATION  
as proposed  
scale 1:100

SUBJECT TO PLANNING AND  
BUILDING REGULATIONS APPROVAL  
Subject to planning approval and building  
regulations approval.

Revisions			

Proposed Change of Use from Public  
House to Flats  
"The Trafalgar"  
Manchester Old Road, Bury,  
Mr J. Atwood

DATE	20/11/20
DRAWING	7 of 7
STATUS	PROPOSED
DATE	20/11/20
STATUS	Planning Submission

**Ward:** Bury East

Item 06

**Applicant:** ADS

**Location:** Old County Court, Tenterden Street, Bury, BL9 0HJ

**Proposal:** Change of use from Office (B1) to Support and Counselling Centre (D1)

**Application Ref:** 57841/Full

**Target Date:** 23/09/2014

**Recommendation:** Approve with Conditions

### **Description**

The site relates to part of a building which is located at the junction of Angouleme Way and Tenterden Street. The building is an impressive red brick build with traditional sliding sash windows and ornate stone entrance surround. Railings and a brick pillar boundary surround the site.

The building is the former County Court which has previously been subdivided into four office suites in 2005. Unit 1 is the subject of this application and comprises part of the ground and first floor, with individual access taken directly from Tenterden Street.

There are five allocated parking spaces in the car park to the north of the building.

The application seeks the change of use from offices (Class B1) to a Counselling and Support Centre (Class D1). The centre aims to provide education, training and employment opportunities for those who have become abstinent following treatment for addiction and would be the venue for delivery of a range of recovery orientated services, support and interventions to support users to remain abstinent.

There would be 3 staff employed and 30 volunteers. The centre would be open 9am to 5pm, 7 days a week.

### **Relevant Planning History**

44287 - Change of use from court to offices - Approve with Conditions 09/05/2005

44927 - Change of use of from courthouse to offices - revised scheme with mezzanine floor  
- Approve with Conditions 09/09/2005

47472 - New entrance off Back Tenterden Street - Approve with Conditions 27/02/2007

47849 - New atrium over proposed new stair leading to first floor - Approve with Conditions 17/05/2007

### **Publicity**

19 letters sent on 8/8/2014 to properties at 19-31 (odds) Walshe Street, Bury Gammer school, Walshe Street, Bridge Road and Tenterden Street; Bury Family Centre and 72-74 Tenterden Street; Linda Gill Nursery Group Tenterden Street; 40-50 (evens) Tenterden Street.

One letter of objection received from Bury Grammar School which raises the following issues:

- There is insufficient parking in the area for the number of employees and volunteers, as well as the proposed facility. This will in general, increase the risk for pedestrians, especially our pupils. Based upon past experience, the likely outcome is that drivers will attempt to park in our grounds.
- Concerned about substance misusers and those who have suffered from addiction to alcohol and other substances, being in the locality of our Schools.

- No information as to the possible risks associated with such a centre, to include antisocial behaviour, loitering, street drinking and trespass to our property.

A supportive letter from the Directorate of Communities and Wellbeing, Bury Council received with the following -

- A recovery orientated service has been commissioned by Bury Council to address substance misuse in the borough and is a collaboration of organisations;
- It would deliver abstinence based, high quality and effective interventions based on the principles of recovery, integration and lifestyle improvement;
- A condition of the contract is to develop a visible recovery community in Bury, including establishing a 'recovery centre' located separately from treatment provision;
- The centre will be available for service users who have become abstinent following treatment to deliver a range of services, support and interventions including developing employment, training and educational opportunities and the Old Court House would provide an excellent location;
- The substance misuse partnership board supports and welcomes this opportunity to develop the recovery centre which would offer continued support enabling people to remain abstinent.

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

### Consultations

**United Utilities** - No objection.

**Traffic Section** - No objections in principle, subject to the provision of car parking. Additional comments will be reported in the Supplementary Report.

### Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
Area	Tentersfield/Millet Street/Tenterden Street
BY1	
EN1/2	Townscape and Built Design
HT2/1	The Strategic Route Network
HT2/4	Car Parking and New Development
EC2/2	Employment Land and Premises
CF1/1	Location of New Community Facilities
CF3	Social Services
CF4	Healthcare Facilities
SPD14	Employment Land and Premises
SPD11	Parking Standards in Bury

### Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Principle - EMPLOYMENT** - The proposed development involves the change of use from an office (B1) to a counselling and support centre (D1).

Policy EC2/2 states that the Council will seek the retention of employment land and premises outside the Employment Generating Areas (EGA) 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. In such circumstances, consideration will be given to alternative development providing it does not conflict with the character of the surrounding



area and other policies of the plan.

The Employment Land Review included a comprehensive assessment of all employment sites within the Borough and this site is considered to be suitable, in land use terms, for continued employment use.

In support of UDP Policy EC2/2, the Council has also developed SPD14 which again, in basic terms, seeks to retain sites that are suitable in land use terms although it does allow for a greater degree of flexibility than Policy EC2/2 insofar as it gives consideration as to whether there is a reasonable prospect of the site being used for its intended office use as well as assessing the suitability of the site from a purely land use perspective.

Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Whilst this relates to land allocations, it is considered reasonable to apply the same principle to existing employment sites.

One of the key indicators of whether the property has any reasonable prospect of being used for offices is whether there is any proven demand. Information has been submitted, which indicates that the premises has been on the market since October 2011 (approaching 3 years) and that during this time, the lease of sale of the property has been unsuccessful.

As such, given the length of time that the property has been marketed, it is accepted that, at the current time, it is unlikely that there is a reasonable prospect of the site being reoccupied by an office user and therefore, the proposed change of use would be acceptable. The proposed development would be in accordance with Policy EC2/2 of the Bury Unitary Development Plan and SPD 14.

**Principle** - COMMUNITY FACILITIES - Policy CF1/1 states that proposals for additional or improved community facilities will be considered favourably where these do not conflict with amenity or the local environment. Regard will be had to factors including impact on residential amenity and the local environment, traffic generation and parking, scale and size of the development and accessibility of the premises.

Policy CF3 states that where appropriate, proposals will be considered favourably for the provision of new, and the improvement of existing facilities, for those requiring support and care in the community, provided they do not conflict with existing residential amenity, the environment and other policies of the Plan.

Policy CF4 states that improvements to existing and proposed healthcare facilities will generally be considered favourably.

The proposed unit would be appropriate in terms of size and scale and would be located within walking distance of shops and other services. There is a bus stop immediately adjacent to the site and level access and accessible toilets would be provided. As such, the proposed development would be accessible by public and private transport and would meet the needs of the disabled. The issues relating to residential amenity, traffic generation and car parking provision will be assessed later in the report. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies CF1/1, CF3 and CF4 of the Bury Unitary Development Plan.

**Impact on the surrounding area** - In terms of the surrounding land uses, the area comprises a mix of commercial, residential and educational premises, with Bury Grammar School directly opposite the site. The centre would be open during the daytime only, when there would be expected activity in the area and as such there would be no disturbance to local residencies in an evening.

**Parking** - There are 5 existing parking spaces specifically allocated for this unit. The proposal seeks to employ 3 full time staff and as such there would be sufficient parking in

this regard.

In terms of accessibility of the building for volunteers and service users themselves, the site is located in Bury Town centre where there are excellent transport links and public car parks in the near vicinity. In addition, there is a residents only parking permit scheme in operation in this area. Given the nature of the service to be provided, it is likely that the service users in particular are less likely to be car owners, than if the building were to be accommodated by office workers, and as such there would not be a significant amount of traffic generated in the area than exists already.

The Traffic Section has no objections, subject to the inclusion of a condition relating to car parking. As such, the proposals are considered to be acceptable and would comply with UDP Policies CF1/1 and HT2/4.

### **Response to objectors**

The issues relating to parking has been addressed within the main report. The remaining issues relating to concerns about substance misusers and anti-social behaviour are not material planning considerations.

### **Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

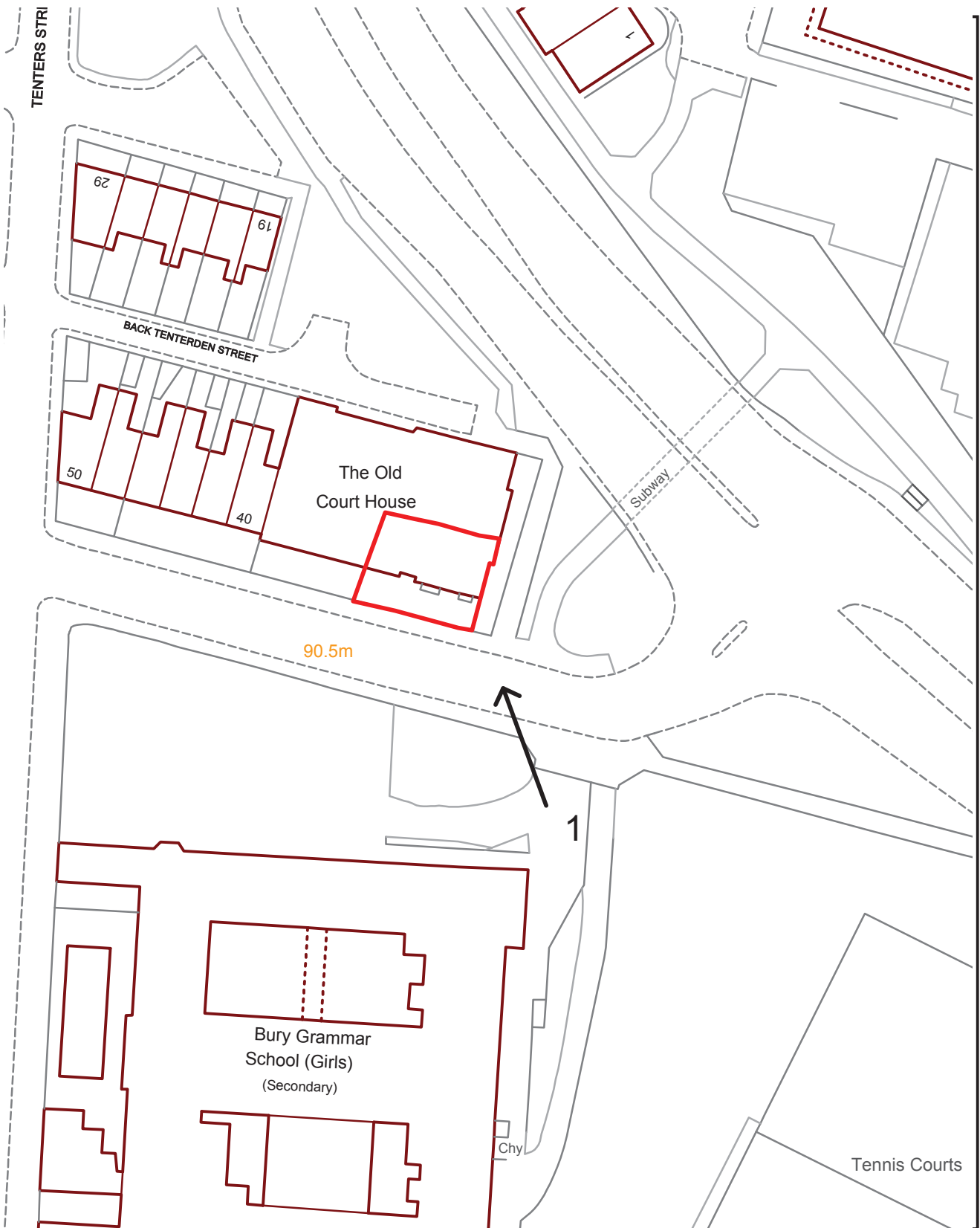
**Recommendation:** Approve with Conditions

### **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 the drawings received on 30 July 2014 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 the policies of the Bury Unitary Development Plan listed.

