

AGENDA FOR

PLANNING CONTROL COMMITTEE

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To: All Members of Planning Control Committee

Councillors : J Black (Chair), A Matthews, Y Wright, R Skillen, C Preston, E O'Brien, J Harris, M D'Albert, R Caserta, T Cummings, S Haroon, Kerrison and Schofield

Dear Member/Colleague

Planning Control Committee

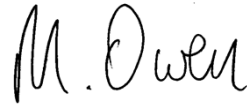
You are invited to attend a meeting of the Planning Control Committee which will be held as follows:-

Date:	Tuesday, 27 September 2016
Place:	Peel Room, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	<p>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.</p> <p>The Head of Development Management will brief the Committee on any changes made to the Planning Applications since the issue of the Agenda. This information will be circulated to Members and made available to the public on the Council's Website on the day of the meeting.</p>
Notes:	<p>Food will be available from 5.00 pm (Balcony Bar) Pre-meeting briefing/virtual site visits at 6.00 pm (Lancaster Room).</p> <p>Details of Site Visits/Member Training will be circulated separately for the information of Members and Officers.</p>

The Agenda and Reports for the meeting are attached.

The Agenda and Reports are available on the Council's Website at www.bury.gov.uk – Council and Democracy.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Owen'.

MIKE OWEN
CHIEF EXECUTIVE

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 30 AUGUST, 2016 *(Pages 1 - 4)*

4 PLANNING APPLICATIONS *(Pages 5 - 110)*

5 DELEGATED DECISIONS *(Pages 111 - 120)*

A report from the Head of Development Management on recent delegated decisions since the last meeting of the Planning Control Committee.

6 PLANNING APPEALS *(Pages 121 - 138)*

A report from the Head of Development Management on recent planning appeal decisions since the last meeting of the Planning Control Committee.

7 URGENT BUSINESS

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

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Minutes of: PLANNING CONTROL COMMITTEE

Date of Meeting: 30 August, 2016

Present: Councillor A Cummings (In the Chair)
Councillors R Caserta, S Haroon, J Harris, S Kerrison,
A Matthews, E O'Brien, C Preston, I Schofield and Y
Wright

Public attendance: 6 members of the public were in attendance

**Apologies for
absence:** Councillors J Black, M D'Albert and R Skillen

PCC.189 APPOINTMENT OF CHAIR

In the absence of Councillor Black the Committee was asked for nominations for a Chair for the meeting.

Councillor O'Brien moved Councillor Cummings as Chair and this was seconded by Councillor Matthews.

Delegated decision:

That Councillor Cummings be appointed as Chair of the meeting.

PCC.190 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

PCC.191 MINUTES

Delegated decision:

That the Minutes of the meeting held on 26 July, 2016 be approved as a correct record and signed by the Chair.

PCC.192 PLANNING APPLICATIONS

A report from the Head of Development Management was submitted in relation to the applications for planning permission. Supplementary information was also submitted in respect of application numbers: 60181; 60183; 60212; 60216 and 60310.

The Head of Development Management gave a verbal update relating to application 60212. The Committee was informed that as the application was unusual for the reason that the development site is located within the boundaries of Bury and Rossendale. Two separate applications had been submitted to the respective planning departments of each authority. The agenda and the supplementary information circulated had indicated approval of the application. However, prior to the meeting a discussion had taken place with planning officers at Rossendale BC where concerns had been raised on the Rossendale BC planning application regarding the layout of houses which may impact on the Bury Council planning

application. Having considered this information the Head of Development Management recommended the deferral of the application until full details of the proposals of the Rossendale BC planning application were available and an assessment was made on any impact this may have on the Bury Council planning application.

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

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:

60181 Walshaw Hall, Bradshaw Road, Walshaw, Tottington, Bury – Ramsbottom and Tottington – Tottington Ward

Variation of condition 2 (approved plans) of planning permission ref 55803 for proposed new 53 bed unit, 3 storeys high adjacent to existing residential home; various home: Various amenities to the scheme including window and door position, number of bed spaces and the relocation of on-site refuse/recycling store and its construction detail.

60183 Walshaw Hall, Bradshaw Road, Walshaw, Tottington, Bury – Ramsbottom and Tottington – Tottington Ward

Surfacing of existing car park to existing care home, including kerbs and edgings and replacement of existing external lighting

60216 Side of 64 Polefield Road, Prestwich, Manchester – Prestwich – Holyrood Ward

Erection of 1 detached dwelling at side, New driveway/ vehicular access to no. 64

60310 558 Bury New Road, Prestwich, Manchester – Prestwich – St Mary's Ward

Change of use from car repairs to tile centre (Sui generis) (storage distribution and sale of hard wall and floor finishes and associated products), external alterations.

2. That the following application be deferred until details of the related planning application made to Rossendale Borough Council are available to Bury Council Development Control in order for planning officers to assess it and make a suitable recommendation to the Development Control Committee in relation to this application

60212 Croft End Mill, Bolton Road North, Stubbins, Bury – Ramsbottom and Tottington – Ramsbottom Ward

Demolition of existing buildings and erection of 11 dwellings with associated garages and parking along with associated engineering works including the infilling of the filter beds.

PCC.193 DELEGATED DECISIONS

A report from the Head of Development Management was submitted listing all recent Planning application decisions made by Officers using delegated powers.

Delegated decision:

That the report be noted.

PCC.194 PLANNING APPEALS

A report from the Head of Development Management was submitted detailing all Planning Appeals Lodged and Determined by the Planning Inspectorate since the last meeting of the Planning Control Committee.

Delegated decision:

That the report be noted.

PCC.195 PLANNING ENFORCEMENT

A report from the Assistant Director of Resources and Regulation (Localities) was submitted providing annual statistical information on Planning Enforcement Activity for the year 1 April 2015 and 31 March 2016. The report also provided a comparison to National Planning Enforcement activity throughout the same period.

Delegated decision:

That the report be noted.

PCC.196 ARTICLE 4 DIRECTION CONFIRMATION OF ORDER – HOLCOMBE CONSERVATION AREA

A report from the Assistant Director of Resources and Regulation (Localities) was submitted seeking confirmation of the Order for an Article 4 Direction. The Direction gives greater planning controls over development in the Holcombe Conservation Area.

The making of the Order has been publicised and the report submitted provides the next steps and responses received as a result of carrying out the necessary publicity.

Planning Control Committee 30 August 2016

Delegated decision:

That authority be given for the Confirmation of a non-immediate direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, to remove the permitted development rights outlined in Appendix 1 in relation to the Holcombe Brook Conservation Area, which is identified edged red on the plan attached to Appendix 2 of the report submitted.

**CHAIR
COUNCILLOR TONY CUMMINGS**

(Note: The meeting started at 7.00 pm and ended at 7.40 pm)

Title	Planning Applications
To:	Planning Control Committee
On:	27 September 2016
By:	Development Manager
Status:	For Publication

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.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the Planning Control Committee shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

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.	59375
	Location:	Site of former British Legion Club, Water Street, Radcliffe, Manchester, M26 4DF		
	Proposal:	Outline - demolition of existing building and erection of 1no. building containing 19 no. apartments with associated car parking and amenity space		
	Recommendation:	Minded to Approve	Site Visit:	Y
<hr/>				
02	Township Forum - Ward:	Prestwich - Sedgley	App No.	59884
	Location:	Land at Mountheath Industrial Estate, George Street, Prestwich		
	Proposal:	Outline planning application for the demolition of all existing structures and redevelopment for a mixed use development comprising up to 160 residential dwellings and 2,959 sq.m of employment floorspace (Use Classes B1 / B8) including all associated infrastructure.		
	Recommendation:	Minded to Approve	Site Visit:	Y
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03	Township Forum - Ward:	Ramsbottom + Tottington - Tottington	App No.	60264
	Location:	Site of Tottington Motor Co, Market Street, Tottington, Bury, BL8 3LS		
	Proposal:	Demolition of existing car sales/MOT garage and former petrol station canopy and erection of petrol filling station and Spar convenience store with ATM machine, car parking and associated works		
	Recommendation:	Approve with Conditions	Site Visit:	Y
<hr/>				
04	Township Forum - Ward:	Whitefield + Unsworth - Unsworth	App No.	60408
	Location:	66 Sunny Bank Road, Bury, BL9 8HJ		
	Proposal:	Change of use from post office (A1) to hot food takeaway (A5) with extractor flue at rear		
	Recommendation:	Approve with Conditions	Site Visit:	N
<hr/>				
05	Township Forum - Ward:	North Manor	App No.	60409
	Location:	Springside County Primary School, Springside Road, Bury, BL9 5JB		
	Proposal:	Siting of 1 no. storage container in playground and hardstanding extension to form playground		
	Recommendation:	Approve with Conditions	Site Visit:	N
<hr/>				
06	Township Forum - Ward:	North Manor	App No.	60437
	Location:	Hollymount Farm, Hollymount Lane, Tottington, Bury, BL8 4HP		
	Proposal:	Conversion of farm building into 4 no. residential units; Demolition of the		

other farm buildings and replacement of mobile home with permanent dwelling

Recommendation: Approve with Conditions

Site Visit: N

Ward: Radcliffe - East

Item 01

Applicant: Architectural Solutions Ltd

Location: Site of former British Legion Club, Water Street, Radcliffe, Manchester, M26 4DF

Proposal: Outline - demolition of existing building and erection of 1no. building containing 19 no. apartments with associated car parking and amenity space

Application Ref: 59375/Outline Planning
Permission

Target Date: 11/03/2016

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. If the agreement is not signed within a reasonable timeframe, then delegated authority is sought by the Development Manager to determine the application.

Description

The application site contained the British Legion Club building, which has been demolished. The site is currently vacant and is located 0.5 kilometres to the north of Radcliffe Town Centre. The site is flat and the land to the north is at a higher level (approx 2 metres). The site is accessed from Water Street via an unadopted access that also serves the adjacent properties.

There are residential properties to the north and north east of the site and there is a three storey nursing home to the east. There are two storey offices to the west and Water Street forms the boundary to the south with apartments beyond.

The applicant seeks outline permission for 19 apartments with a mix of 1 and 2 bed units. The proposed building would be three storeys in height adjacent to the offices on the west side, rising to 4 storeys near the nursing home on the east side. The proposed building would be constructed from brickwork and render with a concrete tile roof. The site would be accessed from Water Street and a car park of 26 spaces would be sited to the east and to the north of the proposed building.

Relevant Planning History

Adjacent site

56621 - New entrance porch, landscaping, parking and external alterations at Rose Court Nursing Home, 44 - 48 Water Street, Radcliffe. Approved with conditions - 27 September 2013.

57091 - Non material amendment following grant of planning permission 56621 for relocation of existing bin storage arrangement, 1.8 metre close boarded timber fencing to perimeter of parking area with gates and alterations to arrangement of car parking spaces at Rose Court Nursing Home, 44 - 48 Water Street, Radcliffe. Approved with conditions - 7 February 2014.

Publicity

47 neighbouring properties (Blackburn Street, Robertson Street, Knowles Street, Water Street) were notified by means of a letter on 11 December 2015 and a press notice was published in the Bury Times on 24 December 2015. Site notices were posted on 24 December 2015.

5 letters of support have been received from the occupiers of 1 Radcliffe Moor Road, Royal

Oak, 88, 90 Water Street and 103 Blackburn Street, which have raised the following issues:

- The proposal is a long awaited transformation of the site.
- Would like to see new customers supporting their local public house, which is well needed in this climate.
- The area is in desperate need of a face lift and this would be a step in the right direction.
- A development of this nature should be supported because of its close proximity to the town centre, Metro station, bus station and health centre - all of which encourages less use of private vehicles and greater use of public transport.

2 letters have been received from the occupiers of Rose Court and the owner of Albert Works & 52b Waterside, which have raised the following issues:

- The owner of the application site has not informed or discussed the proposals with the neighbouring properties.
- There is a need to open up the access onto Water Street and am disappointed that this request has been ignored.
- The existing access to the site and nursing home is extremely tight currently and there are articulated lorries accessing the site on a regular basis.
- Traffic egressing the proposed development would impede the road due to the lack of a turning area.
- The proposed development is in close proximity to the care home and will affect the privacy of the residents within the care home.
- The proposed development would be 4 storeys in height and is much higher than the existing building on site. Views from the care home are an important aspect of daily life and wellbeing for the residents and the height and proximity of the development would negatively impact upon the outlook currently enjoyed by the residents.
- Should the development proceed in its current form, it would lead to a reduction in residents fees and would affect the financial viability of the care home.
- The development does not have sufficient parking for its occupiers and their visitors, which would lead to indiscriminate parking on the access road and car park of the care home. This will impede access to the home and prevent the use of the car park by visitors and its residents.

Consultations

Traffic Section - No objections in principle and further comments will be reported in the Supplementary Report.

Drainage Section - Comments awaited.

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

Waste Management - No objections.

Canal & River Trust - No objections.

Environment Agency - Comments awaited.

United Utilities - No objections, subject to the inclusion of conditions relating to foul, surface water drainage and SuDs.

The Coal Authority - Coal mining risk assessment is being assessed. Further comments will be reported in the Supplementary Report.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict

SPD1	Open Space, Sport and Recreation Provision
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards 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 - Following revocation of the North West Regional Strategy on 20 May 2013, there is no statutory housing target for Bury. Work has commenced on the Greater Manchester Spatial Framework and this will bring forward a new statutory housing target for the Borough. This will subsequently be incorporated into Bury's future Local Plan.

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.

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.

The site would be located within the urban area and there are commercial properties, a care home and residential properties nearby. As such, the proposed development would not conflict with the surrounding land uses and would be in a sustainable location with good access to public transport and services. The site contained a building and is previously developed land. As such, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed building would be a mix of three and four storeys in height, with some rooms located in the roofspace. The proposed building would be three storeys adjacent to the 2 storey offices on the west side, stepping up to four storeys on the east side, closer to the 3 storey nursing home. The proposed building would be constructed from brickwork and render with a tile roof, which would match the existing buildings in the locality. The proposed building would not be significantly higher than the adjacent buildings and would be appropriate within the streetscape.

The use of materials, bay windows, juliet balconies, headers, cills, recessed areas, dormers and canopies would add visual interest to the elevations. It is considered that the proposed building would add interest to the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

The level of private amenity space would be acceptable and the proposed bin store in the south west corner would be large enough to accommodate the required level of bins. The proposed boundary treatments would consist of a wall and metal railings, which would be appropriate. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD 6 provides guidance on aspect standards for

residential properties and would be relevant in this case. The aspect standards states that there should be a minimum of 20 metres between directly facing habitable room windows and 13 metres between a habitable room window and a two storey blank wall. For each additional storey in height, 3 metres should be added to the separation distance, i.e. there should be 23 metres between directly facing habitable room windows and a three storey gable.

- There would be 24 metres between the proposed development and the gable of No. 2 Knowles Street, which would be in excess of the 19 metres required.
- There would be 58 metres between the proposed development and the residential flats on the opposite side of Water Street, which would be in excess of the 26 metres required.
- There would be 37 metres between the gable of the proposed building and Rose Court nursing home, which would be in excess of the 19 metres required.
- There would be 43 metres between the proposed development and the rear elevation of the existing dwellings on Robertson Street.

Therefore, the proposed development would comply with the aspect standards set out in SPD 6 and would not have an adverse impact upon the residential amenity of the neighbouring properties.

Highways issues - The site would be accessed from Water Street via the existing unadopted access and the proposed access into the car park would be relocated some 4 metres to the east. The proposed works would allow a footpath with appropriate levels of visibility to be provided. The Traffic Section has no objections in principle and further comments will be reported in the Supplementary Report.

Parking - SPD11 states that the maximum number of parking spaces is 1 space per 1 bed dwelling and 1.5 spaces per 2 bed dwelling in a high access area. This equates to 26.5 spaces.

The proposed development would provide 26 spaces, including 2 disabled parking bays, which would comply with the maximum parking provision. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Planning Obligations - A contribution for recreation provision of £29,677.05 would be required in accordance with Policy RT2/2 of the Bury Unitary Development Plan and SPD1. This would be secured through a Section 106 agreement.

Response to objectors

The access arrangements and parking provision has been amended since the objections were received. The neighbouring properties were notified by means of a letter and further comments will be reported in the Supplementary Report.

The issues relating to privacy, height of the building and parking have been addressed in the main report.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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

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

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

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

3. This decision relates to drawings numbered 2400/15/01a, 2400/15/02a, 2400/15/03b, 2400/15/04a 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.

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

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required 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.

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

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

6. Following the provisions of Condition 4 of this planning permission, where ground

gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and

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

Reason: To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to 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: No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 20 l/s.

Reason: To ensure a satisfactory means of drainage, promote sustainable development and to manage the risk of flooding and pollution pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.

9. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:

- The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

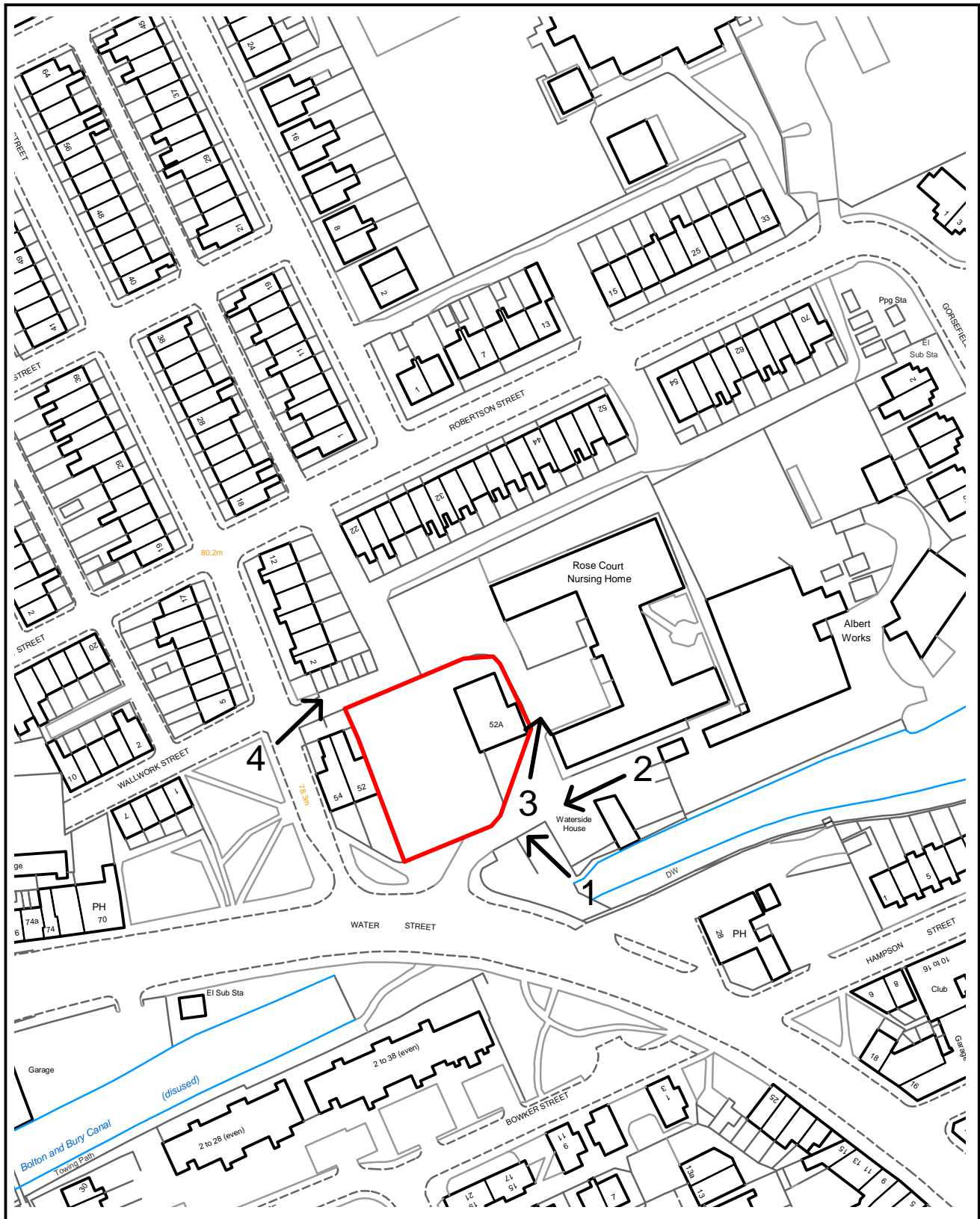
Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and

Section 10 of the National Planning Policy Framework.

10. Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage and to manage the risk of flooding and pollution pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 59375

**ADDRESS: Site of former British Legion Club
Water Street
Radcliffe**

Planning, Environmental and Regulatory Services



Bury
COUNCIL

(C) Crown Copyright and database right (2015). Ordnance Survey 100023063.