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

# Viewpoint



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 57841**

**ADDRESS: Old County Court  
Tenterden Street, Bury**

**Planning, Environmental and Regulatory Services 1:1250**

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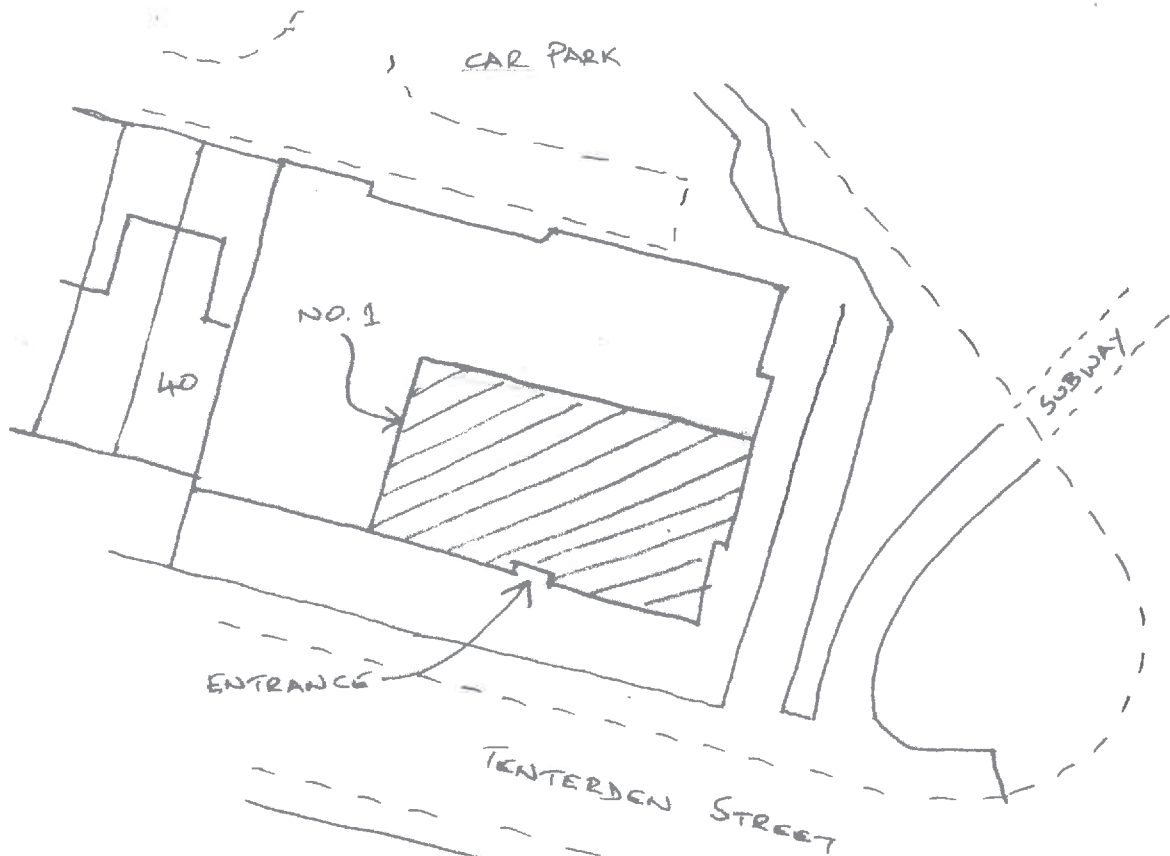
**Bury**  
COUNCIL

57841

Photo







SITE PLAN (1:500)

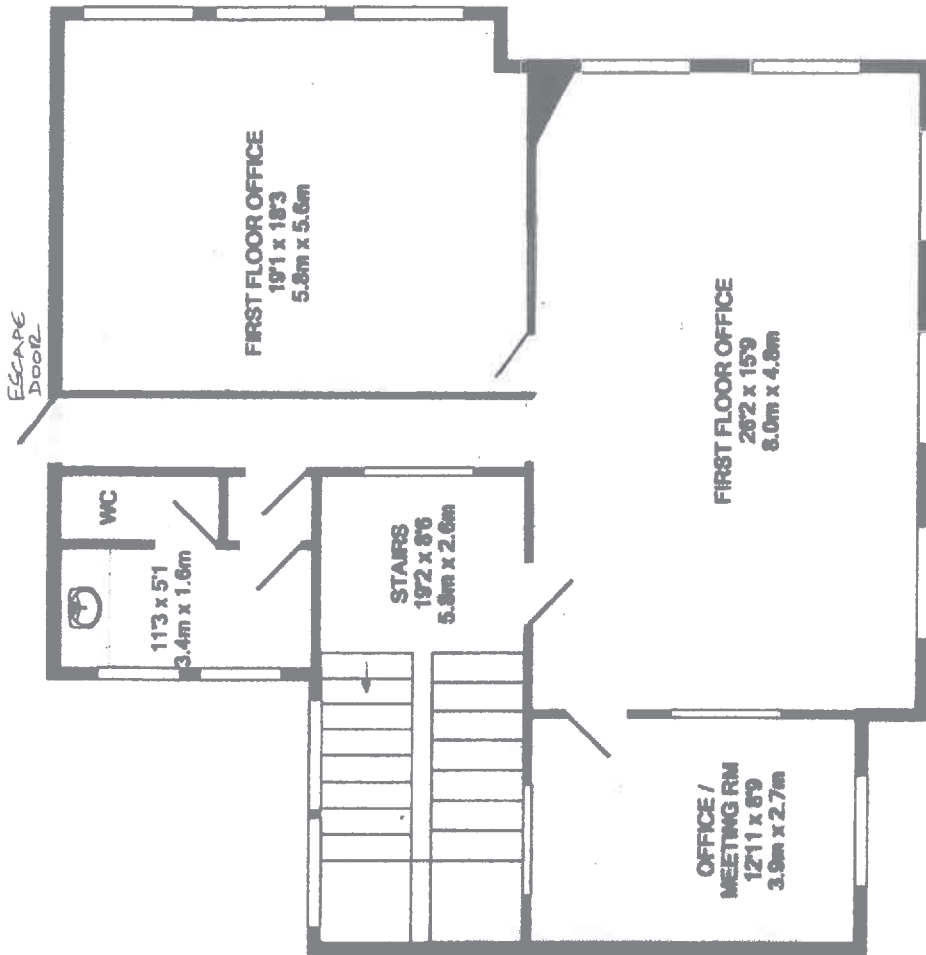


LOCATION PLAN (1:1250)

CHANGE OF USE

1 THE OLD COURT HOUSE, TENTERDEN ST., BURY BL9 0AL

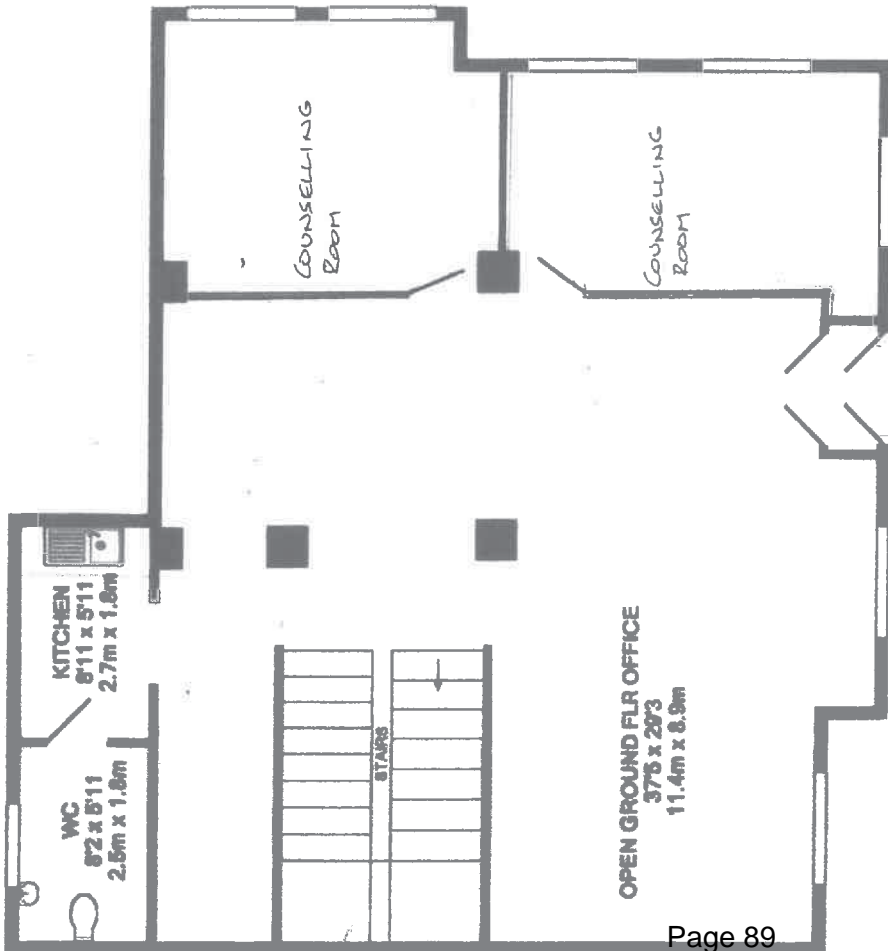




1ST FLOOR  
 APPROX. FLOOR  
 AREA 1124 SQ.FT.  
 (104.4 SQ.M.)

THE OLD COURT HOUSE, TENTERDEN STREET, BURY  
 TOTAL APPROX. FLOOR AREA 2250 SQ.FT. (209.0 SQ.M.)  
 Whilst every attempt has been made to ensure the accuracy of the floor plan contained here, measurements of doors, windows, rooms and any other items are approximate and no responsibility is taken for any error, omission, or mis-statement. This plan is for illustrative purposes only and should be used as such by any prospective purchaser. The services, systems and appliances shown have not been tested and no guarantee as to their operability or efficiency can be given.  
 Made with Metropix ©2011

PROPOSED PLANS (N.T.S.)



GROUND FLOOR  
 APPROX. FLOOR  
 AREA 1126 SQ.FT.  
 (104.5 SQ.M.)

**Ward:** Prestwich - Holyrood

Item 07

**Applicant:** Mr Murphy

**Location:** Land at 2 Kestrel Close, Whitefield, Manchester, M45 6SB

**Proposal:** Erection of new two storey dwelling (Re submission)

**Application Ref:** 57852/Full

**Target Date:** 26/09/2014

**Recommendation:** Minded to Approve

**It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Development Manager.**

### **Description**

The site relates to a side garden and driveway to a residential property on the end of a row of 4 mews style dwellings. The immediate area is predominantly residential, with Nos 1-7 Kestrel Close to the north, bungalows on Ash Grove to the west and to the east is the access into the cul de sac beyond which are the rear of houses on Guest Road.