59375

Photo 1



Photo 2

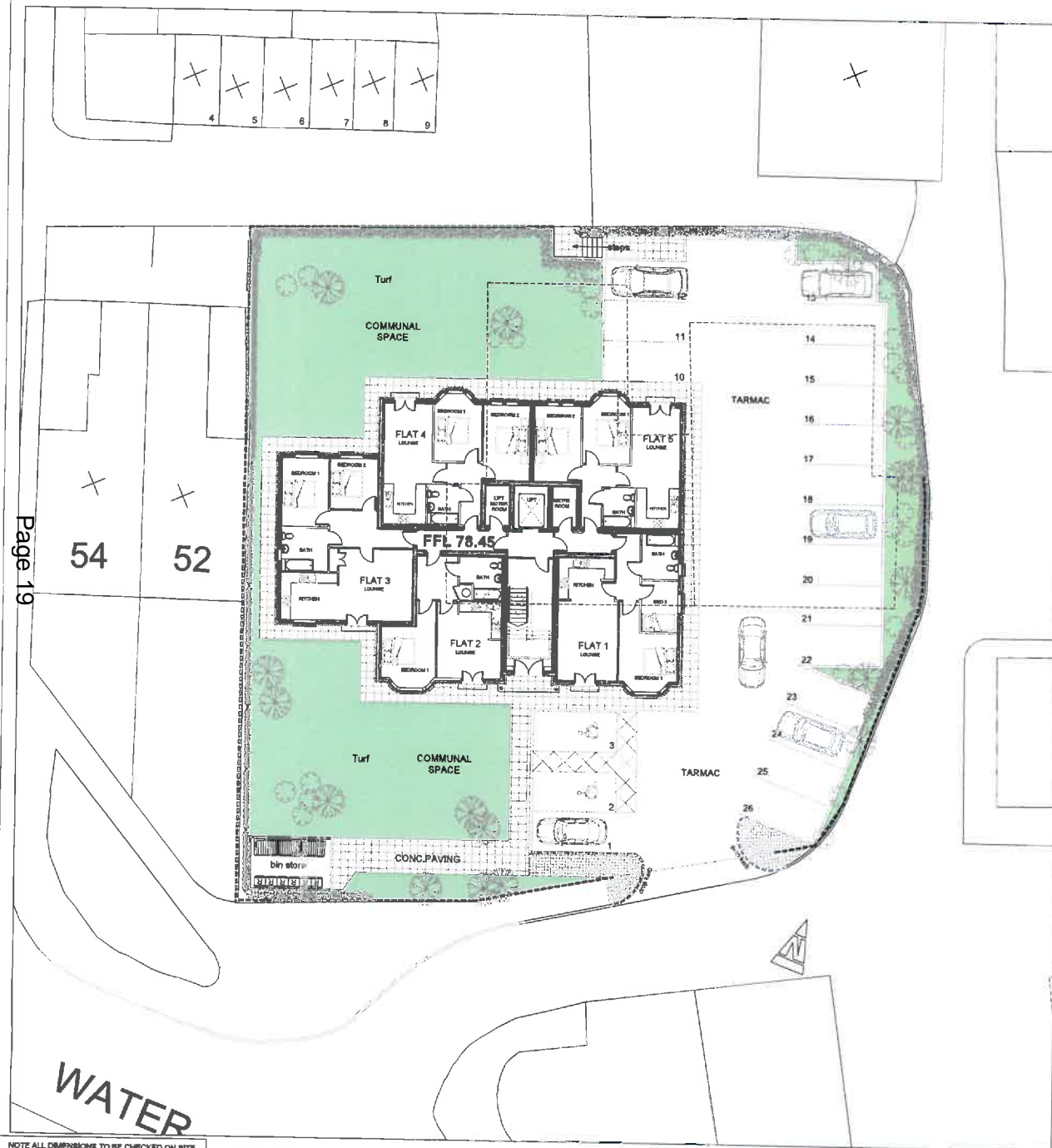


Photo 3



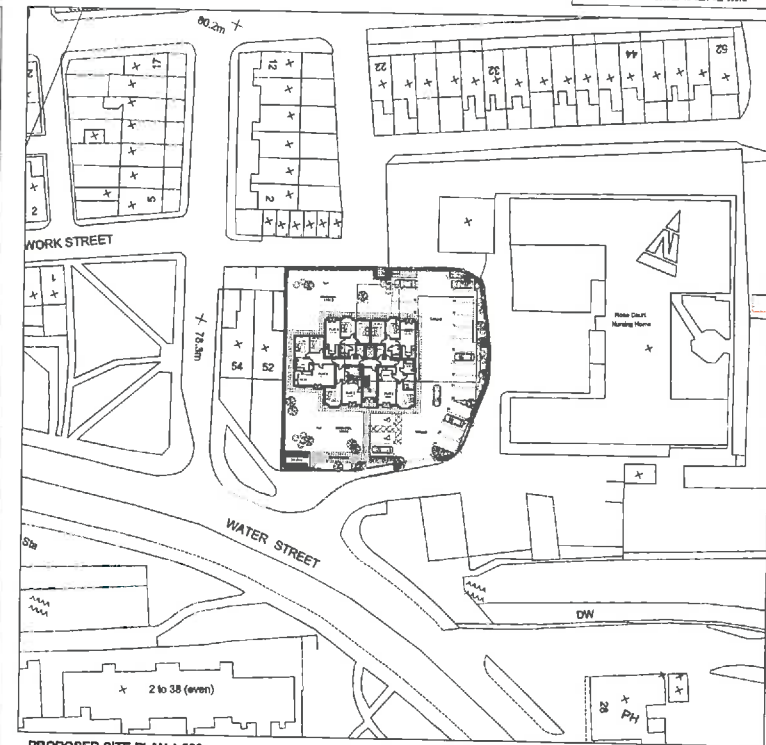
Photo 4



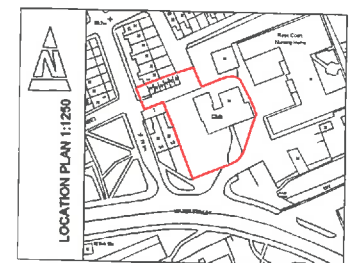


PROPOSED SITE PLAN 1:125

NOTE: ALL DIMENSIONS TO BE CHECKED ON SITE.
 HIGH: VALID NOT BY FOUNDATION DATE, PLANNED TO BE BUILT TO BOUNDARY OF EXISTING DEVELOPMENT.
 AND EXISTING DEVELOPMENT LAYOUT, TO BE BUILT TO BOUNDARY OF EXISTING DEVELOPMENT. NOT TO BE BUILT TO BOUNDARY OF EXISTING DEVELOPMENT.
 BEFORE RECEIPT OF THE PERMITS TO DEVELOP, AT CLIENTS RISK.



PROPOSED SITE PLAN 1:500



LOCATION PLAN 1:1250

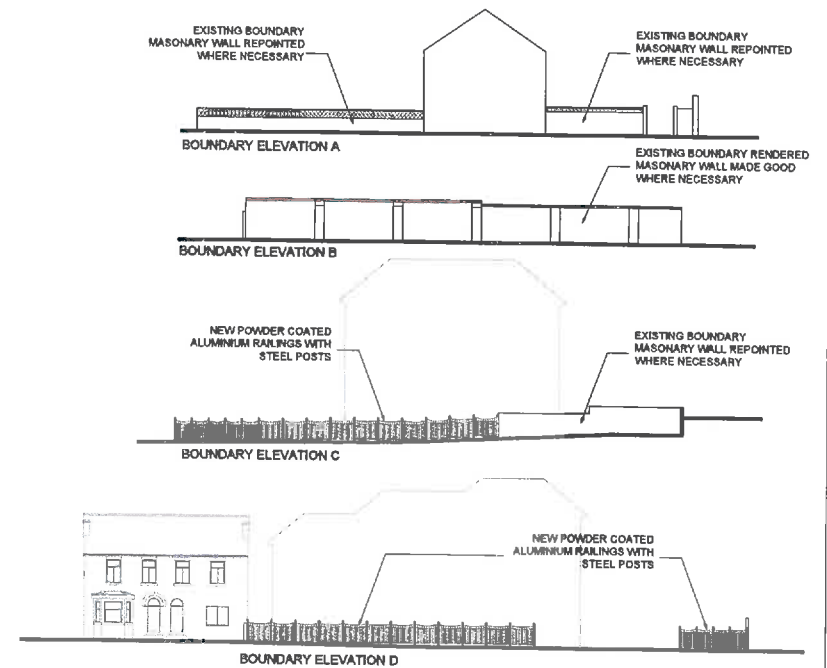
SCHEDULE OF ACCOMMODATION

15 No. 2BED
 4 No. 1BED
 19 No. TOTAL

PARKING
 20 CAR SPACES

REVISED SITE LAYOUT/SHEDDED	24/01/2015
REVISED SITE PLAN	
PROPOSED APARTMENTS	
FORMER BRITISH LEGION CLUB 50 WATER STREET, RADCLIFFE, MANCHESTER, M26 4DF.	
AS SHOWN @A1	Jan 2015
2400/15/01	
Architectural SOLUTIONS	

PARTY WILL ACT: THE CLIENT MUST SAFELY THEMSELVES THAT THE
 REASONING BEHIND THE PLAN AND CORRECT: BLANK REVISION FROM
 FUTURE TO ESTABLISH THE CORRECT REVISIONS WILL NOT BE
 CONSIDERED. IN THE EVENT OF A REVISIONS WILL NOT BE
 REQUIRED TO MEET ALL COSTS.



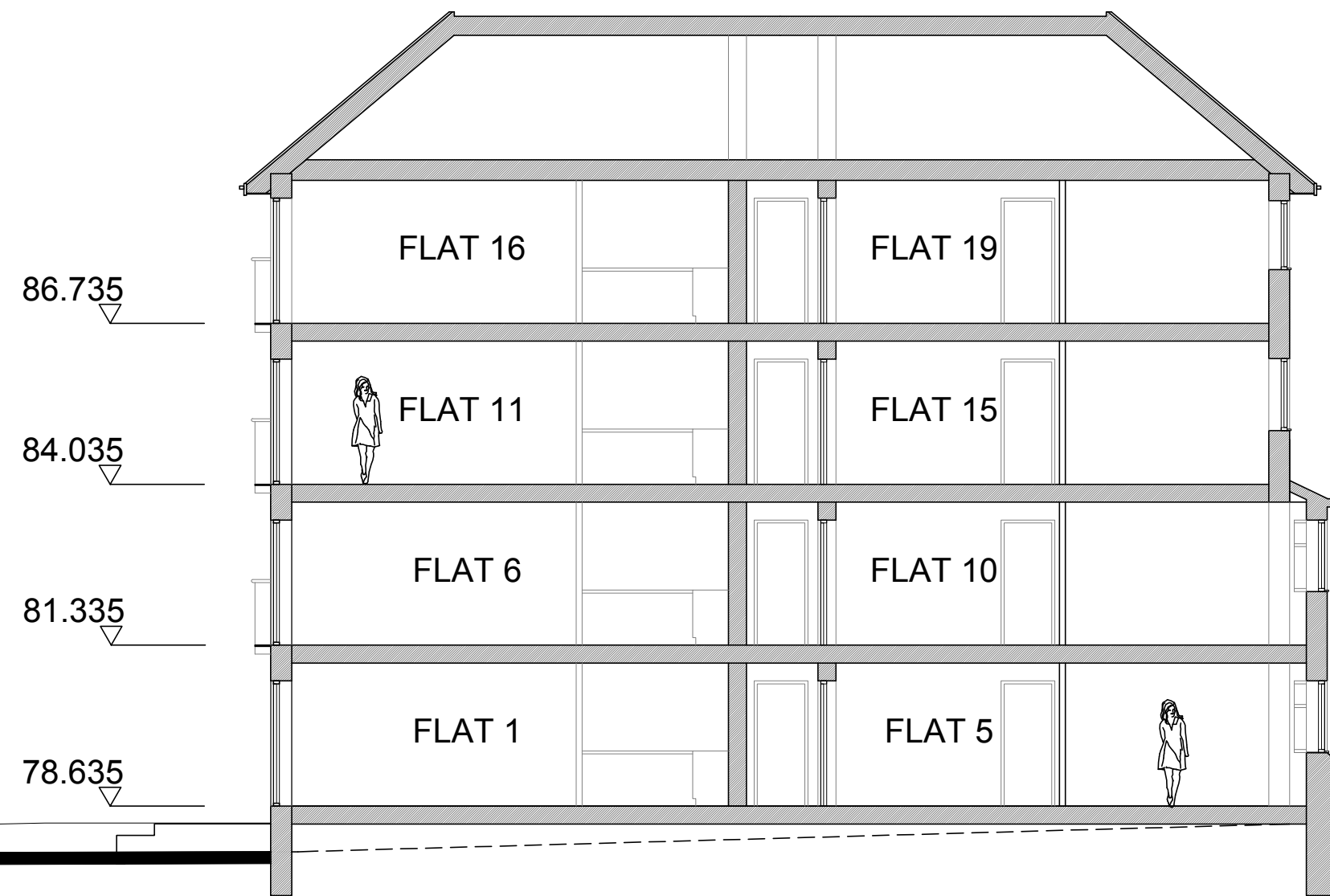
NOTE: TOPOGRAPHICAL
SURVEY INDICATED IN
BLUE ON THE SITE PLAN

PROJECT INFORMATION SHEET		12.04.2015	
PROPOSED APARTMENTS SITE INFORMATION			
PROPOSED APARTMENTS			
BRITISH LEGION CLUB 50 WATER STREET, RADCLIFFE, MANCHESTER, M26 4DF			
AS SHOWN @A1	AUG 2015	2400/15/04a	
Architectural DRAWINGS			
			
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PARTY WALL ACT: THE CLIENT MUST SATISFY THEMSELVES THAT THE BOUNDARIES SHOWN ON THE PLAN ARE CORRECT. CLAIMS RESULTING FROM FAILURE TO ESTABLISH THE CORRECT BOUNDARY POSITION WILL NOT BE CONSIDERED. IN THE EVENT OF A BOUNDARY DISPUTE THE CLIENT WILL BE REQUIRED TO MEET ALL COSTS.



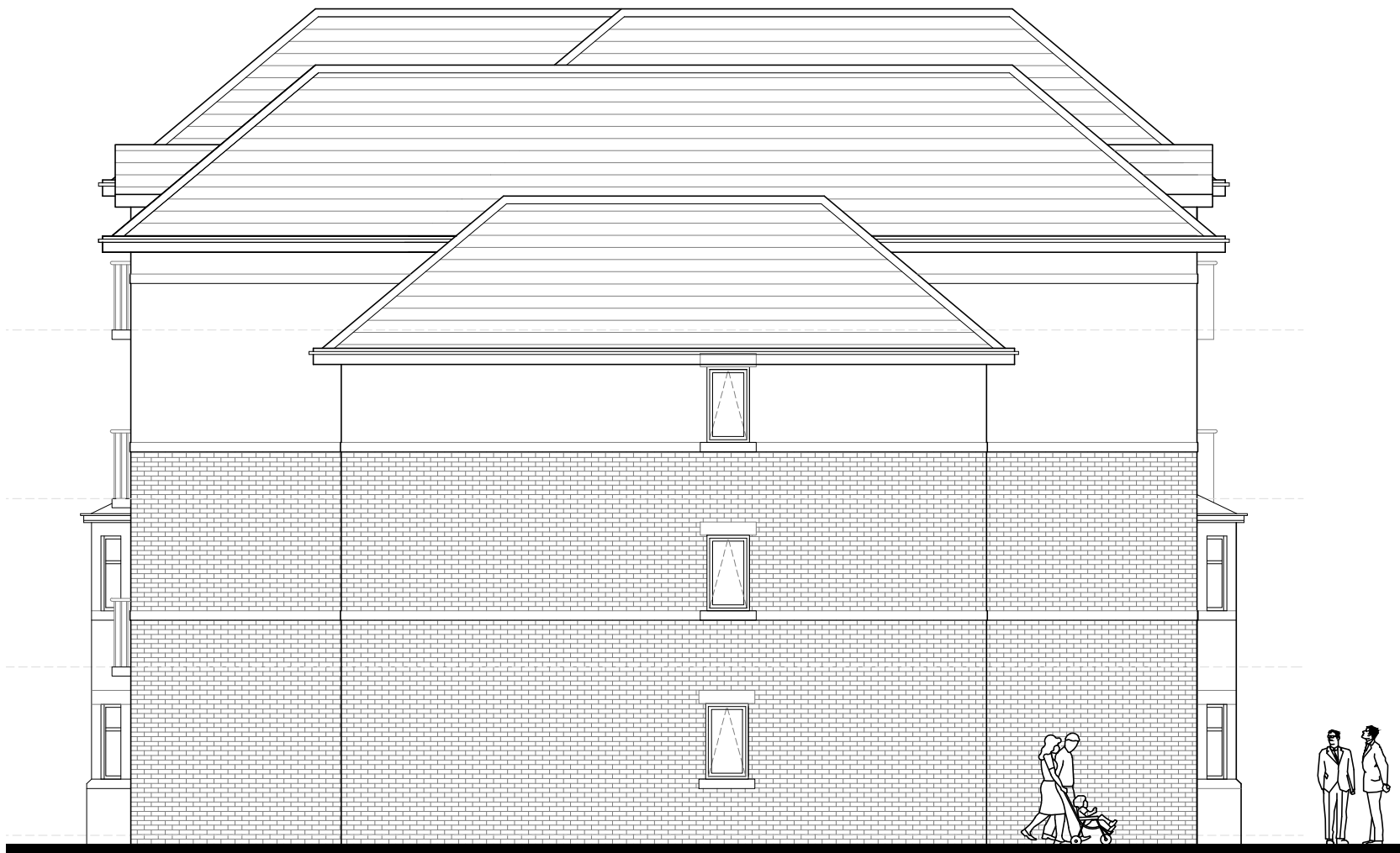
STREET SCENE scale 1:200



SITE SECTION A-A
scale 1:100



PROPOSED FRONT ELEVATION (south)
scale 1:100



PROPOSED SIDE ELEVATION (west)
scale 1:100



PROPOSED SIDE ELEVATION (east)
scale 1:100

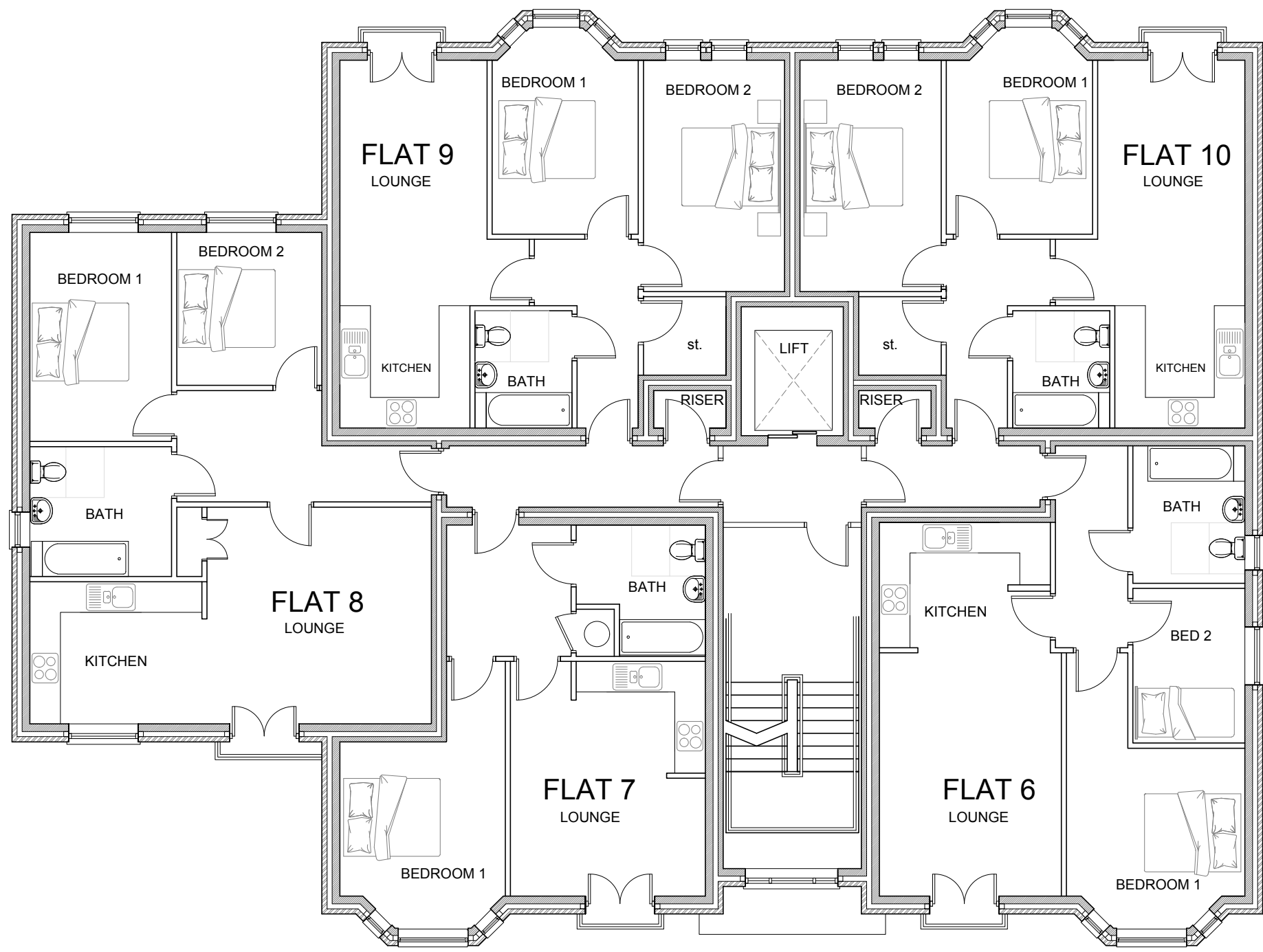


PROPOSED REAR ELEVATION (north)
scale 1:100

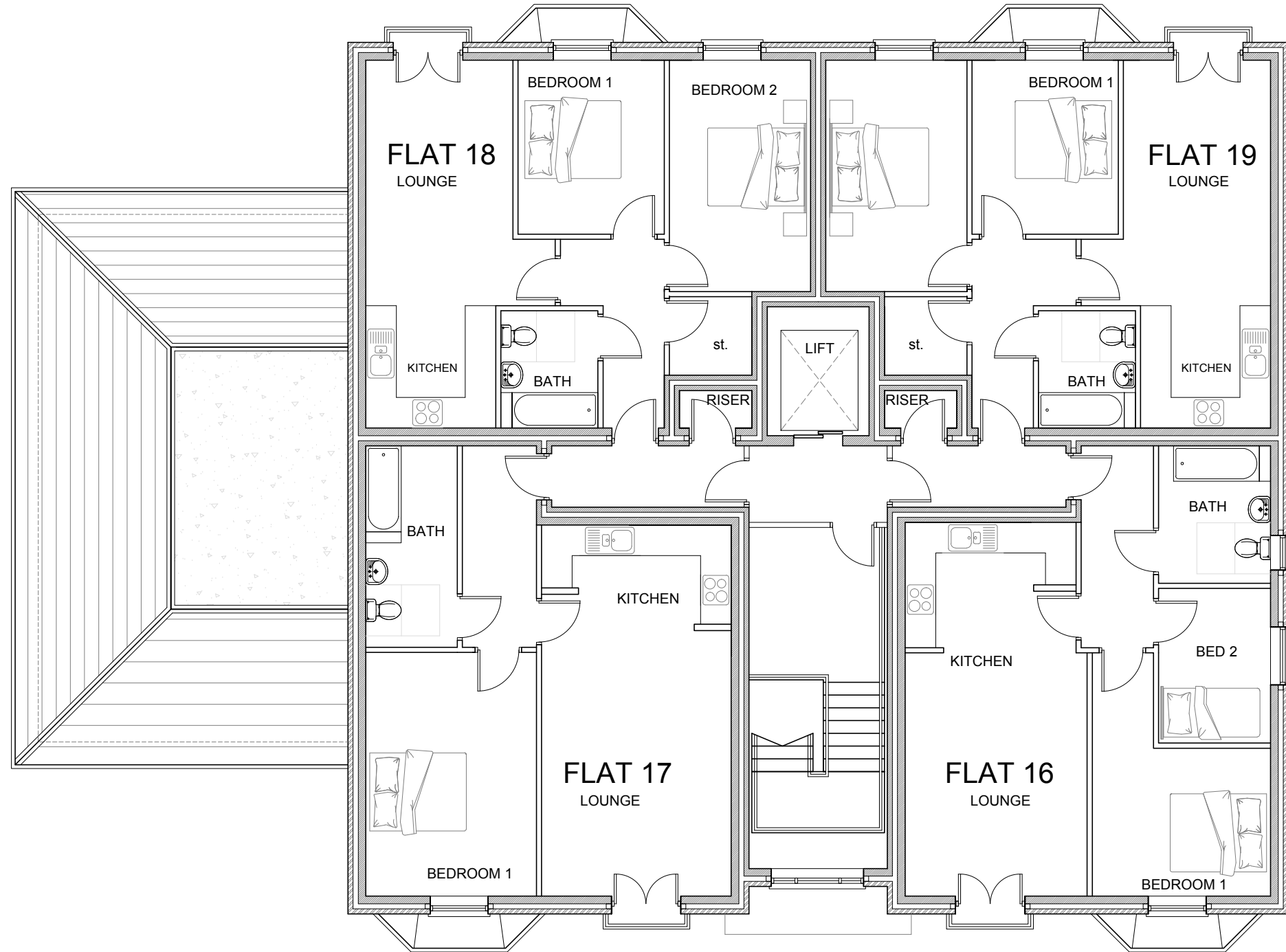
NOTE ALL DIMENSIONS TO BE CHECKED ON SITE
WORK MUST NOT BE COMMENCED UNTIL PLANNING PERMISSION (WHERE APPLICABLE)
AND BUILDING REGULATION APPROVAL IS RECEIVED. ANY WORKS CARRIED OUT
BEFORE RECEIPT OF THE PERMISSIONS IS ENTIRELY AT CLIENT'S OWN RISK