The application seeks the erection of a 2 storey detached dwelling which would be sited directly adjacent to the gable of No 2 Kestrel Close. The proposed dwelling would be 5.5m wide and 9.05m in length with a single storey front projection of 2.84m wide and 0.9m in depth. The design of the dwelling would be relatively modest, with the roof ridge and eaves in line that of the adjacent row. Living accommodation would be at ground floor with 3 bedrooms at first floor.

The existing driveway to No 2 Kestrel Close would be utilised as the driveway for the new dwelling to provide 2 parking spaces. There would be a shared access in between the new dwelling and No 2, which would lead to the rear gardens of both properties separated by a new boundary fence. Parking and a driveway for No 2 would be relocated to the front of this property.

### **Relevant Planning History**

56586 - Erection of detached two storey dwellinghouse - Refused 29/10/2013

### **Publicity**

19 letters sent on 8/8/2014 to properties at Nos 1-8 Kestrel Close; 5,7, 19 Bury Old Road; 29,31,33,35 Guest Road; 15 Pine Grove; 24,26,28 Ash Grove.

Four letters of objection received from Nos 24, 26, 28 Ash Grove and 31 Guest Road which raises the following issues:

- Live in a bungalow at the rear and any windows will overlook their properties, be intrusive and invade privacy;
- Overlooking and privacy issues to garden;
- Lead to the back garden and house being significantly more overlooked than at present. Concerned it may reduce natural light for the garden and rear rooms/aspect of our house and request the application be denied.

Revised plans were received on 9/9/2014 showing the footprint of the building re-positioned towards Kestrel Close. Neighbours were re-notified by letter of the amendments on

9/9/2014.

The objectors 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 subject to conditions.

**Waste Management** - No comments received to date.

**Greater Manchester Police - designforsecurity** - No comments received to date.

**United Utilities (Water and Waste)** - No comments received to date.

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

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
EN1/2	Townscape and Built Design
RT2/2	Recreation Provision in New Housing Development
H2/6	Garden and Backland Development
SPD1	Open Space, Sport and Recreation Provision
SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/6	Garden and Backland Development

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Principle** - Following revocation of the North West Regional Spatial Strategy on 20 May 2013, there is no statutory housing target for Bury. Work is continuing on Bury's Local Plan, which will bring forward a new statutory housing target.

In the meantime, the National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

UDP Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, 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.

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties provides useful guidance in terms of acceptable aspect standards between dwellings and

design criteria.

The proposed development would be located within an established residential urban area. There is existing infrastructure in place to support the scale of the development with access to be taken directly from a public highway, and as such the principle is in general accordance with national and regional planning policy. The proposal complies with the NPPF and UDP Policies H1/2 - Further Housing Development and H2/6 - Garden and Backland Development.

Acceptability of the scheme in terms of layout, impact on the surrounding area and visual amenity is considered below.

**Siting and Layout** - The dwelling would be detached and sited in close proximity to No 2. It would front Kestrel Close and including the single storey front entrance, would be set forward a total of 3m from the main front elevation of No2 and the row of adjacent mews dwellings. Each of these properties have a single storey front porch, and in effect the proposed main body of the dwelling would follow the building line of the front porches.

The property would provide modest family accommodation. It would have a private rear garden of a minimum of 11m which would be accessed via a shared side path with No 2. Parking would be provided via a driveway at the front.

The layout would fully maximise the land to the side of No 2 yet ensure there would be adequate external amenity area. As such, the layout is considered to be acceptable and would comply with H2/1 - The Form of Residential Development, H2/2 - The layout of Residential Development and H2/6 - Garden and Backland Development.

**Design and appearance** - The scale and massing of the dwelling would reflect those of the adjacent properties in terms of footprint and height. The roof ridge and eaves level would follow that of the row and be in keeping with the character of the area.

In terms of appearance, the dwelling would be relatively modest and not dissimilar to the surrounding properties, incorporating a single storey front porch similar to the adjacent houses.

Proposed materials demonstrate the elevations would comprise facing brickwork and roof tiles to match that of the neighbouring dwellings and as such the materials would be appropriate to the area, subject to further approval by condition.

It is considered the proposed dwelling would reflect the character and appearance of the area and as such would be in compliance with EN1/2 and H2/1 - The Form of New Residential Development.

**Impact upon residential amenity** - SPD 6 advises that a distance of 20m should be maintained between habitable room windows in 2 properties and 13m between ground floor habitable room windows and a 2 storey blank gable wall. There should be an extra 3m of separation for additional storeys or difference in levels.

The properties to the rear on Ash Grove are bungalows and given the proposal is for a detached dwelling, 23m separation would be required. There would be a distance of 23m between the new build and Nos 26 and 28 Ash Grove directly to the rear, and as such aspect standards satisfied and in compliance with SPD6.

There is currently a high conifer hedge which runs along the side boundary of No 2 which would require removal to facilitate the proposed build. As such the blank gable wall of the proposed dwelling would face all of No 3 and part of No 5 Kestrel Close. There would be 13m to the principal front elevation of these houses. There would be no direct relationship of the new build to the garage conversion at No 5. As such, separation distances would comply with policy guidance.

The dwelling would be set forward of the principal front elevation of No 2 Kestrel Close. There is no specific guidance in SPD 6 regarding front extensions and separation distances to adjacent properties, although there is guidance on rear extension relationships.

In terms of impact to a neighbour's ground floor room, SPD 6 advises that a 2 storey rear extension should not encroach beyond a 45 degree angle taken from the boundary at a 1m point with a neighbour. Whilst the new build would encroach this line, there are a number of mitigating factors to consider. The ground floor to No 2 is a kitchen, a non habitable room and therefore less weight is placed on outlook and light; areas at the front of properties have a lesser amenity value than rear gardens, being more open and visible to public view and particularly given the front of No 2 Kestrel Close would become the driveway and parking area. Lastly, No 2 would be set to the south side of the new build and not affected by overshadowing.

In considering the relationship of the new build to the 1st floor window of No 2, it would not project in excess of 3m and would not encroach the 45 degree line taken from the mid point of the window, and therefore comply with SPD6.

As such, the siting and position of the proposed dwelling is considered to be acceptable and would not have a detrimental impact on the privacy, outlook or light of adjacent properties and would therefore comply with H2/1 - The Form of Residential Development, H2/2 - The Layout of Residential Development and H2/6 - Garden and Backland Development.

**Parking** - No 2 currently has a long driveway at the side of the house which can accommodate 2 cars. It is proposed to relocate the driveway to the front of this property to maintain 2 spaces for this dwelling.

The existing driveway to No 2 would be incorporated into the curtilage of the new dwelling to provide tandem parking for 2 cars.

SPD 11 - Parking Standards in Bury seeks a maximum provision of 2 spaces for 3 bed properties in high access areas. The site would be located in a high access area close to one of the main 'A' roads through the Borough and on an established bus route. Given the provision of 2 parking spaces for each dwelling, the proposal would comply with the Council's maximum parking requirements.

**Contributions** - For the purposes of this application, SPD1 adopted in February 2012 is relevant. The proposal for a detached dwelling would require a recreation contribution of £3,421.33 towards recreation provision which the applicant has agreed to and will be secured through a S106 agreement.

**Response to objectors** - The issues raised regarding overlooking, impact on privacy and light have been covered in the above report.

### **Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

**Recommendation:** Minded to Approve



## Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered - Location plan 2011/478-03; Proposed site plan 2011/478-04 Rev B; Proposed elevations and floor plans 2011/478-02 Rev C; Existing elevations and floor plans 2011/478-01; Design 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 the policies of the Bury Unitary Development Plan listed.
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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
5. 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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
6. 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.

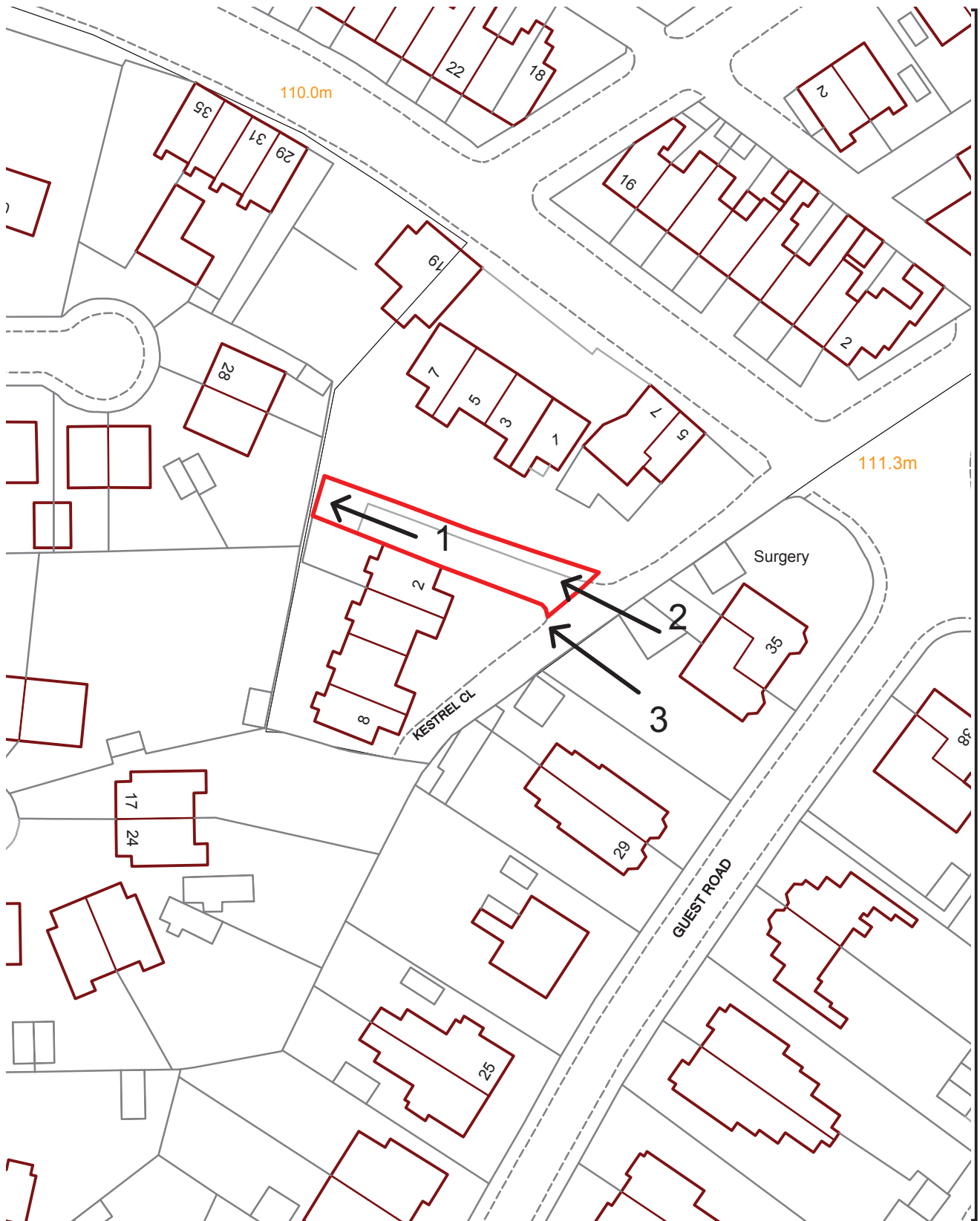
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

7. Details/Samples of the materials/bricks to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.

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

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 57852**

**ADDRESS: Land at 2 Kestrel Close  
Whitefield**

**Planning, Environmental and Regulatory Services 1:1250**

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57852

Photo 1



Photo 2

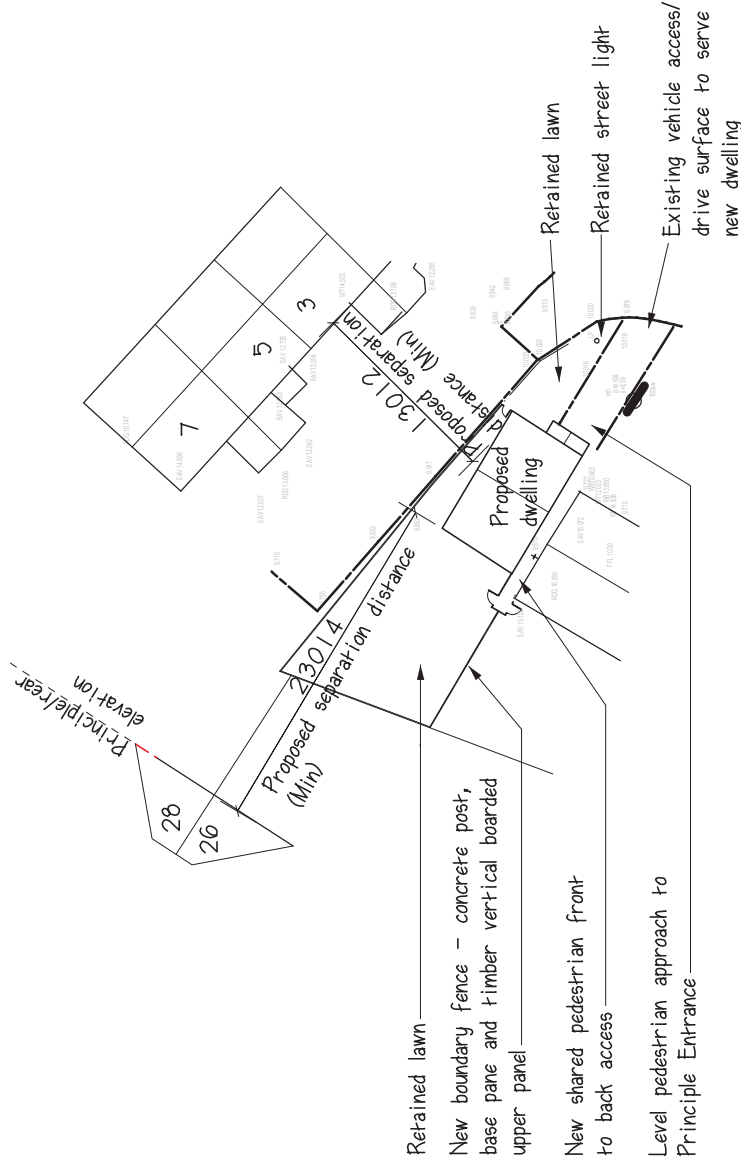
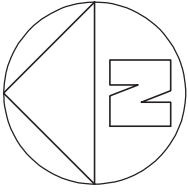




Photo 3







# PROPOSED SITE PLAN (Scale 1/500)

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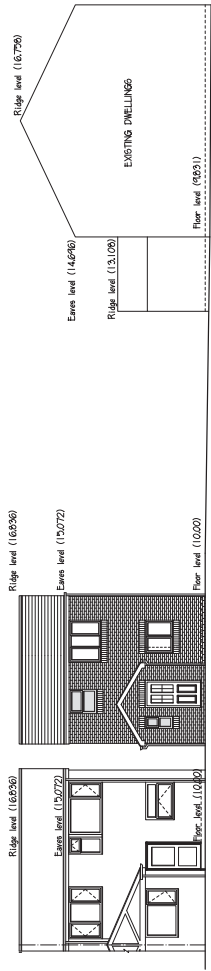
### REVISION DETAILS

- REV A: Proposed dwelling re-sited (1/09/14)
- REV B: Proposed dwelling re-designed and re-sited (8/09/14)

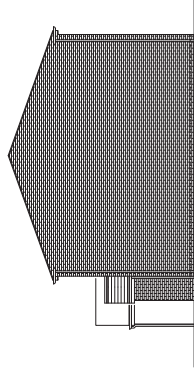
**NASH BUILDING CONSULTANTS LIMITED**  
 ARCHITECTURAL SERVICES  
 PLANNING  
 BUILDING REGULATIONS  
 INTERIOR DESIGN

Heathcroft 38, Heath Lane, Loughton, Warrington, WA3 1JA  
 Tel No 01942 722002 / 07879 633662  
 Email: gordonmash@blueyonder.co.uk

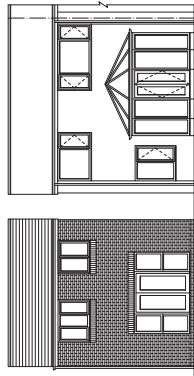
CLIENT: MR. M. MURPHY  
 PROJECT: NEW DWELLING ADJACENT TO 2 KESTREL CLOSE PRESTWICH M45 6SB  
 DRG. TITLE: PROPOSED SITE PLAN  
 DRAWING No: 2011/478-04  
 ISSUE DATE: 5/08/2013  
 REV. B  
 SCALE: 1/500 @ A4



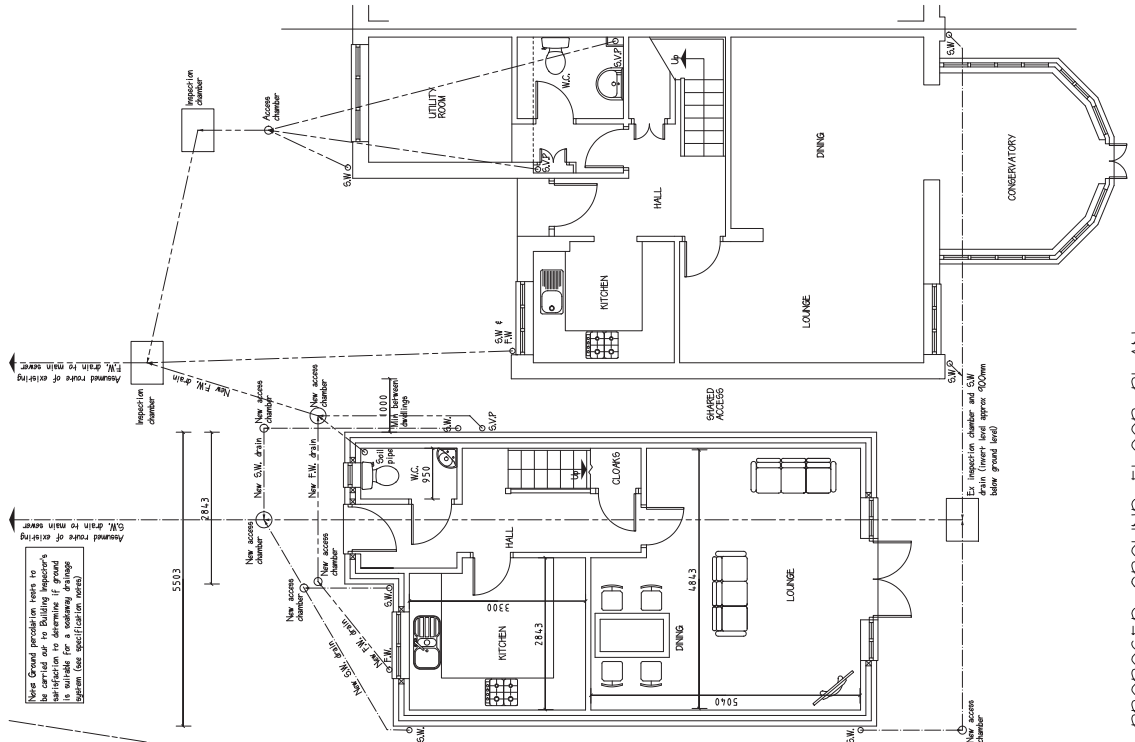
PROPOSED FRONT ELEVATION



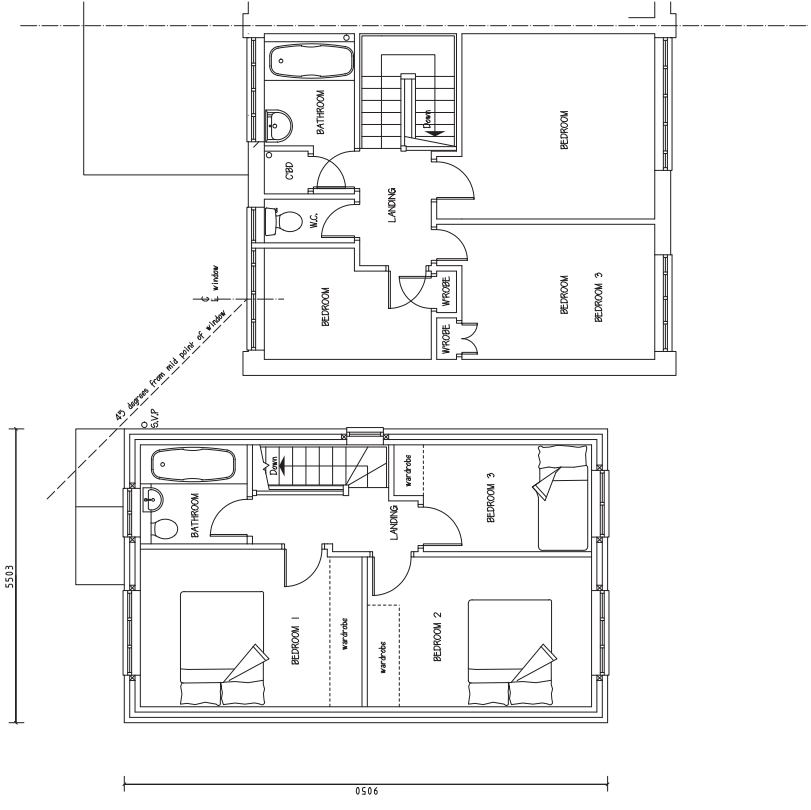
PROPOSED GABLE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

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 All dimensions must be checked on site, prior to commencement of related works, and any discrepancy/ies must be referred to Nash Building Consultants Limited.