REV B1	ELEVATIONS AMENDED AT ROOF LEVEL	07.09.2016
REV A1	SITE LAYOUT AMENDED	20.05.2016
TITLE		
ELEVATIONS - SITE SECTION A-A & STREET SCENE		
CLIENT		
PROJECT		
PROPOSED APARTMENTS		
ADDRESS		
BRITISH LEGION CLUB 50 WATER STREET, RADCLIFFE, MANCHESTER, M26 4DW.		
SCALE	DATE	JOB NO.
AS SHOWN@A1	Aug 2015	2400/15/03b
Architectural SOLUTIONS		
Building Design & Planning Consultants		
17 BONINGTON RISE - MARPLE BRIDGE - STOCKPORT - CHESHIRE - SK8 5DW - UNITED KINGDOM		
E: architectural.solutions@btworld.com T: 0161 449 6766 M: 07162 332238 W: architectural.solutionsltd.co.uk		

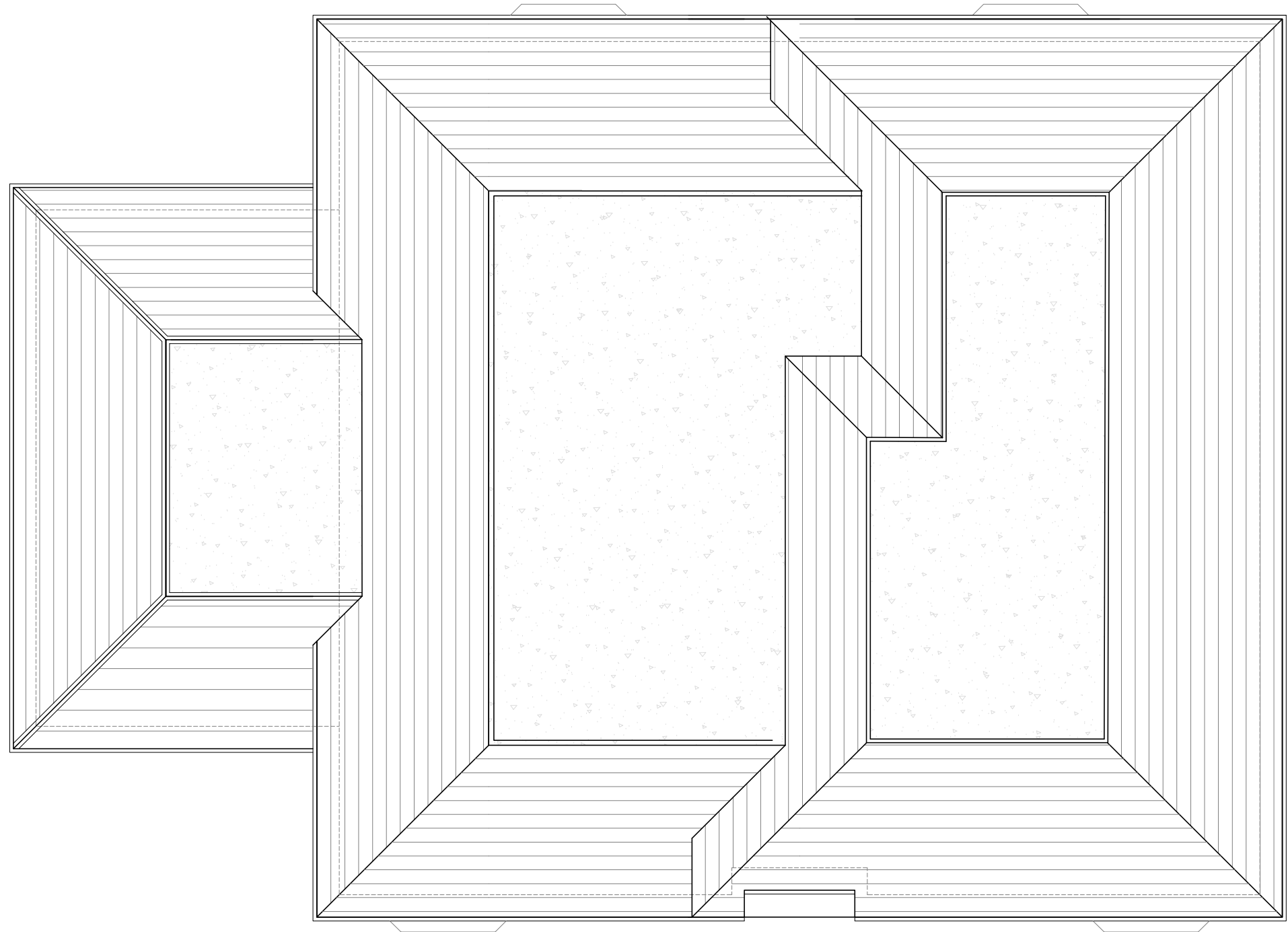
PARTY WALL ACT: THE CLIENT MUST SATISFY THEMSELVES THAT THE BOUNDARIES SHOWN ON THE PLAN ARE CORRECT. CLAIMS RESULTING FROM FAILURE TO ESTABLISH THE CORRECT BOUNDARY POSITION WILL NOT BE CONSIDERED. IN THE EVENT OF A BOUNDARY DISPUTE THE CLIENT WILL BE REQUIRED TO MEET ALL COSTS.



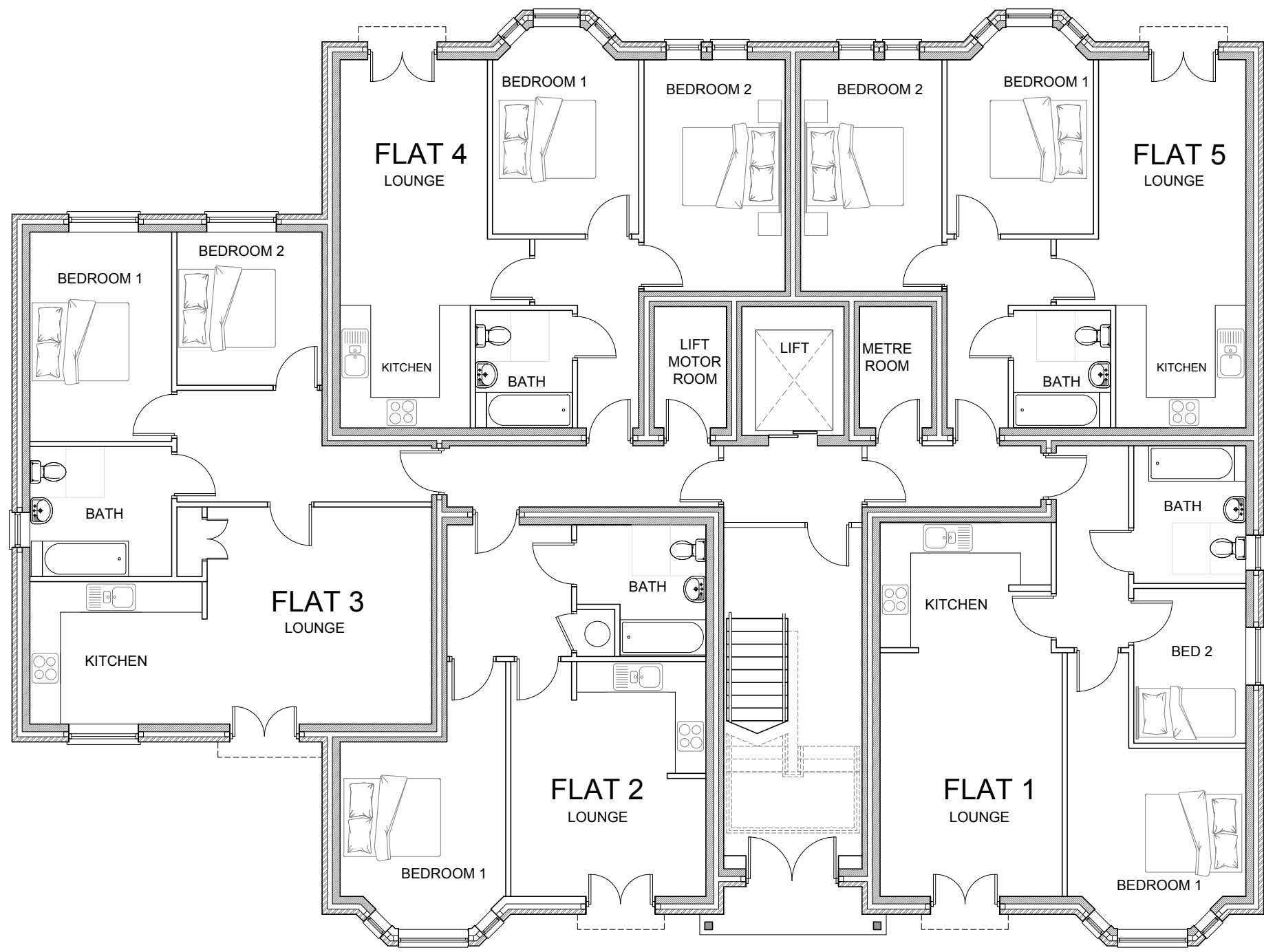
PROPOSED FIRST FLOOR PLAN



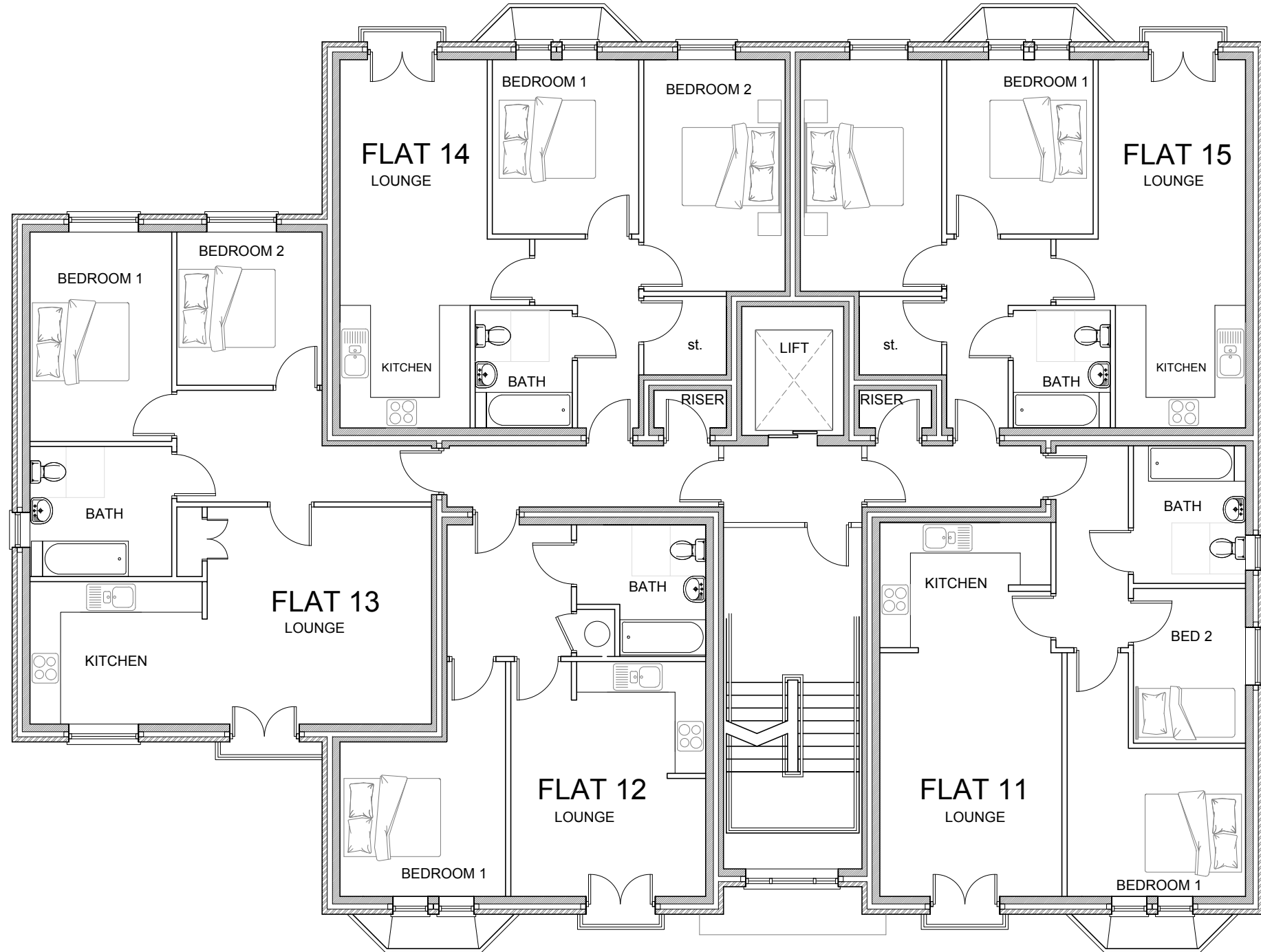
PROPOSED THIRD FLOOR PLAN



PROPOSED ROOF PLAN



PROPOSED GROUND FLOOR PLAN



PROPOSED SECOND FLOOR PLAN

NOTE ALL DIMENSIONS TO BE CHECKED ON SITE
WORK MUST NOT BE COMMENCED UNTIL PLANNING PERMISSION (WHERE APPLICABLE)
AND BUILDING REGULATION APPROVAL IS RECEIVED. ANY WORKS CARRIED OUT
BEFORE RECEIPT OF THE PERMISSIONS IS ENTIRELY AT CLIENT'S OWN RISK.

REV 'A'	ROOF PLAN AMENDED	07.08.2016
TITLE		
PROPOSED FLOOR PLANS		
CLIENT		
PROJECT		
PROPOSED APARTMENTS		
ADDRESS		
BRITISH LEGION CLUB 50 WATER STREET, RADCLIFFE, MANCHESTER, M26 4DF.		
SCALE	DATE	JOB NO.
1:100 @A1	Jan 2015	2400/15/02a
Architectural SOLUTIONS		
Building Design & Planning Consultants		
17 BONINGTON RISE - MARPLE BRIDGE - STOCKPORT - CHESHIRE - SK9 5DW - UNITED KINGDOM		
E: architectural.solutions@ntlworld.com T: 0161 449 8765 M: 0782 3322338 W: architectural.solutions.co.uk		

Ward: Prestwich - Sedgley

Item 02

Applicant: AM Ventures 1

Location: Land at Mountheath Industrial Estate, George Street, Prestwich

Proposal: Outline planning application for the demolition of all existing structures and redevelopment for a mixed use development comprising up to 160 residential dwellings and 2,959 sq.m of employment floorspace (Use Classes B1 / B8) including all associated infrastructure.

Application Ref: 59884/Outline Planning
Permission

Target Date: 22/06/2016

Recommendation: Minded to Approve

Description

The application site measures 5.14 hectares and forms part of an Employment Generating Area (EGA). The site is located to the south of George Street and contains larger industrial units (9) and smaller units. There is a large hardstanding which surrounds the existing buildings, which are constructed from brick and metal cladding. The area immediately to the south of George Street is used as a car park and contains 4 trees, which are protected by a Tree Preservation Order (TPO).

There is a hotel located to the north west of the site and residential properties to the north. There are existing commercial and employment uses to the east and a golf course, recreation ground and apartments to the south.

The applicant seeks outline permission for the demolition of the existing buildings and the redevelopment of the site to contain up to 160 dwellings and 2,959 square metres of employment floorspace (B1/B8). The means of access to the site would be included and all other matters (appearance, landscaping, layout and scale) would be dealt with at the reserved matters stage.

Access would be taken from George Street for the residential properties and from Ardent Way for the proposed employment buildings. A pedestrian and cycle link/emergency access would be provided between the residential and employment areas of the site.

Off-site highway works would be undertaken to improve the junction at Bury New Road, Kings Road and George Street to provide a signalised junction.

Relevant Planning History

46493 - Erection of industrial unit classes B2 (general industry) or B8 (storage and distribution) including ancillary offices and accommodation at Unit 5, Mountheath Industrial Estate, off George Street, Prestwich. Approved with conditions - 2 October 2006

46993 - Conversion work to existing hotel with 44 bedrooms and fitness and sport centre to form 102 bedroom hotel without sports and fitness facilities at Fairways Lodge & Leisure Club, George Street, Prestwich. Approved with conditions - 24 January 2007

47352 - New office premises (resubmission) at Former garage colony adjacent to 48 George Street, Prestwich. Approved with conditions - 28 February 2007.

48060 - Change of use from general industry (Class B2) to storage units (Class B8) including external alterations at The Village Workshop, Mountheath industrial estate,

George Street, Prestwich. Approved with conditions - 21 June 2007.

49646 - Outline application for three four storey office buildings including access and siting at Mountheath business park, off George Street, Prestwich. Refused - 18 June 2008.
Allowed on appeal - 7 December 2009.

52328 - Demolition of single storey extension on southern elevation. Cladding of village workshops and units 7, 8, 3 and 2A. Over-clad of existing roof to village workshops at Mountheath industrial estate, George Street, Prestwich. Approved with conditions - 23 April 2010.

Adjacent site

38358 - Change of use of office building to religious study centre (Class D1) at George House, George Street, Prestwich. Approved with conditions - 14 December 2001.

51058 - Car park at front to form 10 no. parking spaces at Rico House, George Street, Prestwich. Approved with conditions - 22 April 2009

50299 - Change of use from office block to private boys grammar school at Rico House, George Street, Prestwich. Refused - 10 September 2008.

59756 - Erection of extension to create a mansard roof to provide additional floor to existing building; external covered staircase; creation of 15 no. car parking and 10 no. cycling spaces at Rico House, George Street, Prestwich. Approved with conditions - 24 May 2016.

60182 - Erection of synagogue (Class D1) and offices (Class B1) together with associated vehicular access, car parking and landscaping at land adjacent to Rico House, George Street, Prestwich. Received - 9 June 2016.

Publicity

429 neighbouring properties were notified by means of a letter on 31 March 2016 and a press notice was published in the Bury Times on 7 April 2016. Site notices were posted on 6 April 2016.

12 letters have been received from the occupiers of 37 Circular Road, 16 Arlington Avenue, 5, 7, 10 Norwood, 4, 9, 10 Jesmond Avenue, 1 City Walk, 20 George Street, which have raised the following issues:

- While the proposed development would provide much needed large houses and the proposed traffic would help at the junction, there are concerns about 160 vehicles accessing George Street during rush hour.
- As a residents parking scheme has been denied to local residents, would like to see a zebra crossing to allow George Street to be crossed safely.
- Concerned that Jesmond and Arlington would become cut throughs.
- The land at the bottom of Rainsough Brow would be ideal for housing and should be built upon instead of this site.
- The existing residential streets are not designed for the type and duration of access that would be required for the build.
- There is no information on the energy efficiency of these houses and nothing about environmental impact or about how much social housing will be provided.
- Have concerns that the proposed traffic lights would not be able to deal with the level of traffic.
- The Jewish community is in desperate need of houses and this would mean a minimum of 4 bedroom homes. Small little houses may also attract lower class families and other issues.
- There is congestion already on Bury New Road and this would add to it.
- Bury Council is the worst council in Greater Manchester - poor maintenance of roads and services.
- The proposed development would place a company in jeopardy through the loss of the existing servicing facilities.

- The proposed development would involve considerable infrastructure works, which would interfere with the current industrial and commercial uses.
- The current use of the site provides employment. The proposed mixed uses would adversely impact upon the viability and vitality of the industrial and commercial properties in the vicinity.

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

Consultations

Traffic Section - No objections in principle. Further comments to be reported in the Supplementary Report.

Drainage Section - No objections, subject to the inclusion of a condition relating to surface water drainage and the culverted section of Singleton Brook.

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

Environmental Health - Air Quality - No objections, subject to the inclusion of conditions relating to a travel plan and dust mitigation plan.

Public Rights of Way Officer - No objections.

Waste Management - No objections, subject to all properties having sufficient space to accommodate number of wheeled bins.

Environment Agency - An updated Flood Risk Assessment (FRA) has been submitted and is being assessed. Further comments will be reported in the Supplementary Report.

Design for security - Comments awaited.

United Utilities - No objections, subject to the inclusion of conditions relating to foul, surface water drainage and SuDs.

The Coal Authority - No objections, subject to the inclusion of an informative relating to coal.

Transport for Greater Manchester - Comments awaited.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to further ecological assessment submitted at reserved matters stage, bats, nesting birds, invasive species, landscaping and ecological mitigation plan and a water framework directive assessment.

GM Archaeological Advisory Service - No objections, subject to the inclusion of condition relating to archaeological works.

Salford - Urban Vision - No objections, subject to the inclusion of conditions relating to ecology and trees.

Unitary Development Plan and Policies

EC1/1	Land for Business (B1) (B2) (B8)
EC2/1	Employment Generating Areas
EC3/1	Measures to Improve Industrial Areas
EC4/1	Small Businesses
EC5/2	Other Centres and Preferred Office Locations
EC6/1	New Business, Industrial and Commercial
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution

EN7/5	Waste Water Management
EN8/1	Tree Preservation Orders
RT2/2	Recreation Provision in New Housing Development
HT2/2	Improvements to the Strategic Route Network
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards 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 (Employment) - The application site is located within the Mountheath Industrial Estate, which is designated as an EGA and part of the site is allocated for employment use. As such, Policies EC1/1 and EC2/1 are relevant to the proposal.

Policy EC1/1 states that development for business (B1), general industrial (B2) and warehousing uses (B8) would be acceptable and development for other business and industrial uses will only be permitted in exceptional circumstances and in accordance with other policies of the plan.

Policy EC2/1 states that in an Employment Generating Area (EGA), the Council will only allow development for business (B1), general industry (B2) and warehousing (B8). Other uses will only be permitted where they constitute limited development or do not substantially detract from an area's value as an EGA.

However, in considering the proposal, there is also a need to take account of paragraph 22 of the NPPF, which 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. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. '

Whilst SPD14 is not generally applicable to land within an EGA, the tests within it are an appropriate way of determining whether a site is likely to be used for employment.

The applicant has submitted a fairly substantial Employment Land Report that highlights the issues associated with Mountheath from an employment perspective and examines the market demand and commercial viability of maintaining the estate in its current form. This concludes that the condition and composition of the existing buildings, estate layout, inadequate electricity supply and poor access to the motorways network all contribute towards current high vacancy rates and poor demand. The report also examines the viability of a number of refurbishment and new-build options and concludes that these are not viable

as they would result in deficits of between around £1.4 to £3.5m. The conclusions of this assessment are considered to be reasonable and it is accepted that there is currently no reasonable prospect of the whole site being used solely for employment use either through the retention/refurbishment of the existing buildings or via the wholesale redevelopment of the site.

Under the approach set out in SPD14, if it can be demonstrated that the retention of the site is not viable, the next stage is to consider a mixed-use scheme involving the delivery of new employment uses that are cross-subsidised through the release of part of the site to higher value uses, such as residential. This is what is being proposed by the applicant. However, there is a need to consider whether the amount of new employment floorspace represents adequate compensation for the loss of the wider site. Whilst there would be a significant net loss in the quantity of floorspace, it is also important to consider quality. The proposal would involve the delivery of 2,959 sq.m. of new light industrial units and this is considered to be sufficient to off-set the loss of the existing employment floorspace, much of which is in a very poor condition.

However, as the proposed employment units are fundamental to the principle of the proposed development being acceptable, the units must be delivered. As such, the applicant will be required to enter into a Section 106 agreement to secure the phasing of the delivery of the employment units against the delivery of the residential element.

Therefore, the proposed development would be in accordance Policies EC1/1 and EC2/1 of the Bury Unitary Development Plan and the NPPF.

Principle (Residential) - Following revocation of the North West Regional Strategy on 20 May 2013, there is no statutory housing target for Bury. Work has commenced on the Greater Manchester Spatial Framework and this will bring forward a new statutory housing target for the Borough. This will subsequently be incorporated into Bury's future Local Plan. 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.

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.

The site is located within the urban area and there is residential development to the north. As such, the proposed development would not conflict with the surrounding land uses. The site is within walking distance of public transport and is in a sustainable location. The site contains industrial buildings and an area of hardstanding and is previously developed land. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed layout indicates that the employment uses would be located to the east of the site near the existing employment buildings, which would separate the existing employment uses from the proposed residential properties. Whilst the proposed layout plan is indicative, it indicates that the scale of the proposed development can be accommodated within the site.

The indicative layout has been designed to ensure that the proposed development would be outward facing and would respond to the massing and character of the locality. There would be a mix of properties from apartments to larger detached dwellings and the parameters plan indicated that the proposed dwellings would be a maximum of three storeys in height. The proposed employment units would be two storeys in height, which would be appropriate in the locality.

The proposed employment units would be accessed from Ardent Way and the proposed dwellings would be accessed from George Street. A pedestrian/cycle link/emergency access would link the two areas and as such, the proposed development would be permeable.

Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, H2/1, H2/2 and EC6/1 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD 6 provides guidance on aspect standards for residential properties and would be relevant in this case. The proposed indicative layout shows that the required aspect standards could be accommodated between the proposed dwellings within the site. There would be a minimum of 21 metres between the properties on George Street and the proposed dwellings on the indicative site plan.

Therefore, the proposed development would comply with the aspect standards and would not have an adverse impact upon the amenity of the neighbouring properties.

Noise - A noise survey has been submitted with the application and has assessed noise from the building plant, deliveries and car park both individually and cumulatively. The noise from the proposed development would be at least 1dB lower during the daytime and 3dB lower during the night time for all receptors, when compared to the worst case scenario.

The noise levels within the proposed residential properties would be acceptable the majority and appropriate mitigation measures would reduce the noise to an acceptable level for the proposed dwellings facing George Street. Additional screening and barriers would be provided and the exact location would be defined during the detailed design stage (reserved matters).

Therefore, it is considered the proposed development would not have a significant adverse impact upon the amenity of the existing residents and any impacts upon the proposed residents would be adequately mitigated and would be secured through a condition. Therefore, the proposed development would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

Ecology - Over 50% of the application site is a hardstanding and there are no features of ecological importance within this area.

The proposed development involves the demolition of the existing buildings on site and a bat survey and emergence survey have been submitted as part of the application. Two buildings were assessed as moderate risk and all the trees were assessed as low risk. No evidence of roosting bats were found during the dawn and dusk surveys, although bats were active on site. GM Ecology Unit has no objections to the proposed demolition works, subject to the inclusion of a condition relating to bats.

The site was assessed as being less than low risk for all other protected species and there is no suitable habitat for great crested newts, water vole or otter. Kersall Moor SBI and LNR lie immediately to the south of the development. However, the indicative layout shows the retention of the wooded habitat between the development site and the SBI/LNR. GM Ecology Unit has no objections to this approach, subject to the protection and enhancement of this buffer.

The Singleton Brook passes through the site and is a tributary of the River Irwell. The proposed development offers an opportunity to meet the objectives of the Water Framework Directive and to ensure that the proposed development would not cause deterioration of the Brook and this would be secured by a condition.

GM Ecology Unit has no objections, subject to the inclusion of conditions relating to the

submission of an updated ecological survey at reserved matters stage, bats, nesting birds, Himalayan Balsam, Japanese Knotweed, a Water Framework Directive assessment to be submitted at the reserved matters stage and a landscaping and ecological mitigation plan.

Therefore, the proposed development would not cause harm to a protected species or a feature of ecological value and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan and the NPPF.

Trees - There are some mature trees located close to the southern boundary, but on land within Salford Council. The trees are protected by a Tree Preservation Order (TPO). The indicative site plan indicates that these trees would be retained. However, the layout of the proposed development would be addressed at the reserved matters stage. As such, it is considered to be appropriate that a full arboricultural survey should be submitted at the reserved matters stage to assess the impact upon these trees.

There are four trees along the George Street frontage, which are protected by a TPO. The location of the proposed access would not impact upon the TPO trees, which could be retained. Therefore, the proposed development would not impact upon the protected trees and the proposed development would be in accordance with Policy EN8/2 of the Bury Unitary Development Plan.

Air quality - An air quality assessment was submitted as part of the application and the potential for dust emissions associated with the construction phase was assessed as 'medium risk'. However, the use of appropriate site specific measures would reduce the risk to less than significant. All of the modelled receptors are predicted to meet the air quality objectives. As such, the proposed development, subject to the inclusion of the recommended mitigation measures would be acceptable. The Air Quality Section have no objections, subject to the inclusion of conditions relating to a travel plan and dust mitigation plan. Therefore, the proposed development would not have a significant adverse impact upon air quality and would be in accordance with Policy EN7/1 of the Bury Unitary Development Plan and the NPPF.

Archaeology/heritage - A desk based archaeology report has been submitted as part of the application. There is high potential for material of moderate significance from the post medieval and modern periods, which would be connected to the Myrtle Grove bleach and dye works. However, the proposed development would not impact upon any listed buildings or scheduled monuments in the vicinity. The GM Archaeological Advisory Service has no objections, subject to the inclusion of conditions relating to an archaeological desk based study and field work. Therefore, the proposed development would preserve the character of the listed buildings and would not have an adverse impact upon the archaeology of the area. The proposed development would be in accordance with Policies EN2/3, EN3/1 and EN3/2 of the Bury Unitary Development Plan and the NPPF.

Flood risk - An updated Flood Risk Assessment (FRA) has been submitted and is being considered by the Environment Agency. Further comments will be reported in the Supplementary Report.

Highways issues - The proposed development involves the provision of a new access from George Street, which would serve the residential units and the proposed employment units would continue to be accessed from Ardent Way, which would be upgraded.

Appropriate levels of visibility would be provided at the junction of the proposed residential access and George Street. A 3.7 metre wide pedestrian and cycle link would connect the proposed residential access and the employment land, which would be used as an emergency access.

The junction of Bury New Road, George Street and Kings Road operates well with regard to highway capacity, but underperforms with regard to safety. The proposed development would provide a traffic signal controlled junction, which would improve traffic flow, including

use by HGVs and provide significant improvements for pedestrians. The proposed junction would be able to accommodate the anticipated level of traffic movements associated with the proposed development. The Traffic Section has no objections in principle to the proposed development and further comments will be reported in the Supplementary Report.

A public right of way passes along the western boundary of the site and the Public Rights of Way Officer has no objections to the proposed development. Appropriate levels of parking could be accommodated within the site, although the exact level of parking required would be determined at the reserved matters stage.

Planning obligations - The Section 106 agreement would link the delivery of the employment land to the delivery of the residential dwellings pursuant to SPD14 and Policies EC1/1 and EC2/1 of the Bury Unitary Development Plan.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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: Mind to Approve

Conditions/ Reasons

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

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

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

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

3. This decision relates to drawings numbered KN516/PL/107, Indicative site plan - 15/09/2016, SCP/14342/F01 C, SCP/14342/F03 E 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.

4. No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have

been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;

- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required 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.

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

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

6. A Travel Plan is required to be submitted for approval prior to works commencing on site to improve and promote sustainable travel and reduce the need to travel. The Travel Plan shall encourage the use of sustainable travel such as public transport, cycling and walking.

Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Section 4 of the National Planning Policy Framework.

7. A Dust Mitigation Plan in line with the technical guidance - Guidance on the assessment of dust from demolition and construction, IAQM, February 2014 - for the construction phase is required for submission to the Council prior to works commencing on site.

Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Section 4 the National Planning Policy Framework.

8. Prior to the commencement of any demolition works, the details of Precautionary measures shall be submitted in accordance with the recommendations of the Bat Survey Report, TEP reference 4936.005 Section 7 as already submitted with the planning application and agreed in principle with the LPA prior to determination. If the demolitions hereby approved do not commence before 30th April 2017, all building on site will be reassessed for bat roosting potential and the findings supplied to and approved in writing by 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 Section 11 of the National Planning Policy Framework.

9. No works to trees or shrubs shall occur or demolition commence between 1st March and 31st August inclusive in any year unless a detailed biord nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and has been submitted to and approved in writing by 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

10. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*), Himalayan Balsam (*Impatiens Glandulifera*) and rhododendron is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.
Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
12. A landscaping and ecological mitigation scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development.
The content of the plan should include elements to mitigate for the loss of trees (including native trees), bird nesting habitats, buffering and enhancement of Kersal Moor SBI and enhancement of the Singleton Brook.
The approved plan shall be implemented in accordance with the approved details and no later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design, EN6 - Conservation of the Natural Environment and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
13. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 20 l/s.
Reason: To ensure a satisfactory means of drainage, promote sustainable development and to manage the risk of flooding and pollution pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.
14. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:
- The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
 - Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including

mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.

15. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.

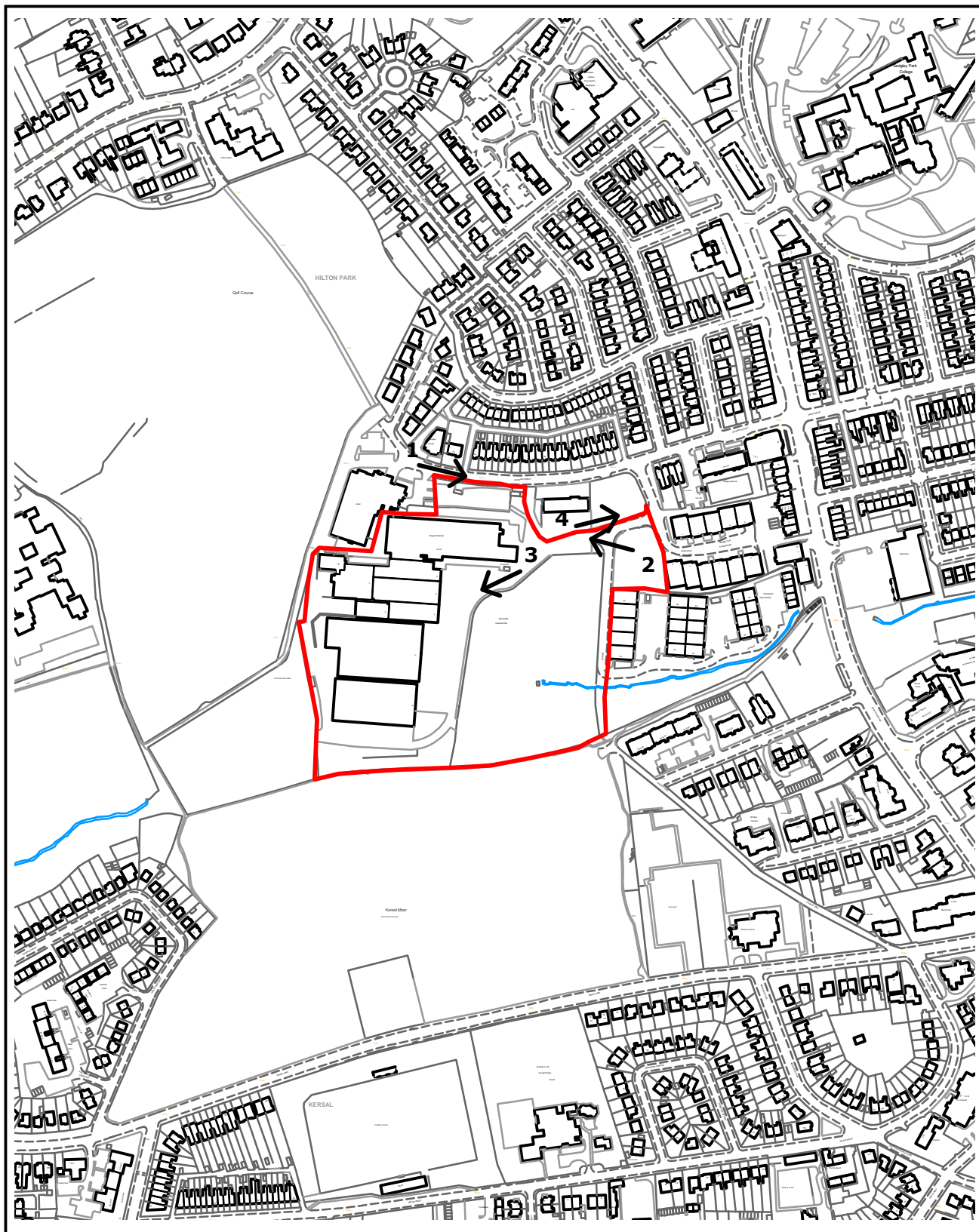
16. No development shall commence unless or until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI), which shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall cover the following:

1. A phased programme and methodology of investigation and recording to include:
 - targeted evaluation trenching
 - dependent on the above, more detailed targeted open area excavation and recording
2. A programme for post investigation assessment to include:
 - production of a final report on the significance of the historic building interest
 - production of a final report on the significance of the below-ground archaeological interest
3. Deposition of the final reports with the Greater Manchester Historic Environment Record
4. Dissemination of the results to commemorate the history, architecture and archaeology of the site
5. Nomination of a competent person or persons/organisation to undertake the works set out in the approved WSI.

Reason: To make a record of buildings and features of archaeological interest pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan and Section 12 of the National Planning Policy Framework.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 59884

ADDRESS: Land At Mountheath Industrial Estate
George Street
Prestwich

Planning, Environmental and Regulatory Services



Bury
COUNCIL

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59884

Photo 1



Photo 2



Photo 3



Photo 4





PLANNING APPLICATION AERIAL PHOTO

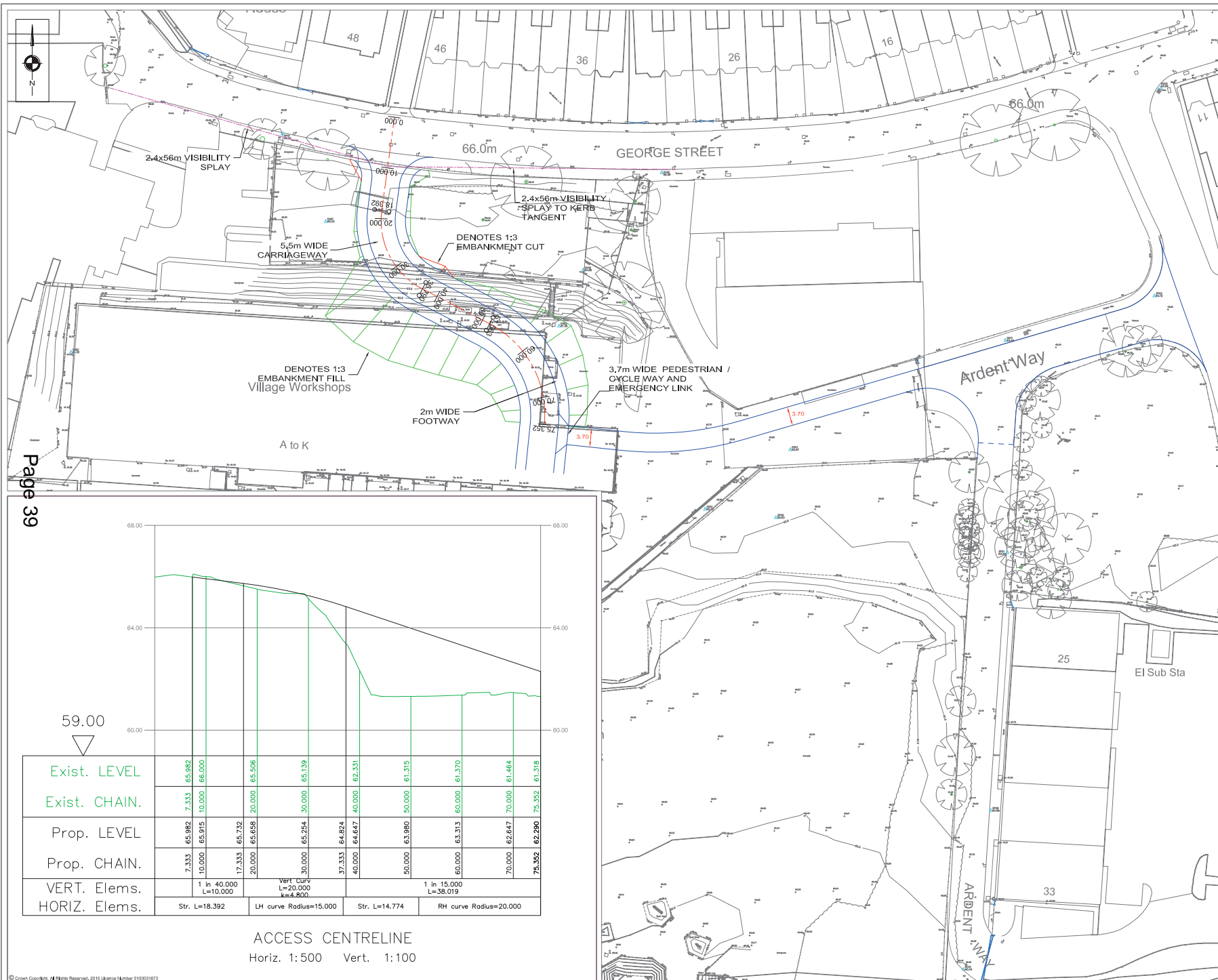
APP. NO 59884

**ADDRESS: Land At Mountheath Industrial Estate
George Street
Prestwich**

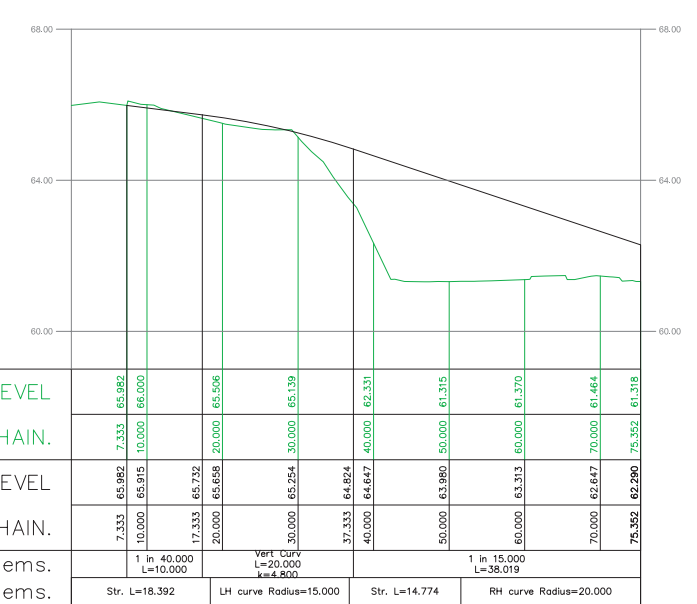
Planning, Environmental and Regulatory Services



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ACCESS CENTRELIN
Horiz. 1:500 Vert. 1:100

NOTES

REVISIONS

REV	DESCRIPTION	DATE	BY
A	ACCESS ALIGNMENT OPTIONS CHANGED	20.11.14	IW
B	EMERGENCY LINK ADDED	19.11.15	BA
C	EMERGENCY LINK EXTENDED UP TO ARDENT WAY	09.03.16	BA

SCP

Transportation Planning : Infrastructure Design

2 Mount Street, Manchester, M2 5WG, Tel 0161 832 4400, Fax 0161 832 5111
www.scptransport.co.uk, Email info@scptransport.co.uk

Client Name:
WPC LTD

Project Title:
MOUNTHEATH INDUSTRIAL ESTATE,
PRESTWICH

Drawing Title:
SITE ACCESS PROPOSALS

Date: 07.11.2014	Drawn By: IW
Scale: 1:500 @ A2	Checked: -
Status: PLANNING	Approved/Unapproved: -

Drawing No: SCP/14342/F01	Rev: C
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Key	Ref. type	No.
A	4 bed detached integral	1
Ae	4 bed detached	2
BW	4 bed detached integral	2
WM	4 bed detached	3
Ve	4 bed detached	3
Sl	2 bed detached	4
SA	5 bed detached c/g	1
Su	4 bed detached integral	4
Wl	4 bed detached integral	2
Wf	4 bed detached c/g	1
Wn	4 bed detached c/g	1 79 4/5 bed detached
D	3 bed detached	1
Du	3 bed detached	1
Ca	3 bed detached	2
R	3 bed detached integral	2 11 3 bed detached
C	3 bed house	16
Co	3 bed news/semi	5
Da	3 bed news/semi	6
Me	3 bed news/semi 2.5 storey	4
b/t	1/2 bed mews	4
Be	2 bed mews	8
Bo	3 storey integral	17 47 mews
c	2 bed off mews	23
ch	3 bed off mews	7
C	3 bed off mews	7
nf	1/2 bed off mews	8 40 off - 25%
a	Apartment 3 storey	6
a	Apartment 3 storey	6
a	Apartment 2 storey	6
a	Apartment 2	2 20 private acts
Total		160

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INDICATIVE LAYOUT
MOUNTHEATH
1:500 LAYOUT @ A1 SK3B 28/11/15
PRESTWICH

Rev A: 160 mix & emergency link notes 1/12/15
Rev B: Singleton Brook opened up/diverted 31/5/16

Ward: Ramsbottom + Tottington - Tottington

Item 03

Applicant: James Hall And Company Limited

Location: Site of Tottington Motor Co, Market Street, Tottington, Bury, BL8 3LS

Proposal: Demolition of existing car sales/MOT garage and former petrol station canopy and erection of petrol filling station and Spar convenience store with ATM machine, car parking and associated works

Application Ref: 60264/Full

Target Date: 16/09/2016

Recommendation: Approve with Conditions

Description

The site was last used for car sales and prior to that as a petrol filling station. There is a large flat roofed sales building, which is constructed from blockwork and a canopy, which are located adjacent to 134 Market Street. The site slopes from the south east to the north west and there are black railings along the frontage. There are three vehicle accesses to the site and all are from Market Street, which lead to the existing hardstanding. The hardstanding is located to the front, side and rear of the building and was previously used for car sales and parking.