**REVISIONS DETAILS**  
 Rev A: Relationship of existing dwellings, all 1 to 7 Keated Close to proposed dwelling (when viewed along front elevation of 2 Keated Close), added to Proposed Front Elevation (25/09/13)  
 Rev B: Proposed elevations and floor plans revised (8/09/14)  
 Rev C: Proposed dwelling ridge height reduced to same as neighbouring existing dwelling ridge height (9/09/14)

**NASH BUILDING CONSULTANTS LIMITED**  
 ARCHITECTURAL SERVICES  
 PLANNING  
 BUILDING REGULATIONS  
 INTERIOR DESIGN  
 Heathcroft 38, Heath Lane, Lawton, Warrington, WA3 1JA  
 Tel No 01942 722002 / 07879 633662  
 Email: gerdanash@nashycouder.co.uk

**CLIENT:** MR. M. MURPHY  
**PROJECT:** NEW DWELLING ADJACENT TO 2, KESTREL CLOSE, PRESTWICH M16 6SB  
**DRG. TITLE:** PROPOSED ELEVATIONS AND FLOOR PLANS  
**DRAWING No:** 2011/478-02  
**REV:** C  
**ISSUE DATE:** 15/05/13  
**SCALE:** 1/100 & 1/50 @ A1

# REPORT FOR DECISION

Agenda Item	5
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<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>30<sup>th</sup> SEPTEMBER 2014</b>
<b>SUBJECT:</b>	<b>DELEGATED DECISIONS</b>
<b>REPORT FROM:</b>	<b>DEVELOPMENT MANAGER</b>
<b>CONTACT OFFICER:</b>	<b>JOHN CUMMINS</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	The report lists: Recent Delegated planning decisions since the last PCC
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to the note the report and appendices.
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework?      Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A
<b>Wards Affected:</b>	All listed
<b>Scrutiny Interest:</b>	N/A

**TRACKING/PROCESS****DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

**1.0 BACKGROUND**

This is a monthly report to the Planning Control Committee of the delegated planning decisions made by the officers of the Council.

**2.0 CONCLUSION**

That the item be noted.

**List of Background Papers:-None****Contact Details:-**

John Cummins  
Development Manager  
Planning Services, Department for Resources and Regulation  
3 Knowsley Place  
Bury BL9 0EJ

**Tel: 0161 253 6089**

**Email: [j.cummins@bury.gov.uk](mailto:j.cummins@bury.gov.uk)**

## Planning applications decided using Delegated Powers

Between 21/08/2014 and 21/09/2014



Ward: **Bury East**

---

**Application No.:** 57701      **App. Type:** FUL      22/08/2014      Approve with Conditions  
**Location:** 7 & 9 Market Place, Bury, BL9 0AH

**Proposal:** Retention of new shop fronts

---

**Application No.:** 57721      **App. Type:** FUL      29/08/2014      Refused  
**Location:** 134 Rochdale Road, Bury, BL9 7BD

**Proposal:** Retrospective application for single storey extension at side

---

**Application No.:** 57758      **App. Type:** FUL      03/09/2014      Approve with Conditions  
**Location:** 48 Coniston Drive, Bury, BL9 9PY

**Proposal:** Single storey extension at side/rear

---

**Application No.:** 57765      **App. Type:** FUL      22/08/2014      Approve with Conditions  
**Location:** First Choice Continental Foods, 2 Cook Street, Bury, BL9 0RP

**Proposal:** Alterations to doors and windows to front and side elevations to relocate customer entrance to side elevation

---

**Application No.:** 57772      **App. Type:** LDCE      01/09/2014      Lawful Development  
**Location:** 7 Kelwood Avenue, Bury, BL9 6TP

**Proposal:** Certificate of lawfulness for existing garage/store

---

**Application No.:** 57779      **App. Type:** FUL      09/09/2014      Approve with Conditions  
**Location:** East Lancashire Railway, Bolton Street Station, Bolton Street, Bury, BL9 0EY

**Proposal:** Re-erection of station platform canopy over the Trackside bar (part retrospective)

---

**Application No.:** 57798      **App. Type:** FUL      11/09/2014      Approve with Conditions  
**Location:** 50 Wash Lane, Bury, BL9 6AS

**Proposal:** Change of use of building fronting Ormond Street from vehicle body repairs to car wash and alterations to existing repair garage.

---

**Application No.:** 57813      **App. Type:** FUL      27/08/2014      Approve with Conditions  
**Location:** 26 Townfields Close, Bury, BL9 0SR

**Proposal:** Single storey extension at rear; Installation of new window at side

---

**Application No.:** 57828      **App. Type:** FUL      05/09/2014      Approve with Conditions  
**Location:** Grassed verges adjacent to Padiham Close, Bury, BL9 9NE

**Proposal:** Creation of 8 off - road car parking spaces

---



---

**Application No.:** 57858      **App. Type:** FUL      19/09/2014      Refused  
**Location:** 197 Rochdale Road, Bury, BL9 7BB  
**Proposal:** Retrospective application for the provision of a roller shutter door to the front elevation

---

**Application No.:** 57861      **App. Type:** ADV      19/09/2014      Approve with Conditions  
**Location:** Site of former fuel station, junction of Angouleme Way/Murray Road, Bury  
**Proposal:** 1 no. non illuminated double sided hoarding sign (5.5m x 3.0m high).

---

**Application No.:** 57877      **App. Type:** LBC      11/09/2014      Approve with Conditions  
**Location:** Two Tubs Inn, 19 The Wylde, Bury, BL9 0LA  
**Proposal:** Listed Building Consent for render repairs / re-rendering

---

Ward: **Bury East - Moorside**

---

**Application No.:** 57684      **App. Type:** LDCE      01/09/2014      Lawful Development  
**Location:** Bury Campus, Talbot Grove, Bury, BL9 6PH  
**Proposal:** Lawful Development Certificate for a proposed creation of a new access driveway and gates.

---

**Application No.:** 57760      **App. Type:** LDCE      27/08/2014      Lawful Development  
**Location:** Wickes Building Supplies Ltd, Moor Street, Bury, BL9 5AQ  
**Proposal:** Certificate of lawfulness for existing use as retail sale of all goods within Use Class A1.

---

**Application No.:** 57911      **App. Type:** LDCE      04/09/2014      Lawful Development  
**Location:** 8 West Drive, Bury, BL9 5DN  
**Proposal:** Lawful Development Certificate for a proposed single storey side and rear extension

---

**Application No.:** 57924      **App. Type:** LDCE      04/09/2014      Lawful Development  
**Location:** 34 Greymont Road, Bury, BL9 6PN  
**Proposal:** Lawful development certificate for proposed single storey pitched roof rear extension

---

Ward: **Bury East - Redvales**

---

**Application No.:** 57774      **App. Type:** LDCE      27/08/2014      Refused  
**Location:** 22 St Peters Road, Bury, BL9 9RB  
**Proposal:** Lawful Development Certificate for a proposed single storey rear extension

---

**Application No.:** 57799      **App. Type:** FUL      04/09/2014      Approve with Conditions  
**Location:** 198 Alfred Street, Bury, BL9 9EG  
**Proposal:** Single storey extension to rear

---

Ward: **Bury West - Church**

---

**Application No.:** 57719      **App. Type:** TEL      21/08/2014      Prior Approval Not required  
**Location:** 47-49 Bolton Road, Bury, BL8 2AB  
**Proposal:** Prior approval of proposed change of use of building from retail use (Class A1) to a use falling within Use Class C3 (dwellinghouse)

---

**Application No.:** 57782      **App. Type:** FUL      27/08/2014      Approve with Conditions  
**Location:** 474 Bolton Road, Bury, BL8 2DU  
**Proposal:** Two storey extension at side with front dormers; Single storey extension at side; Alterations to existing roof with increase of ridge height at side and pitched roofs to flat roof bays at front/side; Replacement garden wall and gates

---

**Application No.:** 57904      **App. Type:** FUL      18/09/2014      Approve with Conditions  
**Location:** 10 Warton Close, Bury, BL8 2JT  
**Proposal:** Single storey extension at rear

---

**Application No.:** 57909      **App. Type:** GPDE      22/08/2014      Prior Approval Required and Refused  
**Location:** 17 Chantlers Avenue, Bury, BL8 2LN  
**Proposal:** Prior notification for single storey rear extension.

Ward: **Bury West - Elton**

---

**Application No.:** 57635      **App. Type:** FUL      27/08/2014      Refused  
**Location:** Brandlesholme Old Hall, Brandlesholme Road, Bury, BL8 4LS  
**Proposal:** Two/single storey extension at rear; Loft conversion with rooflight to rear roof slope

---

**Application No.:** 57639      **App. Type:** LBC      27/08/2014      Refused  
**Location:** Brandlesholme Old Hall, Brandlesholme Road, Bury, BL8 4LS  
**Proposal:** Listed building consent for two/single storey extension at rear and loft conversion with roof light to rear roof slope

---

**Application No.:** 57746      **App. Type:** LDCP      22/08/2014      Refused  
**Location:** 3 Valley View, Bury, BL8 1WL  
**Proposal:** Certificate of lawfulness for proposed single storey rear extension and loft conversion.

---

**Application No.:** 57824      **App. Type:** FUL      08/09/2014      Approve with Conditions  
**Location:** 25 Swanage Close, Bury, BL8 1JT  
**Proposal:** First floor extension at front, side and rear; Single storey extensions at side and rear; Front porch  
(Revised scheme - Amendment to front elevation following granted planning permission 57403)

---

**Application No.:** 57844      **App. Type:** FUL      09/09/2014      Approve with Conditions  
**Location:** 18 Keld Close, Tottington, Bury, BL8 1UJ  
**Proposal:** Two storey extension at side; single storey extension at rear including 3 new velux roof windows

Ward: **North Manor**

---

**Application No.:** 57803      **App. Type:** FUL      11/09/2014      Approve with Conditions  
**Location:** Holly Mount School, Hollymount Lane, Tottington, Bury, BL8 4HS  
**Proposal:** Erection of single storey early years classroom.

---

**Application No.:** 57816      **App. Type:** FUL      05/09/2014      Approve with Conditions  
**Location:** Underhill, Redisher Lane, Hawkshaw, Bury, BL8 4HX  
**Proposal:** Single storey extension at side and rear

---

**Application No.:** 57817      **App. Type:** FUL      27/08/2014      Approve with Conditions  
**Location:** 20 Springwater Avenue, Ramsbottom, Bury, BL0 9RH  
**Proposal:** First floor/two storey extension at side with extension of existing dormers; Pitched roof to garage at front and new front porch

---

**Application No.:** 57853      **App. Type:** FUL      15/09/2014      Approve with Conditions  
**Location:** 9 Queens Place, Summerseat, Ramsbottom, Bury, BL9 5PH  
**Proposal:** Single storey extension to rear and demolition of existing rear shed.

---

**Ward:** **Prestwich - Holyrood**

---

**Application No.:** 57842      **App. Type:** FUL      02/09/2014      Approve with Conditions  
**Location:** 125 Simister Lane, Prestwich, Manchester, M25 2SA  
**Proposal:** Part single storey / part two storey extension at rear

---

**Application No.:** 57854      **App. Type:** FUL      02/09/2014      Approve with Conditions  
**Location:** 9 Westholme Road, Prestwich, Manchester, M25 2RE  
**Proposal:** Single storey extension at side and conservatory at rear

---

**Ward:** **Prestwich - Sedgley**

---

**Application No.:** 57694      **App. Type:** FUL      05/09/2014      Approve with Conditions  
**Location:** 47 Dovedale Avenue, Prestwich, Manchester, M25 0BT  
**Proposal:** Demolition of existing detached garage; Single storey extension at side and hipped roof to side and rear.