There is a residential care home to the northwest of the site and there are residential properties to all other boundaries.

The applicant seeks permission for the demolition of the existing buildings and the erection of a single storey retail unit, a canopy and a petrol filling station. The proposed sales building would be single storey and would be constructed from metal cladding with a metal cladding roof. Three islands would be constructed providing 6 fuel pumps, which would have a pay at pump facility. The petrol pumps and canopy would be located to the south side of the site, with the proposal retail unit to the north. Two accesses onto Market Street would be provided with car parking provided on either side of the petrol filling court and to the rear of the site.

Relevant Planning History

38544 - Erection of 1.8 metre wrought iron fence to road frontage at Tottington Motor Company, Market Street, Tottington. Approved with conditions - 16 January 2002.

56306 - Addition of low pitch cladding to existing roof to car sales and car repair/servicing building at Tottington Motor Company, Market Street, Tottington. Approved with conditions - 13 June 2013.

01658/E - Proposed convenience store/and or housing - Enquiry completed 05/05/2015

Publicity

The neighbouring properties were notified by means of a letter on 28 July 2016.

A petition in objecting to the proposed development, containing 27 signatures has been received.

4 letters of support have been received from the occupiers of 8 Ryecroft, 148 Market Street, 42 Moorside, 10 Camberley Close, which have raised the following issues:

- A petrol station in Tottington is just what is needed and a shop local to my house would be fantastic.

- It would be good to have a petrol filling station in Tottington again after losing Sunnywood Garage several years ago.
- Just what is needed in Tottington.

12 letters of objection have been received from the occupiers of 142, 148, 152, 163, 165, 175 Market Street, 14, 22 First Avenue, Sunny Bower Cottage, 6, 9, 11, 19 Sunny Bower Street, 5, 33 Ryecroft Avenue, 509 Holcombe Road, 183 Scobell Street, 12 Beryl Avenue, 28 Thornfield Road, 14 Bury Road, 37 Wellbank Street, 14 Bury Road, which have raised the following issues:

- There was an issue with the culvert flooding many years ago. Concerned that the works to the site would cause more flooding.
- The roundabout is extremely busy and chaotic and the proposed development will attract even more traffic.
- Also, there is a risk of fire or an explosion, which is a serious concern.
- Increased road noise and vibration, which will affect the structural integrity of the nearby properties.
- The smell and fumes from fuel being dispensed.
- Increased light pollution at night affecting residents with properties overlooking the site.
- Increased risk to other pedestrians.
- Increased parking difficulties for residents on Market Street and Ryecroft Avenue
- Potential nuisance and security risks for neighbouring properties.
- Will the same time restrictions placed on the garage be put on the petrol station?
- Residents of the adjacent care home have the right to rest peacefully.
- the proposals contravene local and national planning policy.
- There has been no demonstration of need for a petrol station or retail unit.
- A petrol station would be incongruous with this dense residential area and a housing scheme should be considered.
- There are 9 petrol filling stations within a 3 mile radius of the site. Another filling station is not justified.
- Object to the position of the bin store.
- The weekly opening hours would be significantly increased - 64 up to 119 and 164.
- Impact upon property prices.
- Although this site was formerly a petrol filling station, it is wholly inappropriate to re-introduce this facility back into the area.
- Impact of hgvs on the condition of Tottington Road.
- The entry/exit point is too close to the roundabout junction.
- The open brook/watercourse could be contaminated with fuels running off from the site.
- I hope that the planners see sense and refuse this application as a filling station in close proximity to so many properties would be lunacy.
- Existing sight lines are obscured.
- Evaporating fuel can be harmful to residents within 100 metres, especially the frail and elderly.
- There are existing stores with ATMs in Tottington.
- An all night facility would attract unwelcome characters to a suburban village.
- The village is turning into a town with too many shops and takeaways.
- Increased risk of collisions.
- An application was refused in 2006 as it would introduce a non-conforming and isolated commercial use into a predominantly residential area. The scale of the proposed development would have a greater impact.
- Existing dwellings are served by existing stores and the proposed development would be above the threshold of 200 square metres in Policy S1/5 and the sequential test is flawed.
- The proposed development does not comply with Policies S1/6, S2/1, S2/5, S4, S4/4 of the Unitary Development Plan.
- A condition currently restricts activity on Mondays to Saturdays to 08.30 to 18.30 and no work on Sundays or Bank Holidays.
- The proposed development would generate more traffic than the current use, which

would impact upon residents in terms of increased noise from engines and acceleration from the site.

- The proposed development would have an adverse impact upon neighbour amenity with regard to noise, vibration and light pollution.
- The proposed visibility splay could only be provided through the implementation of parking restrictions along Market Street, which would have implications for local residents.
- There is no calculations to justify the level of car parking.
- There are no tracking drawings in relation to a delivery vehicle or refuse vehicle.
- The demolition works would generate levels of dust and noise, which would impact upon residential amenity.
- City of York Council refused an application for a petrol filling station, which was upheld at appeal. The proposed development would be contrary to the core planning principles in the NPPF.
- No less than 2,677 vehicles have negotiated the roundabout in a two hour period. The road is very busy.
- The site did have petrol pumps on it, but traffic has increased significantly since that time.
- Prefer to see the site developed as a terrace of dwellings.
- If you decide to accept this proposal, you must cost in the construction of a crossing on Market Street.

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

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to access improvements, construction management plan, measure to prevent mud, delivery management plan, visibility splays, turning facilities and car parking.

Drainage Section - Comments awaited.

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

Environmental Health - Pollution Control - Comments awaited.

Environmental Health - Commercial Section - Comments awaited.

Waste Management - Comments awaited.

Environment Agency - Comments awaited.

United Utilities - No objections, subject to the inclusion of conditions relating to foul, surface water drainage and SuDS.

The Coal Authority - No objections, subject to the inclusion of a condition relating to coal mining.

GM Fire Service - Comments awaited.

GM Ecology Unit - No objections, subject to the inclusion of condition relating to nesting birds.

Designforsecurity - Comments awaited.

Transport for GM - No objections.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/4	Street Furniture
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN1/8	Shop Fronts
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/1	Atmospheric Pollution
EN8	Woodland and Trees

EN8/2	Woodland and Tree Planting
S2/1	All New Retail Proposals: Assessment Criteria
S4/1	Retail Development Outside Town and District Centres
S4/2	Assessing Out-Of-Centre Retail Development
S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD1	Open Space, Sport and Recreation Provision
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards 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 (Retail) - The application site was last currently used as a car sales area, which is classed as sui generis within the use classes order. Therefore, the proposed use of a petrol filling station and a 370 sq.m. (gross) convenience store needs to be fully assessed against the policies of the UDP and NPPF. The site lies 87 metres from the southern boundary of Tottington District Centre and for the purposes of the retail element of the proposal, should be regarded as an edge-of-centre location.

Paragraph 24 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses (including retail) that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

The applicant has undertaken a sequential assessment as part of their supporting planning statement. For a development of this scale, the applicant has suggested that a site of approximately 0.2 to 0.3 hectares. In terms of the scope of the site search, for a retail development of the scale proposed, it is considered reasonable for this to focus on potential opportunities within Tottington District Centre. The applicant has identified one potential site within Tottington that is allocated for retail development within the UDP (S3/2/1). However, this has been reasonably discounted by the applicant due to the size of the site (0.02 ha.) which is inadequate to accommodate the scale of development proposed.

Given the absence of suitable sites within the Tottington centre, the next stage in the sequential approach is to consider edge-of-centre locations, such as the application site, and give preference to sites that are well connected to the centre. Tottington District Centre fronts onto either side of Market Street and the application site is very well connected to the centre.

Consequently, it is considered that the sequential test has been passed. Therefore, the proposed development would not have a detrimental impact upon the vitality and viability of Tottington district centre and would be in accordance with the NPPF.

Principle (Petrol filling station) - Policy S4/4 states that car showrooms, car sales areas and petrol filling stations should be located within or adjoining established shopping areas,

along classified roads or within other industrial and commercial areas within the Borough. Proposals should also take account of the following factors:

- potential disruption to the free flow of traffic;
- the provision of adequate, well laid out car parking and display facilities together with safe and convenient arrangements for access, circulation and egress;
- road safety and the safety of pedestrians;
- the amenity of nearby residents and businesses.

The proposed development involves the provision of a petrol filling station and would be located adjacent to a classified road. The remaining issues of car parking, traffic flow, road safety, pedestrian safety and the impact upon amenity on residents will be addressed later. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy S4/4 of the Bury Unitary Development Plan.

Design and layout - The proposed retail building is simple and modest in appearance and would be located next to Market Street. The proposed retail building would be constructed from metal cladding with a metal cladding roof, which would be appropriate. The side elevation of the building, facing Market Street, would be opened up, by means of a glazed section, which would relate directly to the sales area. As such, the proposed development would have an active frontage with Market Street. Therefore, it is considered that the proposed building is acceptable in design terms and is in accordance with Policies EN1/2 and EN1/7 of the adopted Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards for residential properties and is used as guidance for assessing new buildings in relation to residential properties. As such, SPD6 would be relevant in this case.

There would be 6.5 metres between the proposed store and the residential care home and there would be 18.5 metres between the gable of the proposed building and the properties, which front onto Market Street. Both of these distances would match or be in excess of the 6.5 metre aspect standard. There would be 32 metres between the gable elevation of the proposed retail unit and the properties on First Avenue, which would be in excess of the aspect standard.

Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties.

Ecology - A bat survey was submitted as part of the application, which assessed the existing buildings. No bats or signs of bats were found during the site inspection but there is potential for nesting birds to be present during the nesting season. GM Ecology Unit has no objections to the proposal, subject to the inclusion of a condition relating to nesting birds. Therefore, the proposed development would not cause harm to a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan and the NPPF.

Highways issues - The proposed development would rationalise the existing three accesses off Market Street and would provide 2 new accesses. The levels of visibility would be acceptable and appropriate servicing facilities would be provided within the site. The Traffic Section has no objections, subject to the inclusion of conditions relating to access improvements, construction management plan, measure to prevent mud, delivery management plan, visibility splays, turning facilities and car parking. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy S4/4 of the Bury Unitary Development Plan.

Parking - SPD11 states that the maximum number of parking spaces is 1 space per 25 square metres for a retail unit, which would equate to 16 spaces.

The proposed development would provide 14 spaces on either side of the petrol pumps and a further 6 spaces to the south of the site. This equates to 21 spaces, which would be in

excess of the maximum parking standards. However, given the location of the site off a busy throughroute, it is considered that the level of parking provision would be appropriate in this instance. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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 Location plan, TRI-1519-01, PL-01 Rev B, PL-02 Rev C, PL-03 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. 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. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
4. No development shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required 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.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to

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

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

6. Following the provisions of Condition 4 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
7. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 20 l/s.
Reason: To ensure a satisfactory means of drainage, promote sustainable development and to manage the risk of flooding and pollution pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.
8. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:
 - The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
 - Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
Reason. To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development pursuant

to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.

9. Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage and to manage the risk of flooding and pollution pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.
10. No development shall commence unless or until:
- A coal mining site investigation report to assess the actual/potential for the site to be affected by shallow mine workings shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential risks from shallow mine workings have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remedial works are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.
- The development hereby approved shall not be occupied until the remedial works identified have been completed
- Reason: The scheme does not provide full details of the actual risk from shallow mine workings, which is required 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.
11. 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.
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.
12. Notwithstanding the details shown on approved plan reference 297 PL-01 Revision B, no development shall commence unless and until full details of the following have been submitted to and agreed in writing with the Local Planning Authority:
- Proposed pedestrian and vehicular access alterations on Market Street, including the provision of heavy duty accesses to a specification to be agreed, demarcation of the limits of the adopted highway, full reconstruction of the footways abutting the site, reinstatement of the all redundant accesses, provision of tactile paving and all associated highway and highway drainage remedial works;
 - Provision of a barrier and/or boundary treatment between the two proposed accesses at the interface with the adopted highway to a specification to be agreed and of a height not exceeding 0.9m;
 - Provision of give-way markings and signage at both proposed accesses;
 - Provision of a demarcated and signed delivery bay adjacent to the brook clear of the adjacent vehicle crossing points and appropriate hatched/'Keep Clear' markings at both crossing points;
 - Provision of a minimum 2.0m Building Regulations compliant pedestrian route from the highway, to be subsequently maintained clear of any physical obstructions;
 - Proposals for the introduction of waiting restrictions to scope to be agreed on the westerly side of Market Street abutting the site, including all necessary road markings and signage.

The details subsequently approved shall be implemented in full to a programme to be agreed and to the written satisfaction of the Local Planning Authority
Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.

13. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
- Access route for demolition/construction traffic from the highway network;
 - Hours of operation and number of vehicle movements;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
 - Parking on site or on land within the applicant's control of operatives' and demolition/construction vehicles together with storage on site of construction materials.

The approved plan shall be adhered to throughout the demolition and construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of both periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials

Reason. To mitigate the impact of the demolition/construction traffic generated by the proposed development on the adjacent residential streets and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.

14. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction.
Reason. - To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.

15. No development shall commence unless and until a Delivery Management Plan has been submitted to and agreed in writing by the Local Planning Authority, incorporating measures to mitigate the impact of fuel tanker deliveries at the front of the site on vehicle access arrangements to the site and adjacent pump islands. The Plan and measures subsequently approved shall be implemented before the development is brought into use.
Reason. To ensure that adequate provision is made within the curtilage of the site for the loading and unloading of all service vehicles which visit the site in connection with the uses proposed and to ensure such vehicles do not restrict access to the site, in the interests of highway safety pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.

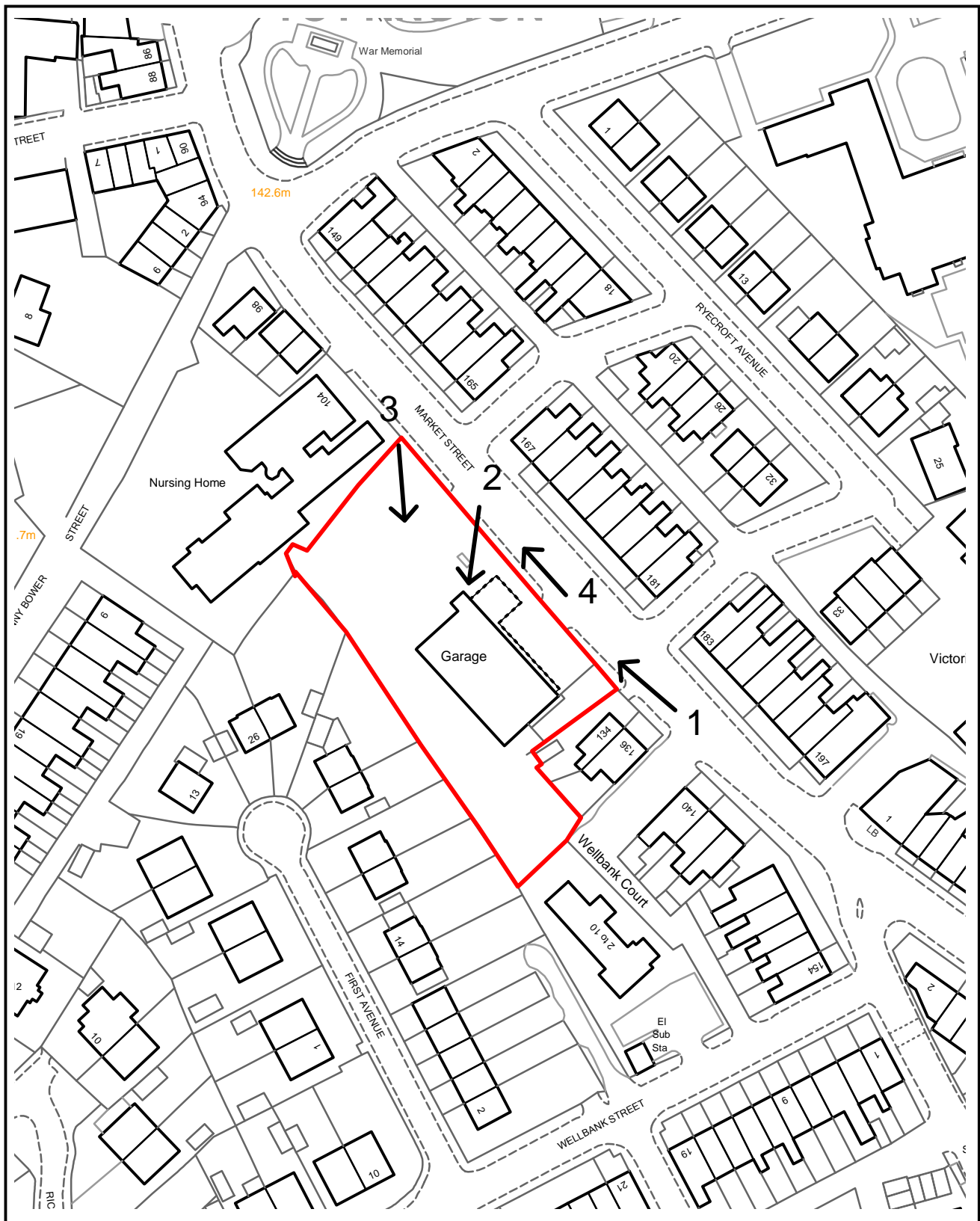
16. The visibility splays indicated on approved plan reference 297 PL-01 Revision B shall be implemented before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m, other than the barrier/boundary treatment between the two proposed accesses subsequently agreed.
Reason. To ensure the intervisibility of the users of the site and the adjacent

highways in the interests of road safety pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.

17. The turning facilities on approved plan reference 297 PL-01 Revision B shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.
18. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use and thereafter maintained available for use at all times
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 60264

ADDRESS: Site of Tottington Motor Co
Market Street
Tottington

Planning, Environmental and Regulatory Services



Bury
COUNCIL

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60264

Photo 1



Photo 2



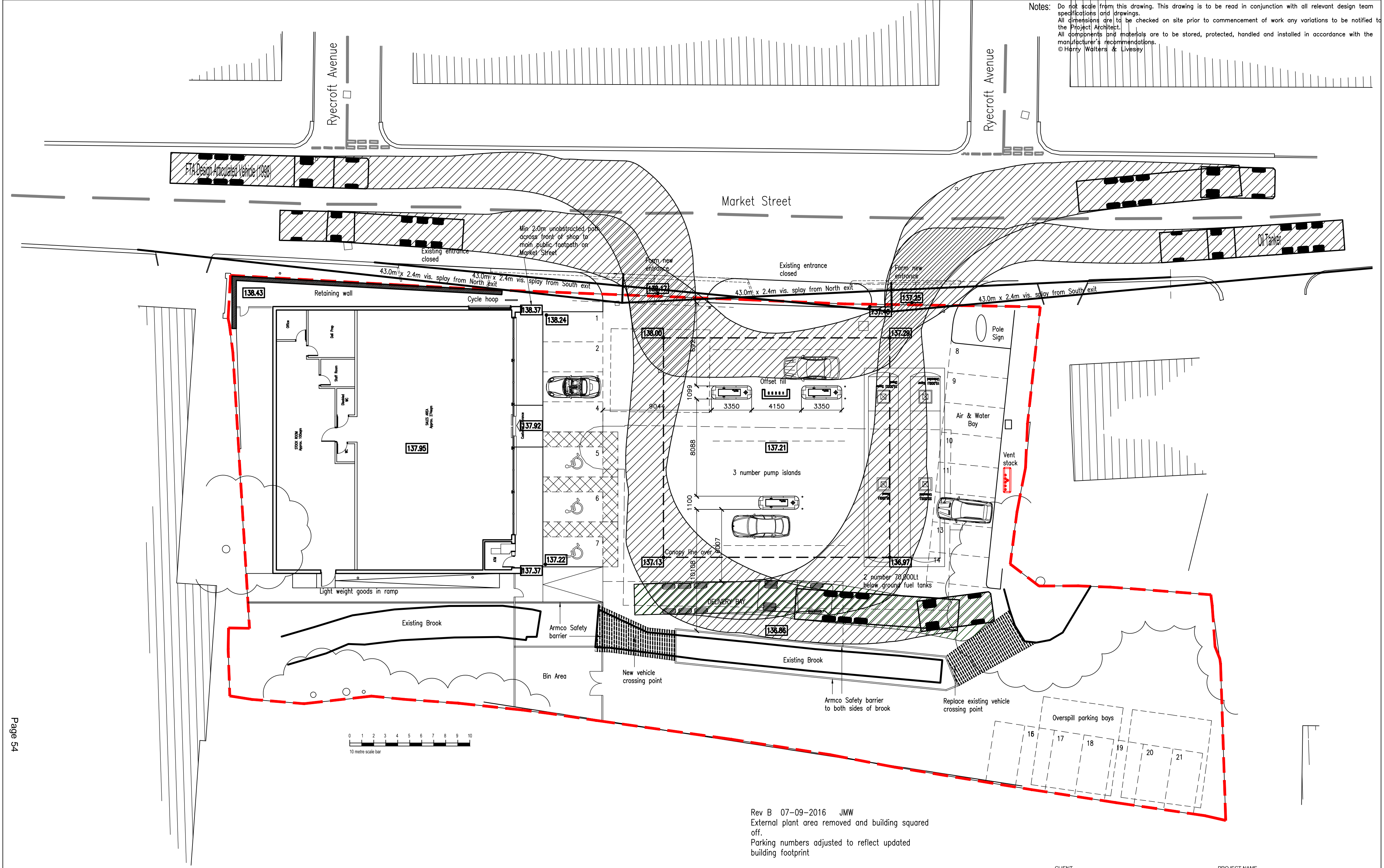
Photo 3



Photo 4

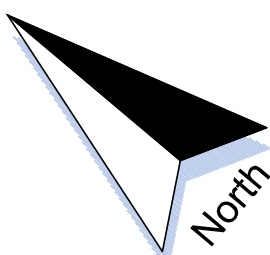


Notes: Do not scale from this drawing. This drawing is to be read in conjunction with all relevant design team specifications and drawings. All dimensions are to be checked on site prior to commencement of work any variations to be notified to the Project Architect. All components and materials are to be stored, protected, handled and installed in accordance with the manufacturer's recommendations. © Harry Walters & Livesey



Rev B 07-09-2016 JMW
External plant area removed and building squared off.
Parking numbers adjusted to reflect updated building footprint

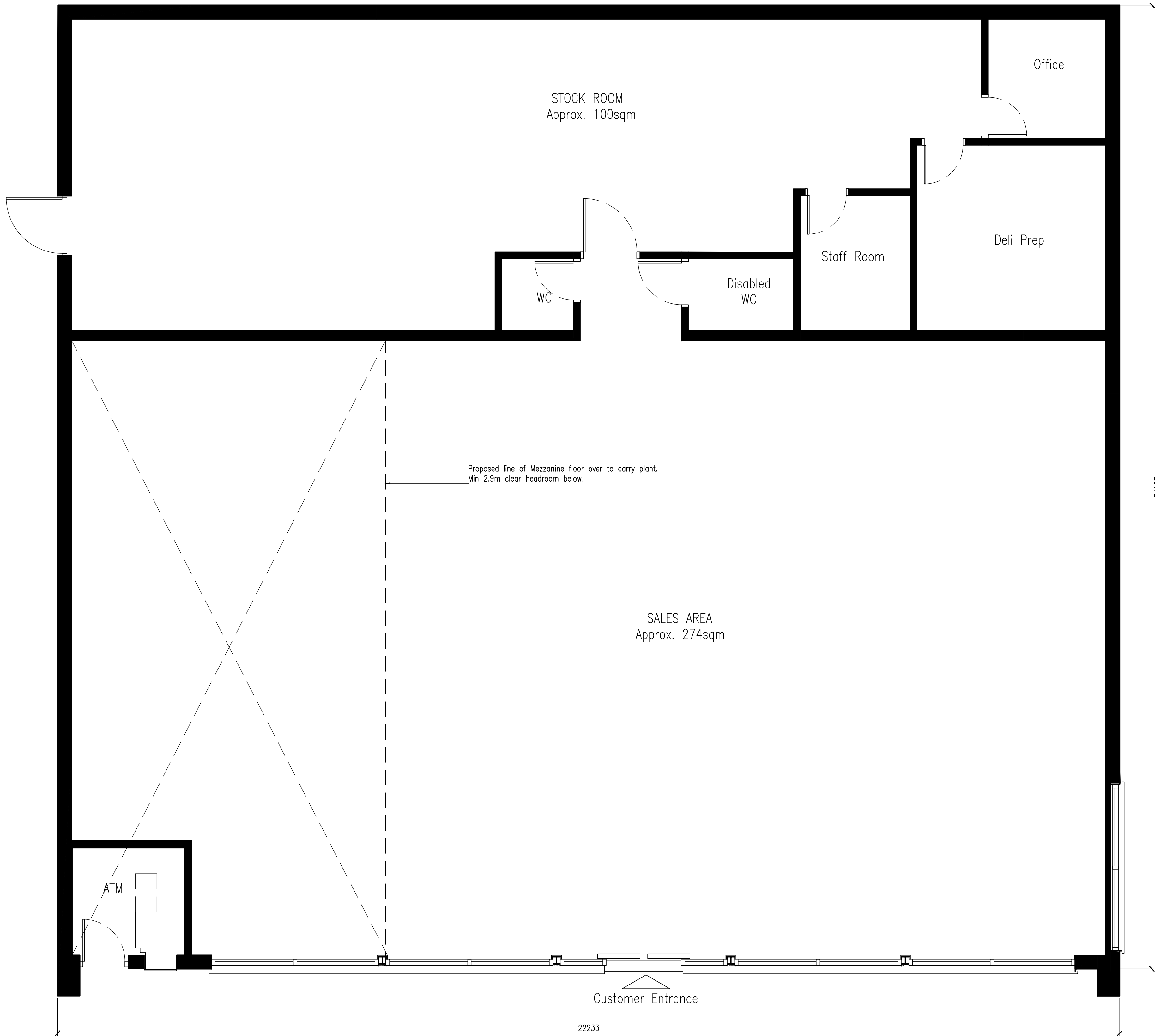
Rev A 06-09-2016 JMW
Visibility splays to exit's added.
Car parking numbers reduced to reflect requirements of SPD11
Acoustic fence to plant area added.
Delivery bay and tracking added.
Min link footpath width note added



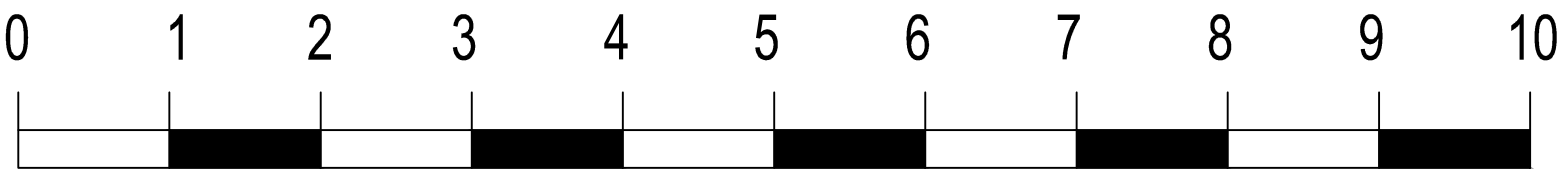
HWL
BOWLAND VIEW • PRESTON • PR2 5QT

CLIENT James Hall & Co. Ltd.		PROJECT NAME Development, Market Street, Bury	
DRAWING NAME Proposed Site Plan		SCALE 1:200 @ A2	DRAWN BY JMW
DATE January 2016	JOB NUMBER 297	DWG No PL-01	REV No B
HARRY WALTERS & LIVESEY CHARTERED ARCHITECT		K.M. McFadyen, Dip. Arch. R.I.B.A. Tel No: 01772 706696 Email: office@HWL1.com	

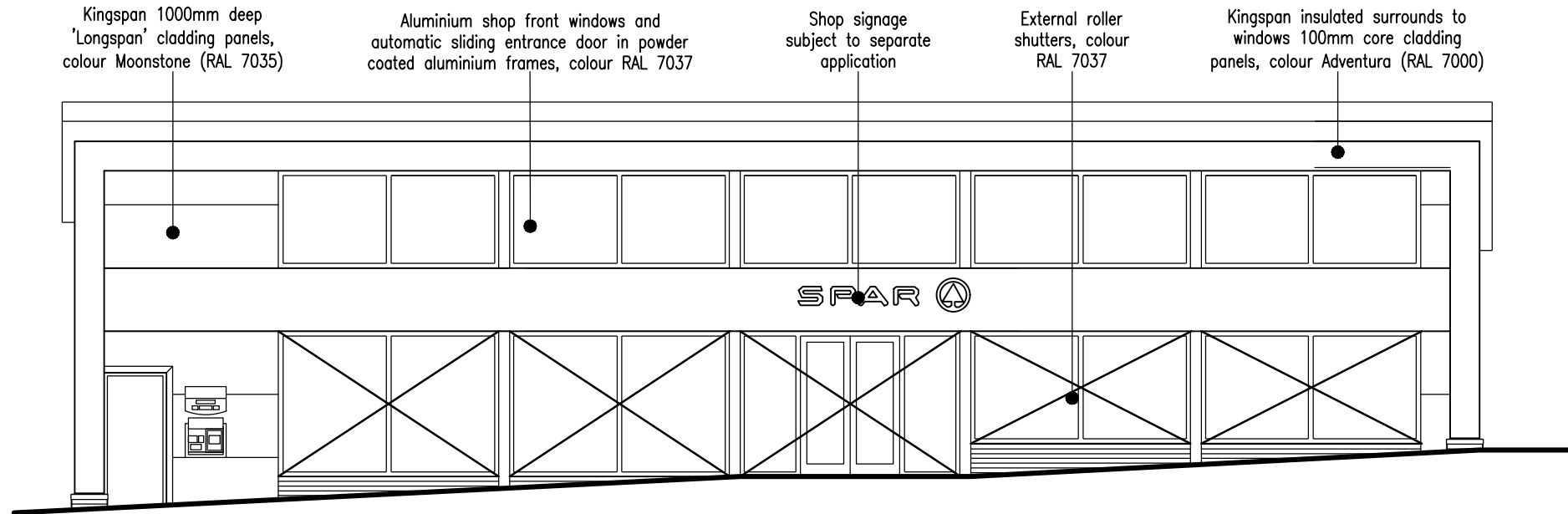
Notes: Do not scale from this drawing. This drawing is to be read in conjunction with all relevant design team specifications and drawings.
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All components and materials are to be stored, protected, handled and installed in accordance with the manufacturer's recommendations.
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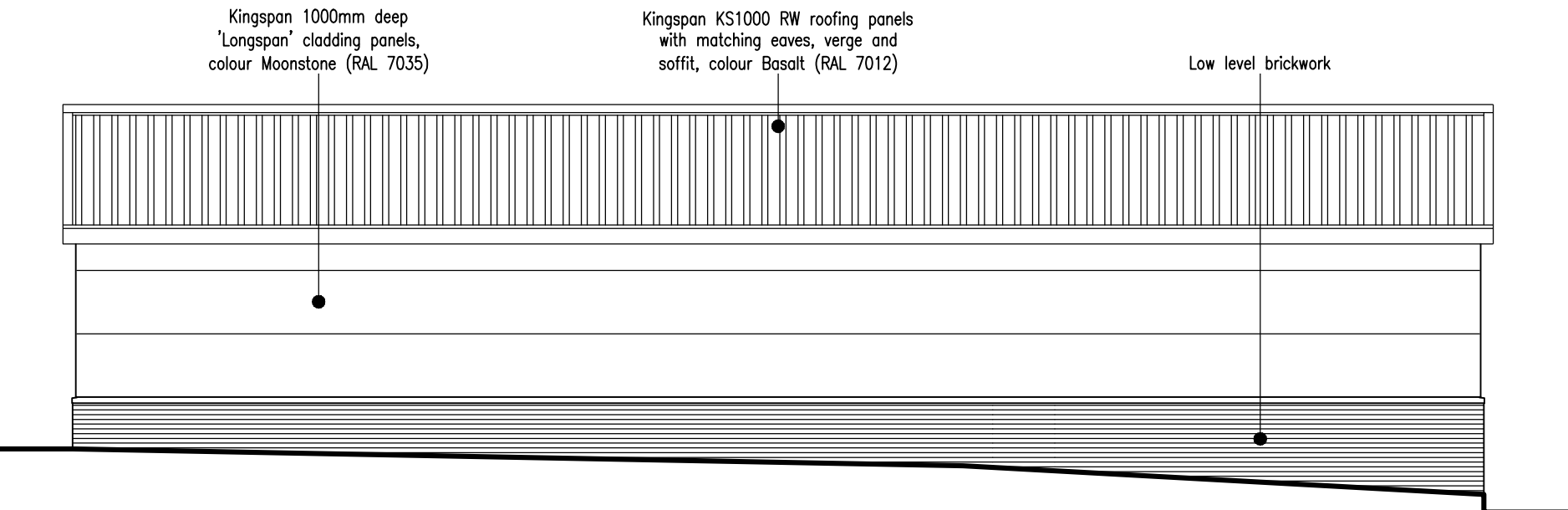
Building Plan
1:50



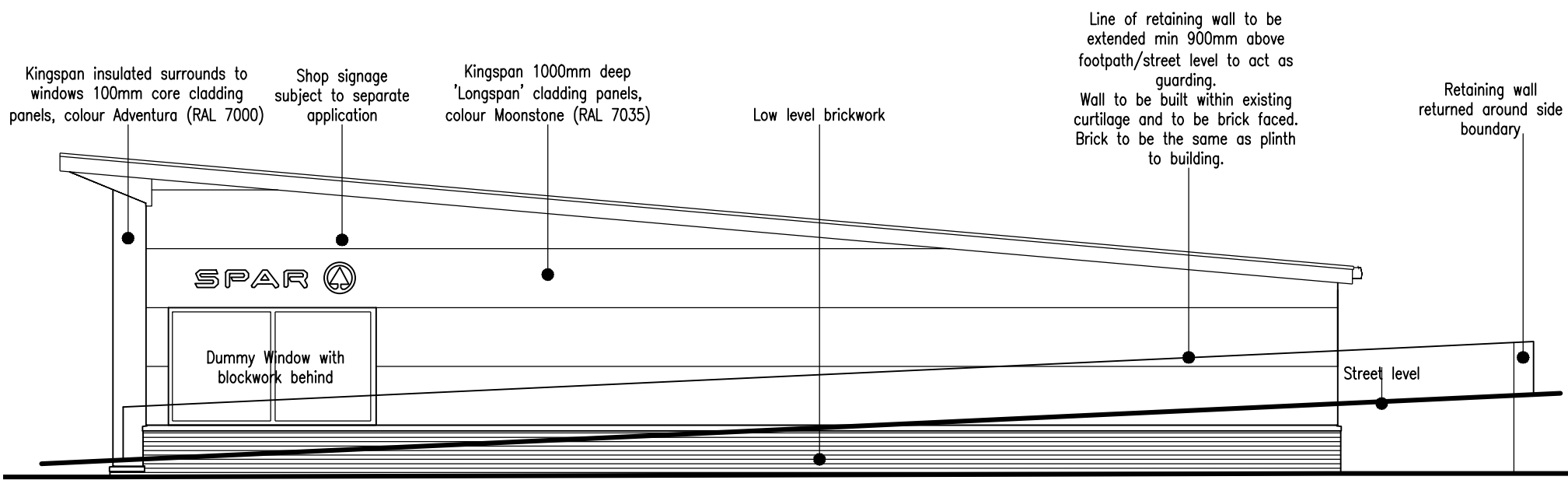
10 metre scale bar



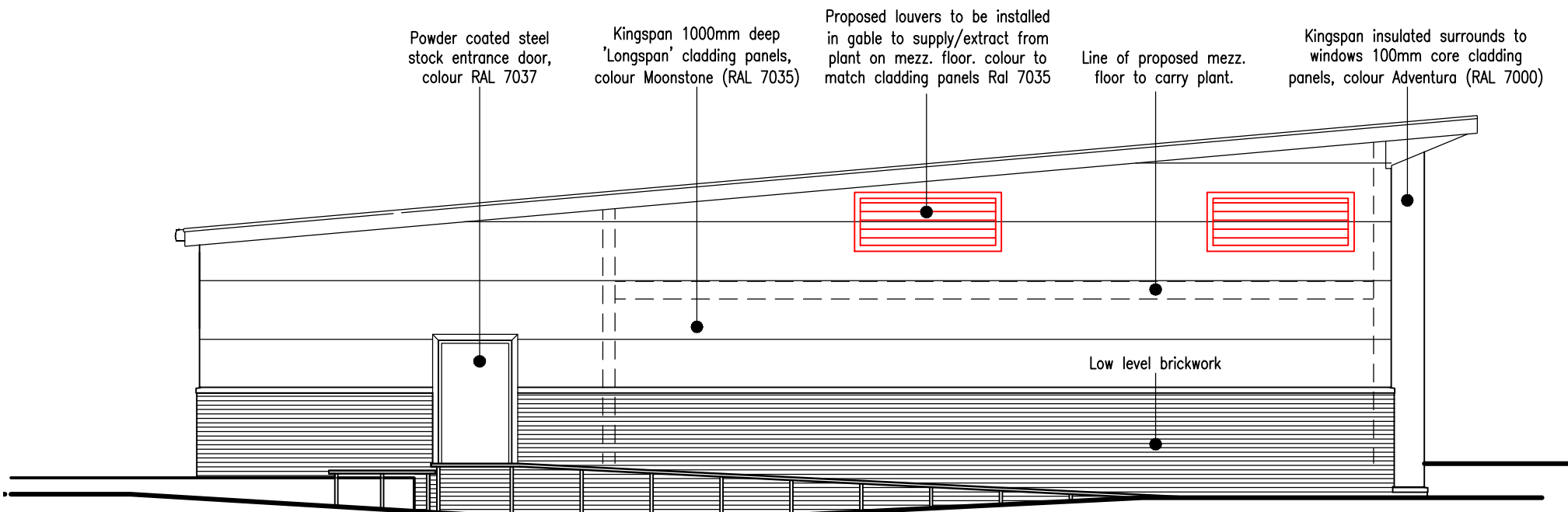
South East Elevation
1:100



North West Elevation
1:100



North East Elevation (facing Market Street)
1:100



South West Elevation
1:100

Rev A 06-09-2016 JMW
Window added to Market Street Elevation.
Building depth reduced

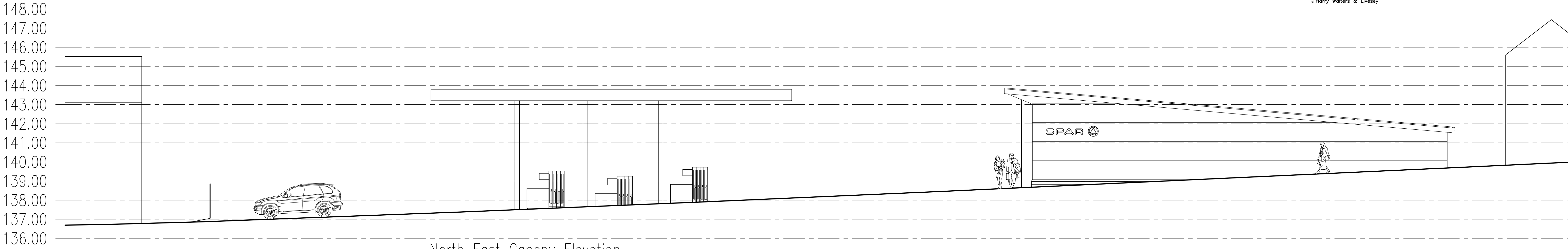
Rev B 06-09-2016 JMW
Line of boundary wall adjacent to Highways boundary added to North East elevation

Rev C 07-09-2016 JMW
Building squared off and plant moved internal onto Mezzanine floor.