---

**Application No.:** 57780      **App. Type:** FUL      10/09/2014      Approve with Conditions  
**Location:** 14 Scholes Lane, Prestwich, Manchester, M25 0BA  
**Proposal:** Two storey extension at rear

---

**Application No.:** 57800      **App. Type:** FUL      01/09/2014      Approve with Conditions  
**Location:** 12 Danesway, Prestwich, Manchester, M25 0FS  
**Proposal:** Single storey rear/part side extension; Front porch

---

---

**Application No.:** 57809      **App. Type:** FUL      05/09/2014      Approve with Conditions  
**Location:** 279 Middleton Road, Manchester, M8 4LX  
**Proposal:** Two storey extension at side and rear

---

**Application No.:** 57835      **App. Type:** FUL      03/09/2014      Approve with Conditions  
**Location:** 3 Sandringham Grange, Prestwich, Manchester, M25 0BY  
**Proposal:** Two storey extension at rear (Re submission)

---

**Application No.:** 57885      **App. Type:** LDPC      03/09/2014      Refused  
**Location:** 18 Hartley Avenue, Prestwich, Manchester, M25 0AT  
**Proposal:** Certificate of lawfulness for proposed loft conversion and extension with 3 no. velux roof lights and single storey side extension with 2 no. velux roof lights

---

**Application No.:** 57931      **App. Type:** LDPC      11/09/2014      Refused  
**Location:** 13 West Meade, Prestwich, Manchester, M25 0JD  
**Proposal:** Lawful development certificate for proposed single storey extension at rear and side

---

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

---

**Application No.:** 57736      **App. Type:** FUL      27/08/2014      Approve with Conditions  
**Location:** Holt House, Headlands Drive, Prestwich, Manchester, M25 9YF  
**Proposal:** Removal of glazing to conservatory roof and replaced with artificial slates and installation of velux windows to 4 no. elevations

---

**Application No.:** 57747      **App. Type:** FUL      08/09/2014      Approve with Conditions  
**Location:** 37 Prestwich Hills, Prestwich, Manchester, M25 9PY  
**Proposal:** New porch; Single storey extension at rear; Creation of balcony at first floor level at rear

---

**Application No.:** 57786      **App. Type:** FUL      09/09/2014      Approve with Conditions  
**Location:** 26 Scott Road, Prestwich, Manchester, M25 9GN  
**Proposal:** Two storey extensions to front, side and rear and balcony to rear.

---

**Application No.:** 57826      **App. Type:** FUL      11/09/2014      Approve with Conditions  
**Location:** 75 Butterstile Lane, Prestwich, Manchester, M25 9PQ  
**Proposal:** Single storey side and rear extension

---

**Application No.:** 57900      **App. Type:** FUL      19/09/2014      Approve with Conditions  
**Location:** 431 Bury New Road, Prestwich, Manchester, M25 1AF  
**Proposal:** Change of use from dog grooming parlour to taxi booking office on first floor (no passing trade) with retail on ground floor (Resub: 57676).

---

**Ward:** **Radcliffe - East**

---

**Application No.:** 57603      **App. Type:** FUL      27/08/2014      Approve with Conditions  
**Location:** Land off Dumers Lane (adjacent Hardy's Gate Bridge), Radcliffe, Manchester, M26 2QJ  
**Proposal:** Two storey nursery building with associated parking and external play areas

---

**Application No.:** 57818      **App. Type:** GPDE      21/08/2014      Prior Approval Not required  
**Location:** 12 Higher Pit Lane, Radcliffe, Manchester, M26 4LP  
**Proposal:** Prior notification of single storey extension at rear

---

**Application No.:** 57856      **App. Type:** ADV      15/09/2014      Approve with Conditions  
**Location:** Dumers Lane Post Office, 263 Dumers Lane, Radcliffe, Manchester, M26 2GN  
**Proposal:** Externally illuminated fascia sign

---

**Ward:** **Radcliffe - North**

---

**Application No.:** 57822      **App. Type:** FUL      27/08/2014      Approve with Conditions  
**Location:** 225 Turks Road, Radcliffe, Manchester, M26 3NN  
**Proposal:** Single storey extension at rear

---

**Application No.:** 57865      **App. Type:** GPDE      10/09/2014      Prior Approval Not required  
**Location:** 23 Paramel Avenue, Radcliffe, Bolton, BL3 1PS  
**Proposal:** Prior notification for single storey rear extension

---

**Application No.:** 57881      **App. Type:** TEL      18/09/2014      Prior Approval Not required  
**Location:** 10 Thompson Avenue, Ainsworth, Bolton, BL2 5RJ  
**Proposal:** Prior notification for single storey rear extension

---

**Ward:** **Radcliffe - West**

---

**Application No.:** 57833      **App. Type:** FUL      04/09/2014      Approve with Conditions  
**Location:** 1 Leafield Close, Radcliffe, Manchester, M26 3UD  
**Proposal:** Two storey side extension; Single storey extensions front and rear

---

**Application No.:** 57927      **App. Type:** GPDE      29/08/2014      Prior Approval Required and Refused  
**Location:** 87 Ringley Road West, Radcliffe, Manchester, M26 1DW  
**Proposal:** Prior Notification for a single storey extension at the rear

---

**Ward:** **Ramsbottom + Tottington - Tottington**

---

**Application No.:** 57692      **App. Type:** FUL      01/09/2014      Refused  
**Location:** Bridges Farm, 79-81 Harwood Road, Tottington, Bury, BL8 3PY  
**Proposal:** Conversion of existing building and extension to create granny annexe

---



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**Application No.:** 57768      **App. Type:** FUL      11/09/2014      Approve with Conditions  
**Location:** 50 Claybank Drive, Tottington, Bury, BL8 4BU  
**Proposal:** Two/single storey extension at rear

---

**Application No.:** 57812      **App. Type:** FUL      15/09/2014      Approve with Conditions  
**Location:** Christ Church CE Primary School, Church Street, Walshaw, Bury, BL8 3AX  
**Proposal:** Single storey extension to main entrance for infant block; Single storey kitchen infill extension

---

**Application No.:** 57819      **App. Type:** FUL      10/09/2014      Approve with Conditions  
**Location:** 17 Beryl Avenue, Tottington, Bury, BL8 3NF  
**Proposal:** Two/single storey extension at rear and external works at rear

---

**Ward:** **Ramsbottom and Tottington - Ramsbottom**

---

**Application No.:** 57791      **App. Type:** FUL      18/09/2014      Approve with Conditions  
**Location:** 236 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0EF  
**Proposal:** Extension and conversion of garage to annexe with associated alterations.

---

**Application No.:** 57807      **App. Type:** AG      03/09/2014      Prior Approval Required and Granted  
**Location:** Twine Valley Farm, Church Road, Shuttleworth, Ramsbottom, Bury, BL0 0EH  
**Proposal:** Prior notification of agricultural building

---

**Application No.:** 57811      **App. Type:** LBC      05/09/2014      Approve with Conditions  
**Location:** 11 Nuttall Hall Cottages, Nuttall Hall Road, Ramsbottom, Bury, BL0 9LR  
**Proposal:** Listed building consent: Removal of existing conservatory roof and replacement with solid roof; Removal of existing wall and insertion of rsj support; Installation of wooden bifold doors

---

**Application No.:** 57827      **App. Type:** FUL      09/09/2014      Approve with Conditions  
**Location:** 24 Lime Grove, Ramsbottom, Bury, BL0 0BD  
**Proposal:** Single storey side extension

---

**Application No.:** 57843      **App. Type:** GPDE      03/09/2014      Prior Approval Not required  
**Location:** 2 Albemarle Place, Tottington, Bury, BL8 3GN  
**Proposal:** Prior notification for single storey rear extension

---

**Ward:** **Whitefield + Unsworth - Besses**

---

**Application No.:** 57821      **App. Type:** FUL      15/09/2014      Approve with Conditions  
**Location:** 95 Cunningham Drive, Bury, BL9 8PD  
**Proposal:** Two storey extension at side

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---

**Application No.:** 57857      **App. Type:** FUL      19/09/2014      Approve with Conditions  
**Location:** 11 Montgomery Drive, Bury, BL9 8PL  
**Proposal:** Two storey side extension with pitched roof porch at front (Resubmission of 57297)

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

---

**Application No.:** 57778      **App. Type:** FUL      22/08/2014      Approve with Conditions  
**Location:** 64 Marle Croft, Whitefield, Manchester, M45 7NB  
**Proposal:** Single storey extension at rear

**Application No.:** 57788      **App. Type:** FUL      22/08/2014      Approve with Conditions  
**Location:** 68A Radcliffe New Road, Radcliffe, Manchester, M45 7GY  
**Proposal:** Single storey side extension

**Application No.:** 57790      **App. Type:** FUL      08/09/2014      Approve with Conditions  
**Location:** 3 Leslie Avenue, Bury, BL9 8DL  
**Proposal:** Two storey side extension and single storey extensions to front and rear.

**Application No.:** 57802      **App. Type:** FUL      01/09/2014      Approve with Conditions  
**Location:** 2 Ross Avenue, Whitefield, Manchester, M45 7FH  
**Proposal:** Single storey extension at front (Retrospective)

**Application No.:** 57871      **App. Type:** LDPC      03/09/2014      Lawful Development  
**Location:** 198 Park Lane, Whitefield, Manchester, M45 7QL  
**Proposal:** Lawful Development Certificate for a proposed single storey extension side/rear; with dormers at side

**Application No.:** 57892      **App. Type:** FUL      18/09/2014      Approve with Conditions  
**Location:** 1 Highfield Lane, Whitefield, Manchester, M45 7UT  
**Proposal:** Single storey extension at rear and conversion of garage to habitable room

**Ward:** **Whitefield + Unsworth - Unsworth**

---

**Application No.:** 57823      **App. Type:** FUL      02/09/2014      Approve with Conditions  
**Location:** St Bernadettes RC Primary School, Abingdon Avenue, Whitefield, Manchester, M45 8PT  
**Proposal:** Single storey classroom extension

**Application No.:** 57829      **App. Type:** FUL      05/09/2014      Approve with Conditions  
**Location:** Grassed verges adjacent to Sawley Avenue, Whitefield, Manchester, M45 8PP  
**Proposal:** Creation of 7 off - road car parking spaces

---

**Application No.:** 57869      **App. Type:** FUL      05/09/2014      Approve with Conditions  
**Location:** 4 Stokesay Close, Bury, BL9 8DB  
**Proposal:** Single storey side and rear extension

---

**Total Number of Applications Decided:**      **73**

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# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>30<sup>th</sup> SEPTEMBER 2014</b>
<b>SUBJECT:</b>	<b>PLANNING APPEALS</b>
<b>REPORT FROM:</b>	<b>DEVELOPMENT MANAGER</b>
<b>CONTACT OFFICER:</b>	<b>JOHN CUMMINS</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<p>Planning Appeals:</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Decided</li> </ul> <p>No Enforcement Appeals to report</p>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to the note the report and appendices.
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A



<b>Wards Affected:</b>	All listed
<b>Scrutiny Interest:</b>	N/A

**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

**1.0 BACKGROUND**

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

**2.0 CONCLUSION**

That the item be noted.