HWL
BOWLAND VIEW • PRESTON • PR2 5QT

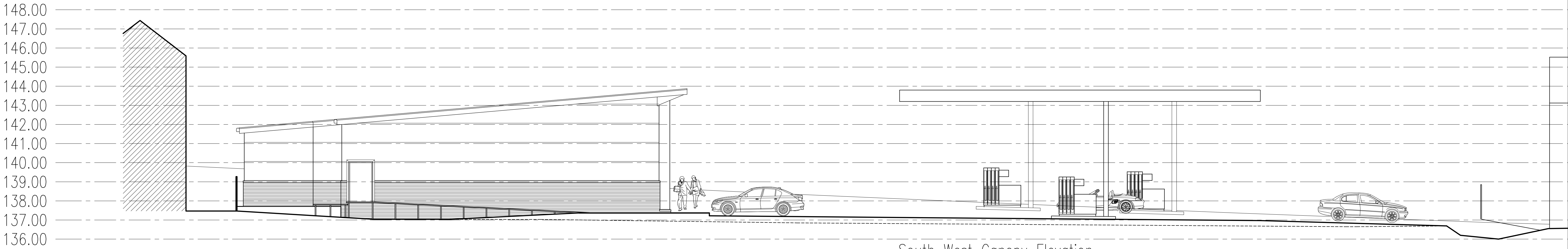
CLIENT	James Hall & Co. Ltd.	PROJECT NAME	Development, Market Street, Bury
DRAWING NAME	Building Plan & Elevations	SCALE	1:50/1:100 @ A1
DATE	January 2016	DWG No	PL-02
JOB NUMBER	297	REV No	C
HARRY WALTERS & LIVESEY CHARTERED ARCHITECT		K.M. McFadyen, Dip. Arch. R.I.B.A. Tel No: 01772 706696 Email: office@HWL1.com	

Notes: Do not scale from this drawing. This drawing is to be read in conjunction with all relevant design team specifications and drawings.
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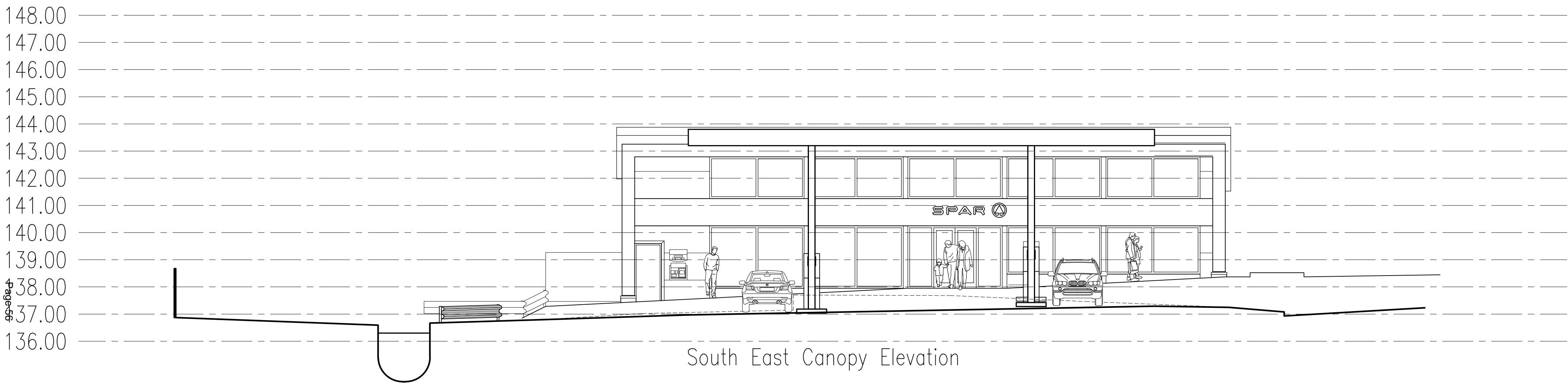
North East Canopy Elevation

Site Elevation (from Market Street)



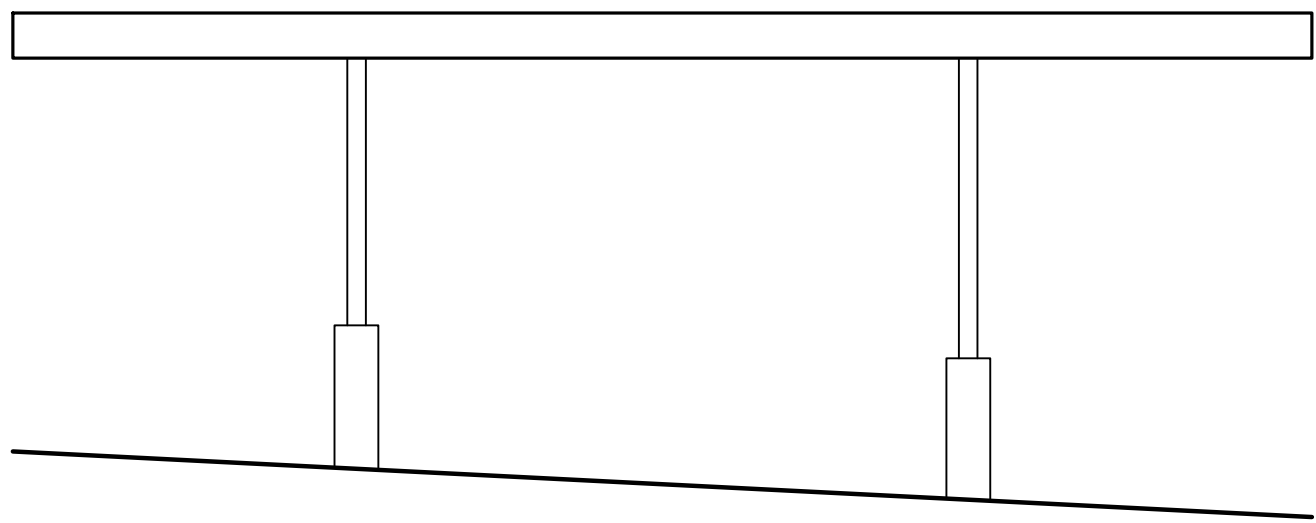
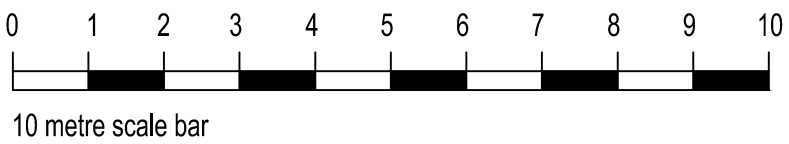
South West Canopy Elevation

Section A



South East Canopy Elevation

Section B



North West Canopy Elevation

Ward: Whitefield + Unsworth - Unsworth

Item 04

Applicant: Mr Husmau Ali

Location: 66 Sunny Bank Road, Bury, BL9 8HJ

Proposal: Change of use from post office (A1) to hot food takeaway (A5) with extractor flue at rear

Application Ref: 60408/Full

Target Date: 20/09/2016

Recommendation: Approve with Conditions

Description

The application relates to a shop which currently has an A1 retail use and was formally a Post Office. It is located within a Local Shopping Centre as allocated in the Bury Unitary Development Plan and is within a parade of 5 other shops, with a mix of uses comprising a double fronted convenience store, takeaway, hairdressers, coffee shop and solicitors.

There is lay-by parking in front of the shops.

To the rear of the parade is an alley which provides access to the shop's yard areas, bin store areas and access to the 1st floor flats. Beyond the alley to the south are residential properties on Langdale Drive. Opposite Sunny Bank Road, are shops also within the Local Shopping Centre, which also comprise a range of uses and services.

The proposed hours are 1pm to 11pm daily with up to 4 staff employed.

Relevant Planning History

52166 - Alteration to shopfront to install ATM machine - Approve with Conditions
08/03/2010

55438 - Internally illuminated lettering on Advertising collar surround to ATM fascia. -
Approve with Conditions 21/08/2012

Publicity

21 letters sent to properties at Nos 58 - 72 (evens), 84, 65, 69, 71, Flat above No 66, Flats 1 and 2, 70-72 Sunny Bank Road, 1,3,5, Ventnor Avenue, 4 Wastdale Avenue, 29,31,33,35 Langdale Drive.

Four letters of objection received, from Nos 33 Langdale Drive, 15 Mersey Close, 17 Apollo Avenue, 62 Sunnybank Road, resident at Ventnor Avenue

- Object most strongly to this proposal;
- The premises back directly on to my back garden and the smell from the extractor flue will impact greatly on my quality of life - already affected by the extractor on the rear of the Stop In shop which is next door;
- Noise from the extractor fans would be disturbing;
- Having 2 flues would be unbearable and leave a constant stench of fast food;
- Two flues would be unsightly and impact on the value of my property;
- There are already plenty of eateries, restaurants and 3 fast food take aways in the immediate vicinity and would strongly question the need for a fourth in a residential area;
- The area of Sunnybank has 13 shop premises, 6 of a cafe/food/takeaway type;
- Need and use the post office;

- On a week the government launches childhood obesity strategy - another fast food takeaway adds to the problem;
- If needs be I will seek legal advice to assist me;
- More litter adding to an existing problem;
- Opening hours - people already cut down our street to get to the shops - the footfall would increase if this were to open as a takeaway, and late at night;
- Increase in traffic;
- Sunnybank needs something which would benefit the whole community;
- More elderly residents unable to object as they do not have the technology to do so;
- Create noise and disturbance and increase in delivery trips to and from the premises;
- Potential risk of fire.

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

Consultations

Environmental Health Pollution Control - No objection subject to a condition to control the treatment of fumes and odours.

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EC4/1	Small Businesses
S1/4	Local Shopping Centres
S2/6	Food and Drink
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution

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 S1/4 - Local Shopping Centres seeks to maintain and enhance local shopping centres and encourages the provision of a range of shopping facilities to serve local needs, with the main emphasis on the consolidation and enhancement of existing retail provision.

UDP Policy S2/6 relates to Food and Drink and states that in considering proposals, regard be given to the following factors:

- the amenity of nearby residents by reason of noise, smell, litter and opening hours;
- whether or not the proposal would result in an over concentration of these types of uses;
- parking and servicing provision and traffic generation;
- provision for the storage and disposal of refuse and customer litter;
- environmental impact of any ventilation flues and/or ducting.

The application premises sit in the centre of a row of shops that form part of the wider Sunny Bank Road Local Centre.

The proposed change of use would result in a 4th hot food takeaway within a shopping centre comprising 15 units, equating to just over 25% occupied by takeaways. Within the row of 6 premises, 2 of the units would be in A5 use.

Whilst the role of the centre would be diminished by one retail unit, the Post Office has

already relocated, leaving the owner of the shop without a business. There is currently a mobile phone sales shop occupying part of the unit which the applicant states was brought in to subsidise the income from the post office. Whilst the phone business has remained in the premises, the applicant states this would be for a limited period only, as it is not a viable business for the premises and in the location. The shop would then become vacant.

The proposed use would ensure that the shop would remain open and would be run by the owner. The premises would continue to offer a facility and service to the local area, and attract footfall and shoppers to the area by contributing to the range of facilities offered. As the hours would incorporate both daytime and evening opening, the unit would maintain an open and active display window at ground floor on this row when the other businesses would also be open. As such, it is considered the proposed use would continue to support the vitality and viability of the shopping centre.

The proposed use in this location is therefore considered acceptable and would comply with UDP Policies S1/4 and S2/6.

Residential amenity - The nearest residential properties would be to the rear on Langdale Drive, and the adjacent flats above the row of shops.

The houses on Langdale Drive are separated from the site by an access road, boundary fence and tree planting. The site would be 8m from the boundary of these neighbours, and 22m from their rear elevations.

In terms of noise and disturbance associated with the use, there would be comings and goings from customers during the day and also into the later evening. However, this would be from customers accessing the premises at the front, some distance from these houses.

The applicant has not stated whether their business would carry out a delivery service. However, if it were the case, this type of business would generally deliver to a number of properties at one time, and as such would not generate a significant number of trips. Again, this activity is likely to be carried out from the front of the shop. The plans show that the food preparation area would not be of a scale and size which could likely produce a significant number of orders to generate excessive deliveries.

The business would not operate beyond 11pm. There are other premises and uses in the area with staggered closing times up to and beyond this time of 11pm, and as such it is considered there would not be cumulative noise issues from customers to these premises at this time of the night.

With regards to the adjacent first floor residential flats, occupiers of these units would already experience some noise and disturbances from the shops operating in the day and into the evening. As discussed above, the scale of the business is unlikely to generate significant footfall which would adversely affect their amenity in terms of noise and disturbance.

The first floor residential flat would only be accessible from stairs within the building and would be used by the owner/staff in conjunction with the ground floor use.

As such, it is considered that the proposed use would not have a detrimental impact on the occupiers of the nearby residential properties, and would comply with S2/6 - Food and Drink.

Extraction flue - Most of the extraction system would be located internally, with fumes projecting from a 1m flue located on the rear roof of the building. It would not be visible from Sunny Bank Road, and although may be seen from the rear of the houses on Langdale Drive, it would not project significantly high from the roof.

The flue associated with No 68 is a larger and more unsightly structure, fixed to the rear

elevation. As such, it is considered the addition of a flue of this particular design, size and location would not have a negative cumulative impact on visual amenity and would not have an adverse visual intrusion to nearby residents.

In terms of the treatment of fumes and noise output associated with the extraction system, the Pollution Control Section have not objected to the type or location of the flue, subject to the submission of details of the scheme.

As such, it is considered to comply with UDP Policies EN7/1, EN7/2 and S2/6.

Parking - There is lay-by parking directly in front of the shops and also a parking area for the shops opposite. The shopping centre is located in a residential area, where custom is likely to be from those living in the locality who would walk. Whilst the use may attract customers by car or those passing by in cars, the character of the use would be such that parking would be for relatively short periods of time.

As such, the local parking provision is considered to be acceptable.

Response to objector -

- A condition to install a litter bin directly outside the property would be included.
- The Post office has already vacated the premises and moved to an alternative location. This cannot be controlled under Planning Regulations. The proposed use is considered acceptable in principle and it is considered that occupation of the premises, rather than a vacant unit, would better support the vitality and viability of the shopping centre.
- It is considered the proposed use would not generate any higher levels of goods deliveries than other shop uses.
- Fire precautions would be either covered by any Building Regulation requirements, and would be the responsibility of the owner to manage.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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 Existing plans and elevations sheet 1; Proposed plans and elevations Sheet 2 rev 1; Design and Access Statement received 26/7/16 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 use hereby permitted shall not be open to customers outside the following

times: 09.00 to 23.00 daily.

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

4. No development shall commence unless and until a scheme for treating, diluting and dispersing fumes and odours has been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include a written statement from a suitably qualified person who is a member of the Heating and Ventilation Contractors Association (HVCA) or an equivalent professional body, stating that the fume treatment to be installed complies with or exceeds the 'Minimum Requirements For Odour Control' provided by the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems :DEFRA 2005 (or if applicable such superseding guidance as shall prevail at the time of commencement of the development).

The scheme to be submitted shall also include the relevant manufacturer and installer instructions for any associated equipment with details of maintenance requirements.

The installation shall be so designed such that the maximum noise emitted does not exceed NR25 (Noise Rating) in the bedrooms of the nearest residential property, with the windows of that residential property being open in the normal manner for ventilation purposes.

The scheme as approved shall be implemented, available for use and maintained in accordance with the approved scheme whilst it shall serve the development.

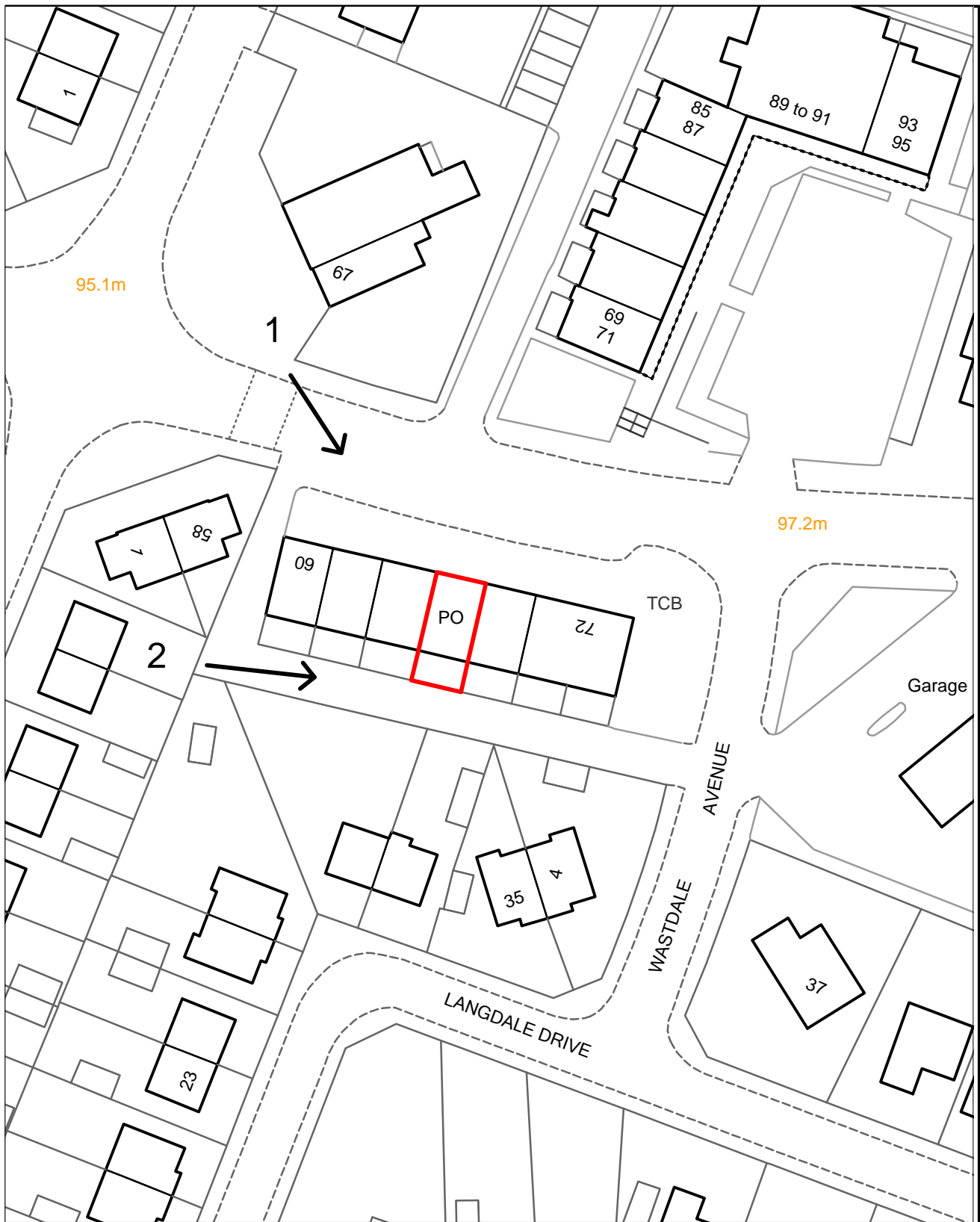
Reason. To protect the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to UDP Policy S2/6 - Food and Drink.

5. A litter bin of a size and type to be approved by the Local Planning Authority, together with details of its collection, shall be installed on the forecourt of the premises to the written satisfaction of the Local Planning Authority before the use commences. The litter bin shall thereafter be maintained.

Reason. In the interests of amenity pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 60408