**List of Background Papers:- Copy Appeal Decisions attached**

**Contact Details:-**

John Cummins, Development Manager  
 Planning Services, Department for Resources and Regulation,  
 3 Knowsley Place ,Bury BL9 0EJ

**Tel: 0161 253 6089**

**Email: [j.cummins@bury.gov.uk](mailto:j.cummins@bury.gov.uk)**

**Planning Appeals Lodged  
between 21/08/2014 and 21/09/2014**



**Application No.:** 57324/FUL

**Appeal lodged:** 15/09/2014

**Decision level:** DEL

**Appeal Type:** Written Representations

**Recommended Decision:** Refuse

**Applicant:** Properties Direct UK Ltd

**Location** Land at rear of Victoria Lane/Stone Pale, Whitefield, Manchester, M45 6JG

**Proposal** Retrospective application for siting of 4 no. storage containers

---

**Application No.:** 57727/FUL

**Appeal lodged:** 15/09/2014

**Decision level:** DEL

**Appeal Type:** Written Representations

**Recommended Decision:** Refuse

**Applicant:** Mr Martin Edwards

**Location** 16 Cleveland Close, Ramsbottom, Bury, BL0 9FH

**Proposal** Two storey extension at side/front

---

**Total Number of Appeals Lodged: 2**

**Planning Appeals Decided  
between 21/08/2014 and 21/09/2014**



**Application No.:** 56249/FUL

**Appeal Decision:** Allowed

**Decision level:** COM

**Date:** 08/09/2014

**Recommended Decision:** Refuse

**Appeal type:** Written Representations

**Applicant:** Lidl UK and CityPark Projects LTD

**Location:** Former Gasworks, Victoria Street, Bury, BL8 1LE

**Proposal:** Erection of 1598 m2 retail foodstore (Class A1), 325 m2 (Class B1/B8) unit and 325 m2 trade/bulky goods unit (Class A1) together with car parking and landscaping

---

Copy of both the Appeal Decisions on the application and a costs claim are attached.  
(Note: Costs claim was rejected as valid planning based reasons were given for the refusal)



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## Appeal Decision

Site visit made on 15 July 2014

**by Mark Dakeyne DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 September 2014**

---

**Appeal Ref: APP/T4210/A/13/2208390**

**Elton Gasworks, Victoria Street, Bolton Road, Bury BL8 1LE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Lidl UK and City Park Projects Ltd against the decision of Bury Metropolitan Borough Council.
  - The application Ref 56249, dated 30 April 2013, was refused by notice dated 18 September 2013.
  - The development proposed is the erection of a 1598 sq m retail foodstore (Class A1), a 325 sq m (Class B1/B8) unit and a 325 sq m trade/bulky goods unit (Class A1) together with car parking and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a 1598 sq m retail foodstore (Class A1), a 325 sq m (Class B1/B8) unit and a 325 sq m trade/bulky goods unit (Class A1) together with car parking and landscaping at Elton Gasworks, Victoria Street, Bolton Road, Bury BL8 1LE in accordance with the terms of the application, Ref 56249, dated 30 April 2013 subject to the conditions set out in the attached schedule.

### Application for costs

2. An application for costs was made by Lidl UK and City Park Projects Ltd against Bury Metropolitan Borough Council. This application is the subject of a separate decision.

### Procedural Matter

3. I have used the description of development from the decision notice and appeal form as this more accurately reflects the proposal before me.

### Main Issues

4. The main issues are:
  - (1) whether the retail proposal would lead to an unacceptable loss of employment land having regard to the prospects of the site coming forward primarily for employment use;
  - (2) whether or not there are more suitable sites in or on the edge of the Bolton Road/Bury Bridge Local Centre for the proposed retail development in accordance with the sequential test set out in paragraph 24 of the National Planning Policy Framework (the Framework); and,
  - (3) whether the retail development would serve more than local needs and, if

so, whether its impact on Bury Town Centre and other shopping centres would be acceptable.

## **Reasons**

### *Employment Land*

5. The appeal site is allocated as employment land and within an Employment Generating Area (EGA) as defined by the Bury Unitary Development Plan (UDP). Policy EC1/1 of the UDP states that certain sites, including the appeal site, have been identified for business (B1), general industrial (B2) and warehousing uses (B8). Other business uses will only be permitted in exceptional circumstances. Policy EC2 of the UDP indicates that the Council will seek to retain existing industrial areas and premises in employment uses. Policy EC2/1 of the UDP states that only business (B1), general industrial (B2) and warehousing (B8) uses will be allowed within the Bury Bridge/Daisyfield EGA of which the appeal site forms part. The policy also specifies that other uses will only be permitted where they constitute limited development or do not substantially detract from an area's value as an EGA.
6. Although a small component of the appeal proposal would comprise B1/B8 uses, the majority of the development would fall outside the uses specified within Policies EC1/1 and EC2 of the UDP. However, in terms of Policy EC2/1 there is no indication of how "limited" should be defined. Nor is there a threshold in the UDP. The appeal site is almost 1 ha in size but only comprises 4% of the EGA as a whole. Moreover, the 1 ha is constrained by a culvert which bisects the site, rights of access and adjacent hazardous installations so all the site is not developable.
7. In my view, although in itself a scheme of some significance for the local area, it would represent a limited development in the context of this particular large EGA which straddles Bolton Road and covers a significant number of buildings and areas of land particularly in its southern sector along the River Irwell. Moreover, I observed that there are a range of employment uses of various type and scale operating in the EGA. There are also empty buildings and a large tract of vacant land on Wellington Street which would provide the potential for new employment uses and would be unlikely to be appropriate for other uses. As such the loss of the appeal site would not substantially detract from the area's value as an EGA.
8. The appeal site has had permission for employment use in the form of 14 business units. This form or other types of employment use have not been subject to an appraisal to demonstrate that they would not be viable. In addition the site was used by a haulage contractor for a short period around 2009. The information about the marketing of the site for employment use over a prolonged period is limited. The recent marketing has also been for non-employment uses. However, the fact that the site has remained vacant for most of the last 16 years or so, despite some marketing for employment use and a recent upturn in the economy, is an indication that a solely employment use is unlikely to be deliverable.
9. The Council's Supplementary Planning Document (SPD) 14: Employment Land and Premises does not generally relate to EGAs. However, it seems to me that it is reasonable to have regard to the tests within the SPD in relation to land within EGAs as such areas are afforded greater policy protection than other



employment land and uses. In this regard although there is no development appraisal and recent marketing has not focused solely on employment uses, I consider that the longevity of the non-use of the site together with other benefits arising from the development provides sufficient justification for releasing the majority of the site from employment use. As a mixed-use proposal the development follows the Council's preferred approach when the retention of the whole site in employment use is not financially viable.

10. The proposal would not lead to the loss of existing employment uses, buildings or jobs rather it is the loss of an opportunity site. In that context the foodstore and smaller unit would lead to the creation of some 30 jobs which is a factor in favour. In addition there would be likely to be spin-off benefits for Bolton Road/Bury Bridge Local Centre and the businesses currently operating from this linear parade of shops and other quasi-retail uses.
11. In conclusion the loss of employment land would, on balance, be acceptable having regard to the prospects of the site coming forward primarily for employment use and taking into account the economic benefits of the proposal. In terms of Policy EC2 of the UDP, the retention of the industrial area would not be appropriate. There would be no conflict with Policy EC2/1 of the UDP as the proposal would constitute limited development and would not substantially detract from an area's value as an EGA. With regard to Policy EC1/1, the test of exceptional circumstances is more exacting than that contained in paragraph 22 of the Framework and, therefore, the policy should be afforded less weight. In the context of the Framework the proposal would represent economic development on a site where there is no reasonable prospect of the site being used for employment use.
12. The site has been taken into account as part of the employment land supply in the emerging Core Strategy (CS) based on the Employment Land Review and scored relatively highly as a potential employment site. However, the CS can only carry limited weight as it has not been examined and there are objections to its employment policies. In any event Policy EC2 of the CS includes similar criteria to Policy EC2/1 of the UDP against which I have found a reasonable degree of compliance.

#### *Sequential Test*

13. A sequential test should be applied to main town centre uses that are not in an existing centre in accordance with paragraph 24 of the Framework. The site is on the edge of the Bolton Road/Bury Bridge Local Centre. There are no other sequentially preferable sites in or on the edge of the local centre which have been drawn to my attention. Although there is a need to cross the multi-lane A56 between the appeal site and the local centre, the improved pedestrian crossing facilities directly linking the site frontage and store car park with the parade on the southern side of Bolton Road and other highway modifications would improve the accessibility between the two sides of the road and encourage linked trips.
14. The recently developed Aldi Foodstore at Crostons Retail Park is further away from the local centre and is not as well connected with it as the appeal proposal. Despite being within 300m as measured as a straight line distance I would describe it as out-of-centre due to the convoluted pedestrian routes involved. Whilst the existing discount foodstore could be said to meet the quantitative and qualitative convenience shopping needs of the local area it does

not enhance the local centre in the same way that the appeal proposal would because of its more tenuous relationship with it. The existence of the Aldi foodstore should not preclude a sequentially preferable foodstore and bulky goods unit being developed which would integrate better with the local centre.

15. It is noted that the appeal site is within a 5 minute drive time of Bury Town Centre and some of the trade would come from other areas of the town. However, I do not consider that the sequential test should extend to include an assessment of sites in or on the edge of Bury Town Centre or other centres as the proposal relates to a specific local centre and is on the edge of it.
16. I conclude that there are no other more suitable sites in or on the edge of the Bolton Road/Bury Bridge Local Centre for the proposed development in accordance with the sequential test set out in paragraph 24 of the Framework. The site is well-connected to the local centre and Bury Town Centre. Therefore, the proposal satisfies the sequential test.

#### *Vitality and Viability*

17. Policy S1/4 of the UDP encourages a range of shopping facilities in local shopping centres required to serve purely local needs. The foodstore and bulky goods unit would be of significant scale in comparison to the floorspace within the local centre and would generate trips other than by foot and cycle. However, although some of the trade for the store would come from beyond the local catchment, the majority would be from residents relatively local to the centre. Most of its customer base is likely to come from the extensive residential areas of Elton and adjoining areas to the west of Bury Town Centre. In terms of the existing local centre there is no convenience shopping that would be affected by the proposal. Indeed it would be in direct competition with the new Aldi store nearby. Taking trade from an out-of-centre store would not lead to harm to the vitality and viability of an existing centre.
18. It is noted that local councillors and the MP point out that there is no equivalent convenience provision in the Church Ward. Whilst the Aldi store serves a similar purpose, the appeal proposal would also meet local convenience shopping needs of a deprived area and reduce the propensity for longer journeys for convenience shopping. The store would be accessible by foot, on bicycle and through use of the frequent bus services along Bolton Road.
19. In view of the level of integration of the store with the local centre the proposal would benefit the local centre. There is no evidence that the proposal would have a significant adverse impact on Bury Town Centre or any other centres. The store is below the 2500 sq m threshold for impact assessment in paragraph 26 of the Framework. Although the Policy EC5 of the CS proposes a lower threshold, the emerging plan has not reached a stage where much weight can be attributed to its policies, particularly as there are objections to Policy EC5.
20. Accordingly, although the retail development would serve more than local needs, its impact on Bury Town Centre and other shopping centres would be acceptable. In particular the foodstore would not have a significant adverse impact on the vitality and viability of Bury Town Centre or any other shopping centres. Moreover, the proposal would enhance the local shopping centre; adjoin an existing centre; sustain the vitality and viability of the local centre;

and would be accessible by public transport. The proposal would go beyond the requirement of Policy S1/4 to serve purely local needs but is more policy compliant than the Aldi Store and generally accords with Policies S1/4 and 2/1 in other respects. As the site is immediately adjoining an existing centre I regard the above retail policies as the most relevant rather than those which relate to out-of-centre development (S4, S4/1 and S4/2).

#### *Other Issues*

21. The proposal would lead to a significant improvement in the appearance of this prominent gateway site. The proposed hard and soft landscaping would enhance the environment of the important transport corridor.
22. The Council has referred to obligations that it considers are required relating to financial contributions for employment and public art. No unilateral undertaking or legal agreement under Section 106 of the Planning Act is before me. In relation to the former, SPD14 does not require such payments for mixed use development and I can see no development plan policy basis for the payment. So far as the public art contribution is concerned Policy EN1/6 of the UDP encourages the incorporation of public art in new developments but does not go beyond that. The obligations requested by the Council would not meet the tests within the Community Infrastructure Regulations and the Framework and, as a result, they are not necessary to make the development acceptable in planning terms.

#### *Conditions*

23. I have considered the conditions suggested by the Council. It is necessary to specify the approved plans in the interests of proper planning and for the avoidance of doubt. Details of external materials and landscaping are needed in the interests of the appearance of the development. The landscaping scheme would need to be amended to safeguard access to the adjacent canal retaining wall. Although a 5m easement for the retaining wall would not be necessary as there would be room on the site for maintenance of the structure without such a corridor, a working method statement should be drawn up.
24. Further details of the highway works, including pedestrian crossing, are required in the interests of the safety of all road users and to ensure that links across Bolton Road are enhanced. Visibility splays at the site entrance will need to be maintained. Parking, bicycle stands and servicing need to be secured in accordance with the submitted plans. In view of the limitations of the service yard for the smaller unit, a delivery management plan is needed to ensure that the appropriate size of vehicle is used. A car parking management scheme would be necessary to enable customers to undertake linked trips with the local centre.
25. Given the previous use of the site as a gas works and the recommendations of the Preliminary Risk Assessment, site investigation and remediation are necessary. Drainage details are required to ensure a sustainable solution is sought. Safeguards are required during construction and these would be best secured by a construction management plan.
26. The smaller building which includes the B1/B8 unit is an important component of the mixed-use development and a condition should be imposed to secure its provision alongside the foodstore.

27. There are no dwellings close to the proposed foodstore and it is adjacent to a busy road. Restrictions on the opening hours of the retail unit are not warranted.

### **Conclusions**

28. The proposal would be acceptable when judged against the three main issues. The development would also achieve economic, social and environmental gains so providing sustainable development. In particular the proposal would provide jobs, enhance the shopping function of the local centre and improve the built environment. There are some tensions with development plan policies, particularly those relating to the protection of employment land. However, in light of the Framework's objective of avoiding the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose, relevant Policy EC1/1 in particular is out-of-date. The adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
29. For the above reasons the appeal should be allowed and planning permission granted, subject to the conditions discussed above.

*Mark Dakeyne*

INSPECTOR

Attached – Schedule of Conditions

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans except in respect of the tree planting shown on Drawing Nos.: 1127/01/Rev H and R/1446/1:  
Proposed Site Layout Drawing No 1127/01/Rev H  
Proposed Elevations Drawing No 1127/02 Rev B  
Proposed Floor Plan Drawing No 1127/03 Rev A  
Proposed Unit 2 Floor Plan and Elevations Drawing No 1127/05 Rev B  
Landscape Masterplan Drawing No R/1446/1  
Landscape Details Drawing No R/1446/2  
Lighting Proposals Spill Light Levels/Car Park LED Drawing 19/06/2013 Rev A  
Lighting Proposals General Lighting Levels/Car Park LED Drawing 19/06/2013 Rev A
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the details indicated on Drawing Nos.: 1127/01/Rev H and R/1446/1, further details of landscaping shall be submitted to and approved in writing, incorporating tree planting in an alternative location to that shown on the above plans.
- 5) All hard and soft landscape works shall be carried out in accordance with the details approved under condition no 4. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 6) No development shall take place until a Method Statement demonstrating how the retaining structure to the western boundary of the site is to be maintained shall be submitted to and approved in writing by the local planning authority. Provision to enable the measures within the Method Statement to be carried out shall be made on the site thereafter.
- 7) No development shall commence until full details of the following works have been submitted to and approved in writing by the local planning authority:
  - (a) signalisation of the Bolton Road/Victoria Street junction, including the pedestrian crossing facilities;
  - (b) formation of the site access;
  - (c) proposals to remove existing on-street limited waiting bays on the easterly side of Victoria Street;
  - (d) independent Stage One and Stage Two Safety Audits carried out in accordance with current standards; and,
  - (e) a programme for the implementation of the highway works.The works shall be implemented in accordance with the approved details and programme.



- 8) The visibility splays indicated on Drawing No Appendix 3.3 of the Transport Statement shall be provided before the development is brought into use and thereafter maintained free of obstruction above a height of 0.6m measured from the nearside carriageway edge.
- 9) The car parking, servicing and turning areas and cycle stands shall be completed and be available for use in accordance with Drawing No 1127/01/Rev H prior to the occupation of any part of the development hereby permitted and thereafter retained for parking, servicing and turning.
- 10) No development shall commence until a Delivery Management Plan has been submitted to and approved in writing by the local planning authority, incorporating details of the size of future delivery vehicles. The Delivery Management Plan shall be adhered to whenever the development is in use.
- 11) No development shall commence until a Car Parking Management Strategy has been submitted to and approved in writing by the local planning authority, incorporating measures to ensure that the parking will be available for a minimum of 90 minutes for customers of nearby businesses. The Car Parking Management Strategy shall be adhered to whenever the development is in use
- 12) Prior to the commencement of the development an investigation and risk assessment report of any contamination on the site shall be completed in accordance with a scheme that shall have been submitted to and approved in writing by the local planning authority. If the report indicates that remediation is necessary, details of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation scheme shall include all works to be undertaken, remediation objectives and remediation criteria, a timetable of works and site management procedures and shall be carried out in accordance with the approved details and timetable of works. Written notification of the commencement of the remediation scheme shall be given to the local planning authority at least 2 weeks before the start of the remediation works and a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any of the development hereby permitted. If during the course of the development contamination not previously identified is found to be present at the site, no further development shall be carried out until an amendment to the remediation scheme giving details of how to deal with this contamination has been submitted to and approved in writing by the local planning authority. The remediation measures shall thereafter be carried out in accordance with the approved amended details.
- 13) Development shall not begin until foul and surface water drainage details have been submitted to and approved in writing by the local planning authority. The drainage works shall be implemented prior to the occupation of any of the development hereby permitted in accordance with the approved details.
- 14) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning

authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction; and,
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 15) The retail unit hereby permitted shall not be occupied until the building providing the 325 sq m (Class B1/B8) unit and the 325 sq m trade/bulky goods unit (Class A1) has been completed and is available for use.

**END OF SCHEDULE OF CONDITIONS**



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## Costs Decision

Site visit made on 15 July 2014

**by Mark Dakeyne DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 September 2014**

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### **Costs application in relation to Appeal Ref: APP/T4210/A/13/2208390 Elton Gasworks, Victoria Street, Bolton Road, Bury BL8 1LE**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Lidl UK and City Park Projects Ltd for a full award of costs against Bury Metropolitan Borough Council.
  - The appeal was against the refusal of planning permission for the erection of a 1598 sq m retail foodstore (Class A1), a 325 sq m (Class B1/B8) unit and a 325 sq m trade/bulky goods unit (Class A1) together with car parking and landscaping.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Government's Planning Practice Guidance advises that, where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. In relation to the reason for refusal about loss of employment land it was reasonable for the Council to come to a planning judgement that the proposal would not constitute limited development and would substantially detract from the value of the Employment Generating Area (EGA) on the basis of the size of the site and the significant element of non-employment development. Therefore, conflict with Policy EC2/1 of the Bury Unitary Development Plan (UDP) was substantiated.
4. Notwithstanding that the site lies within an EGA, I came to the view in the appeal decision that it was reasonable to have regard to Supplementary Planning Document (SPD) 14. It was not necessary to demonstrate that the proposal constituted an exceptional circumstance. Moreover, the requirements of SPD 14 for an appraisal and robust marketing were means that the Council could rely on to demonstrate that there was no reasonable prospect of a site being used for solely for employment use in accordance with paragraph 22 of the National Planning Policy Framework (the Framework) in any event.
5. The appellants did not produce an appraisal and the recent marketing was not solely for employment uses. In addition, based on recent proposals and use of the site, there was evidence that an employment use might come forward. Having regard to these factors it was reasonable for the Council to come to a judgement that the case had not been made.

6. With regard to the retail based reasons for refusal, the relevant development plan policy for local centres (Policy S1/4 of the UDP) refers to shopping facilities to serve purely local needs. The development was of scale that went beyond meeting purely local needs. Therefore, notwithstanding the lack of a separate test in the Framework on scale and the development being below the 2500 sq m threshold for an impact assessment, it was reasonable for the Council to consider the proposal in the context of the shopping needs of the local centre. The Council rightly acknowledged that the proposal would not have a significant adverse impact on the vitality and viability of existing centres but this did not mean that it was unnecessary to consider local needs in view of the policy context.
7. Due to the recent opening of the Aldi Store, the position that the convenience shopping needs of the local area and centre had been met was a respectable stance to take. Moreover, it was then reasonable to suggest that the proposed foodstore, together with the Aldi store, would have a customer base well beyond the local area and that a wider application of the sequential test was warranted. I have come to a different view on the relationship of the respective stores to the local centre and the application of the sequential test but that does not mean that the Council's stance was without substance. Moreover, it is understandable that the Council accepted the Aldi proposals in view of the unfettered permission applicable to that unit and the relatively modest extension proposed even if the store was less sequentially preferable.
8. The Aldi objection and their proposal for a store nearby came to light late in the application process but the Council needed to take it into account. The Council gave the appellants the opportunity to comment on the scope of their sequential assessment in view of the objection from Aldi. I am satisfied that representations in support of the proposal were taken into account by the Council but the Aldi submission was of particular relevance in considering the retail issues. The reason for refusal relating to the sequential test emerged from the Council's consideration of the representations and the application of national policy and was substantiated. There is nothing before me to indicate that the process demonstrated unreasonable behaviour by the Council.
9. The incorrect Committee report was sent with the questionnaire. When this was realised this was rectified. The appellants were therefore provided with the correct report and were clearly aware of the Council's case. Indeed the appellants' appeal statement includes the correct documentation. The appellants were not put to any significant unnecessary expense by this administrative error.
10. In conclusion the development was not one that clearly should have been permitted having regard to relevant development plan and national policies and other material planning considerations. Unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

*Mark Dakayne*

INSPECTOR

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