**ADDRESS: 66 Sunny Bank Road
Bury**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

60408

Photo 1

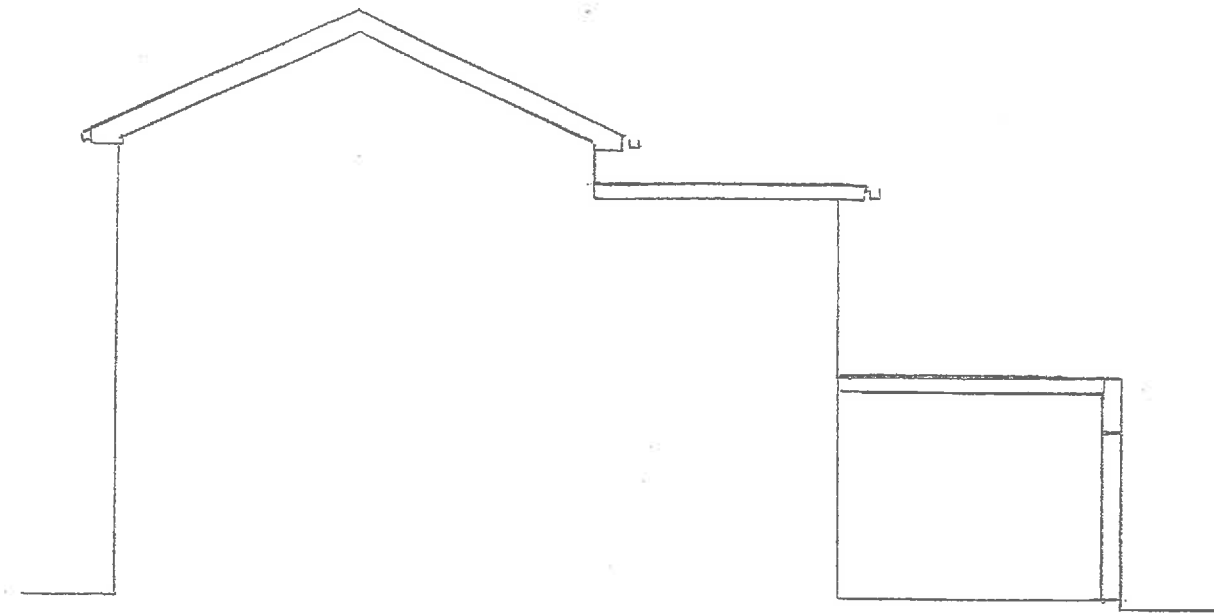


Photo 2





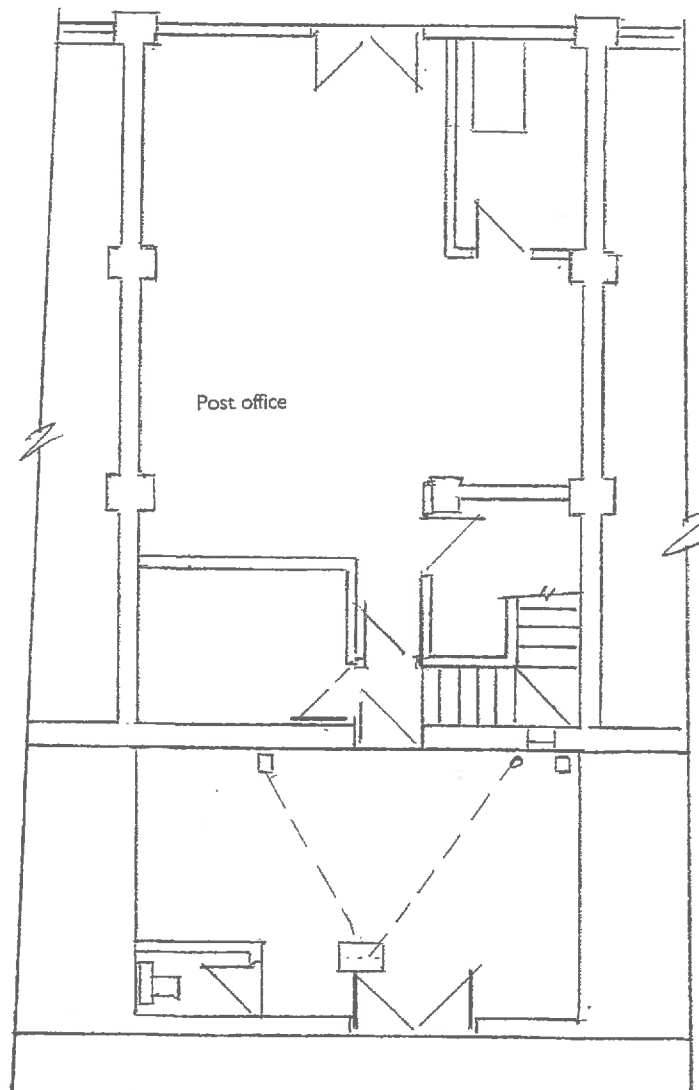
Existing Rear Elevation



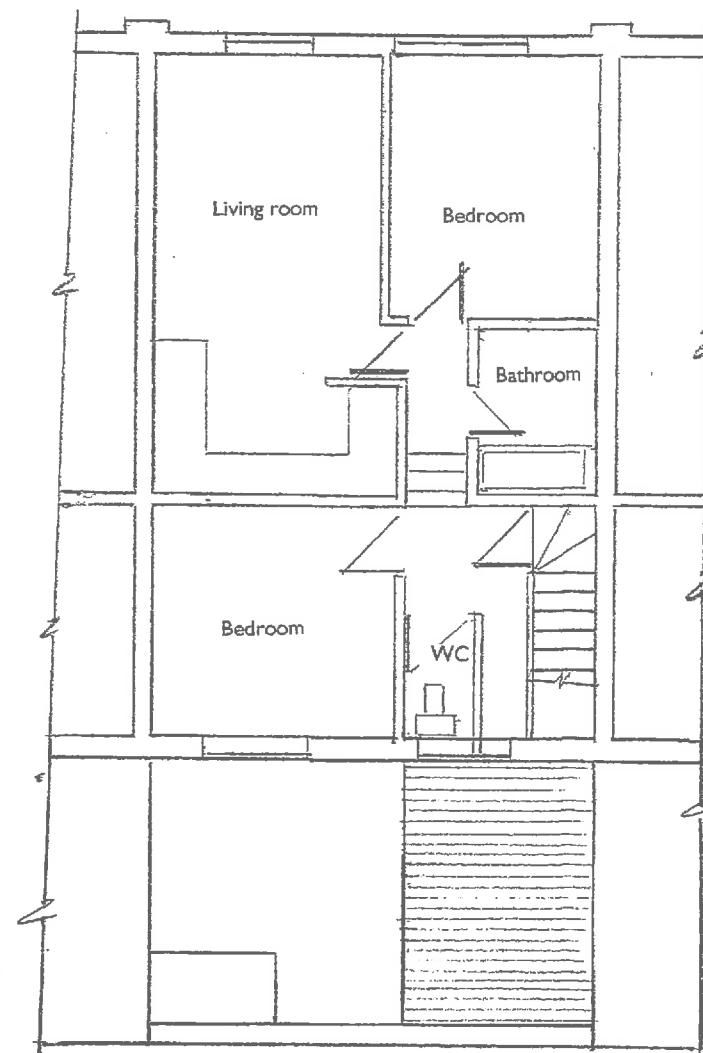
Existing Side Elevation



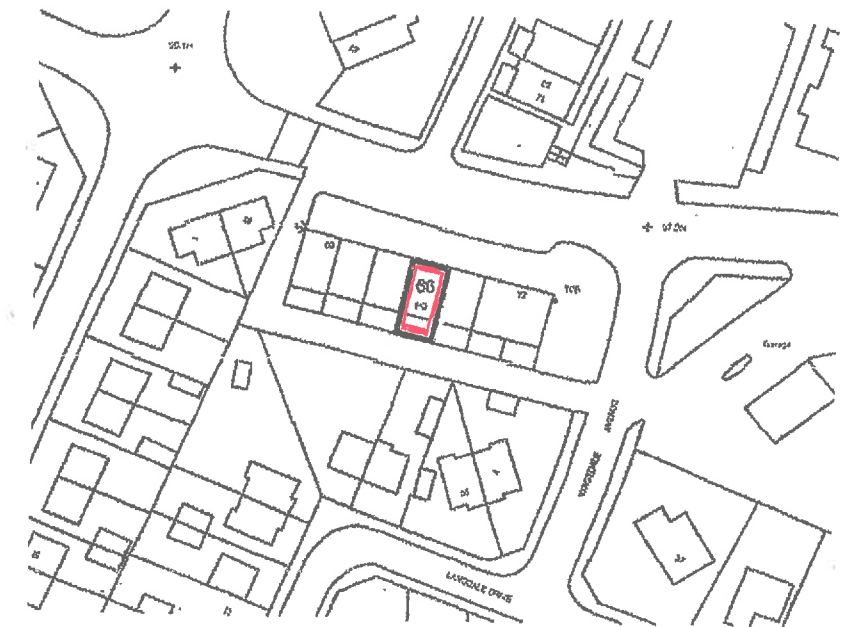
Existing Front Elevation



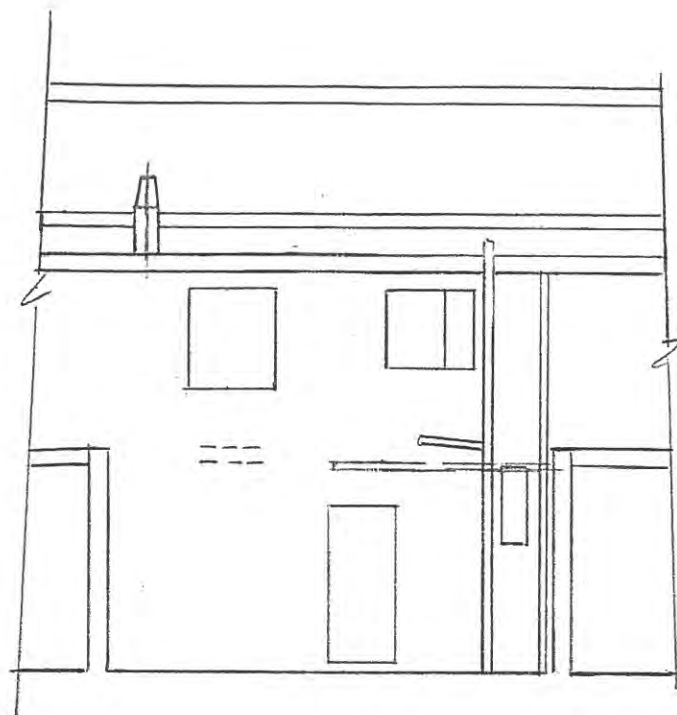
Existing Ground Floor Plan



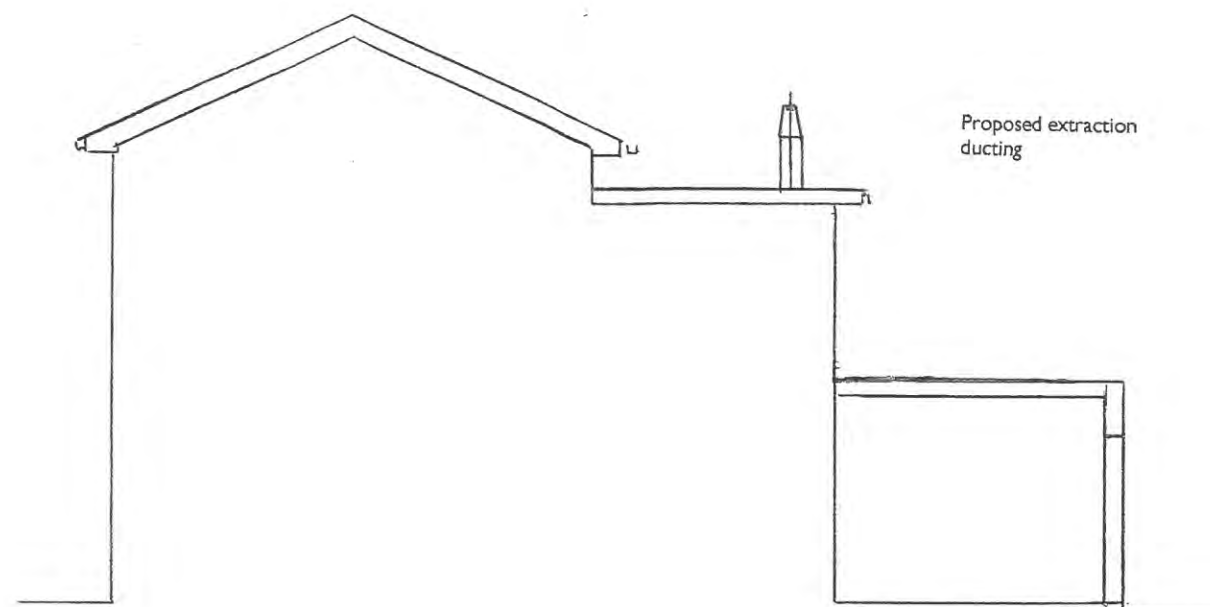
Existing First Floor Plan



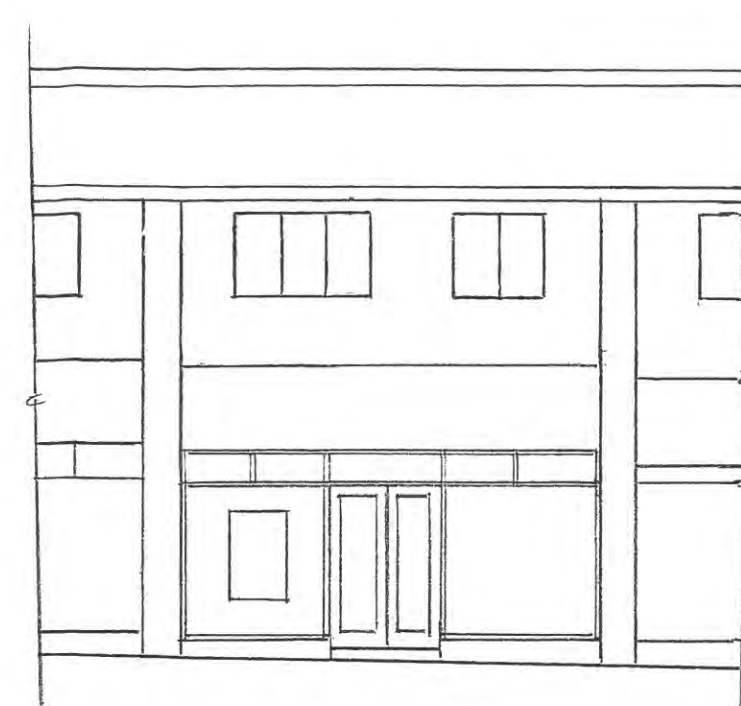
Thompson Designs
 Tel 0161 705 1458 Mob 07884 318634
 Sheet 1
 Existing Plans & Elevations
 66 Sunnybank Road
 Bury BL9 8HJ
 Scale 1 : 100 Date July 2016



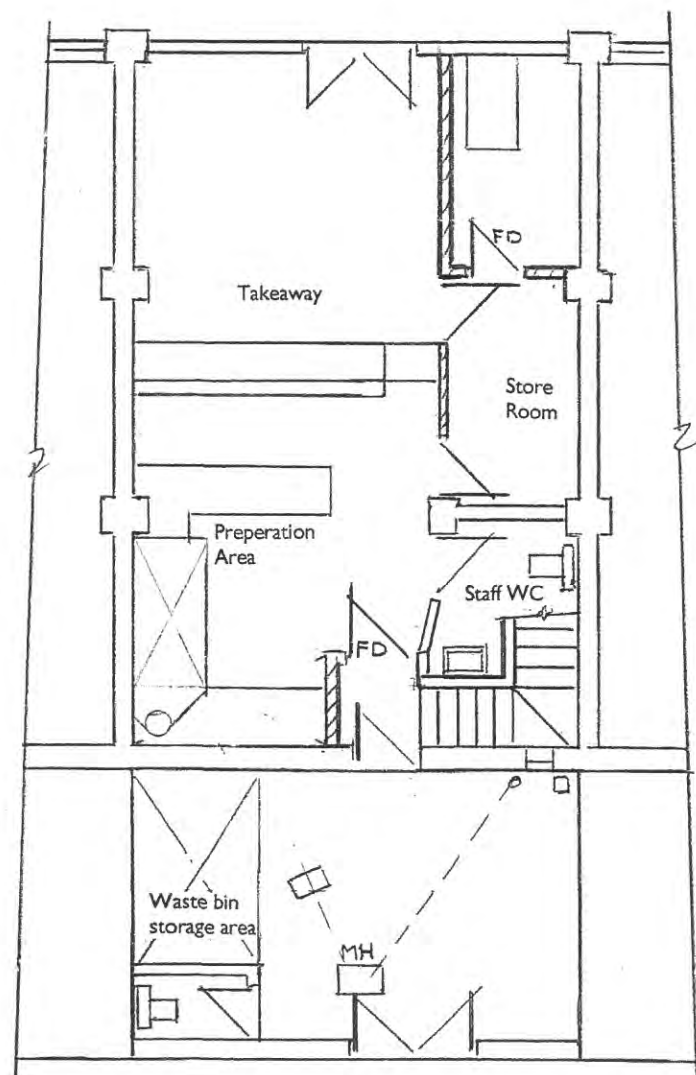
Proposed Rear Elevation



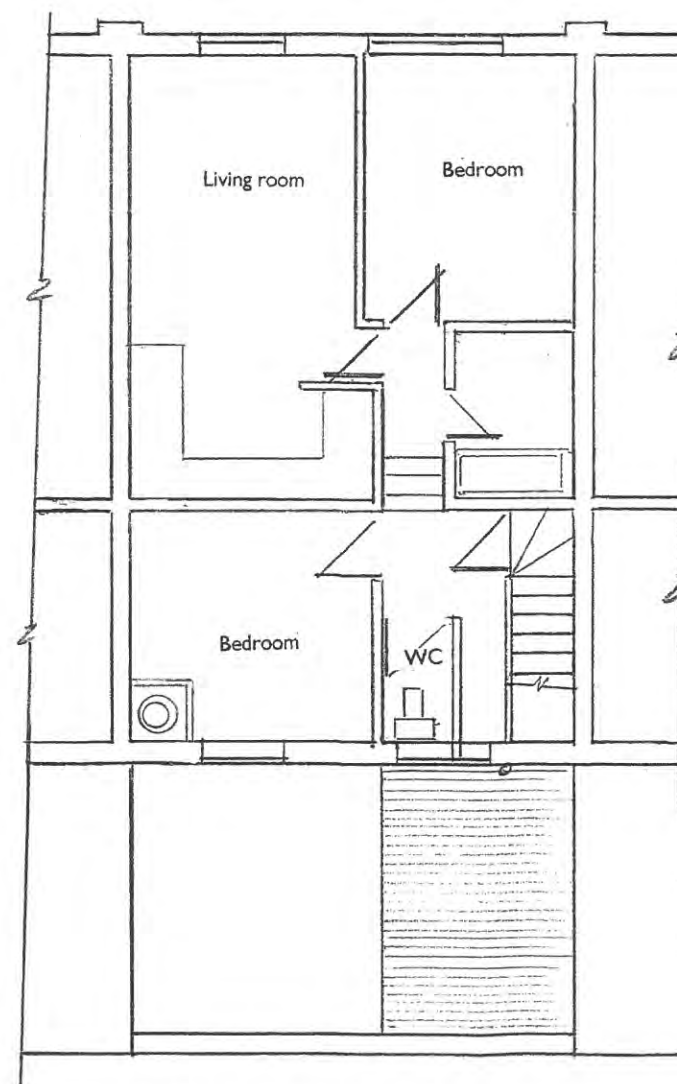
Proposed Side Elevation



Proposed Front Elevation



Proposed Ground Floor Plan



Proposed First Floor Plan

Thompson Designs
 Tel 0161 705 1458 Mob 07884 318634

Sheet 2
 Proposed Plans & Elevations
 66 Sunnybank Road
 Bury BL9 8HJ
 Scale 1 : 100 Date July 2016 REV 1

Ward: North Manor

Item 05

Applicant: Architectural Services

Location: Springside County Primary School, Springside Road, Bury, BL9 5JB

Proposal: Siting of 1 no. storage container in playground and hardstanding extension to form playground

Application Ref: 60409/Reg 3 Council's Own Development **Target Date:** 20/09/2016

Recommendation: Approve with Conditions

Description

The site relates to a playground area which is located in the northern part of the school site, directly adjacent to the eastern side of the single storey Foundation Unit building. To the north are the houses on Springside Road which back onto the site. There are trees and vegetation along this intervening boundary.

The application seeks the siting of 1 No. green metal storage container at the back of the playground area. The container would be 3m x 2.14m x 2.1m high. The container would be enclosed by trellis screening and timber planters on the 2 sides which would face the houses at the rear on Springside Road.

Retrospective consent to regularise the playground area is also sought. It is 3.2m wide and 10m long with a tarmac surface.

Relevant Planning History

52668 - New foundation unit with playgrounds & fencing. New main entrance, and relocation of bin store. Construction of link covered walkway in courtyard area. - Approve with Conditions 21/07/2010

53207 - Re submission of planning application 52668 to include a building for extended services attached to the new foundation unit. - Approve with Conditions 17/11/2010

53638 - Retention of temporary classroom (nursery unit) and associated toilet block for 3 years. - Approve with Conditions 20/04/2011

59272 - New entrance door canopy to rear elevation. - Approve with Conditions 03/11/2015

59789 - Single storey extension to classroom within courtyard - Approve with Conditions 04/04/2016

10/0555 - Siting of a structure - 09/02/2011

Publicity

45 letters sent on 2/8/2016 to properties at Nos 1-11 and 31-65 (odds) Springside Road; 2-24 (evens), 3,9,11,15,17,21 (odds) Sabden Close; 635 Walmersley Road.

31, 33, 35 Springside Road which raises the following issues:

- Understand and support the need for the additional storage at the school but the containers would be in clear view of our garden, living room and bedrooms at the back of our house;
- Request trees are planted along the boundary to screen the container from sight, though not to exceed 12-15ft as they will cast shadows on our gardens;
- Cannot find the planning approval for the hardstanding - we would have raised the same point.
- Object to this proposal if the container is going to be in full view of my lounge, garden and kitchen. When the new Foundation unit was being built two large ugly containers

were used as storage and this blocked out a considerable amount of light. I understand that the school is short of storage facilities and request that any container be placed away from the bottom of our gardens, and hidden from residents view - ie bushes or small trees are planted.

- The application appears to be very vague and I have not been able to view it online;
- The dimensions of the container are much higher than the residential fencing which will be an eyesore and clearly visible to residents.

Amended letter sent to local residents on 23/8/2016 to notify of an amendment to the description to include the hardstanding extension to the playground to regularise the works.

Amended letter sent on 7/9/2016 to advise residents of the proposed trellis screening. One further letter of objection received from No 33 Springside Road with the following issues raised:

- The container will be visible from out house, both upstairs and downstairs especially from October to April when there are no leaves on the trees and the trellis will not cover all sides or the roof;
- We were informed by the school the container would be sited nearer the school, and it should be moved and surrounded by evergreen trees which grow higher than the container but not shade our garden;
- The application appears to have contained ambiguity from the start regarding the actual location, leading to confusion.

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

Consultations

None applicable

Unitary Development Plan and Policies

OL5/2	Development in River Valleys
EN1/2	Townscape and Built Design
CF2	Education Land and Buildings
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.

Use - The storage container is required to store play equipment for the Foundation Unit and after school club. It is not uncommon to find storage containers of this type and for such uses in school grounds as there is often a lack of space within the school buildings for such equipment.

As such, it is considered the need for such a facility is acceptable and justifiable, and would comply with UDP Policy CF2 - Education Land and Buildings.

Impact on the surrounding residential area - The container would be sited 4m from the rear boundaries of the houses on Springside Road and 18m from their rear elevations. The container would be 2.1m in height and screened on the sides facing the residential properties by trellising and timber planters. There is vegetation and tree planting on the boundary between the school and dwellings, which also provides substantive screening. The container would not be especially substantial in size or height, being only 0.1m higher than a fence which would be permitted development and which could be erected without

planning permission within the school grounds.

The playground extension is used during school hours and daytime only and when activities connected with play and education would be expected, and as such considered would not cause undue disturbance in the area, and given it is an extension to an existing area.

Given the distance away from these houses and the screening and intervening boundary treatment, it is considered that there would not be a detrimental impact on residential amenity in terms of the use, siting and appearance of the containers and playground.

As such, the proposal is considered to comply with EN1/2 - Townscape and Built Design.

Response to objectors

The objections which relate to impact on residential and visual amenity due to the siting and size of the container have been covered in the above report.

It is considered that it would not be reasonable or necessary to require additional planting along the boundary, given the existing vegetation along this part of the site and the trellising proposed to enclose the container.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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.

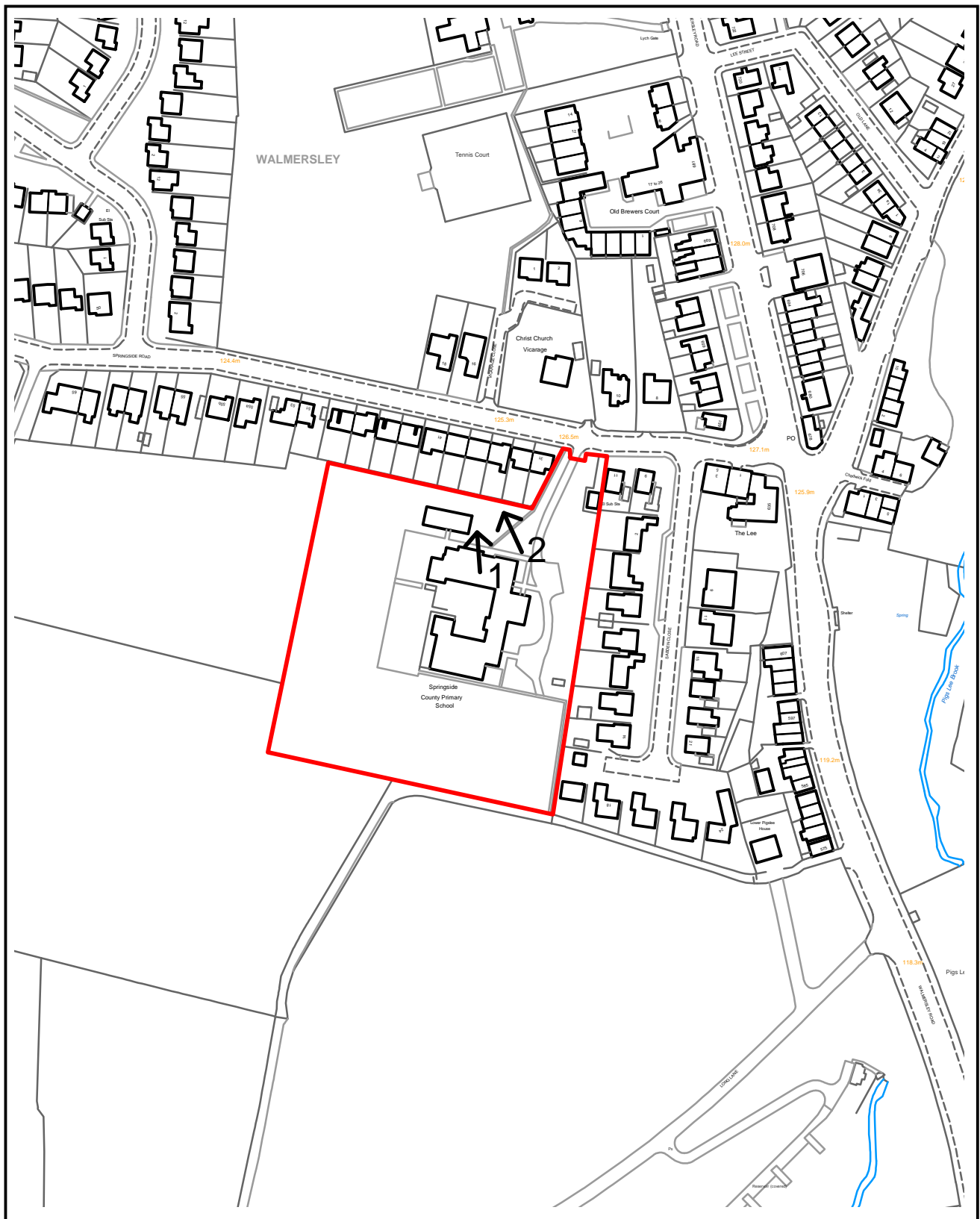
Recommendation: Approve with Conditions

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 New external storage unit (KB OSCARS 01 Exist & Proposed); Proposed new storage hard standing (KB OSCARS 02 PLANNING) 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 container hereby approved shall not first be brought into use unless and until the trellis screen and planters have been erected around the structure. The approved trellis shall thereafter be maintained in position.
Reason. In the interests of visual amenity pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 60409

**ADDRESS: Springside County Primary School
Springside Road**

**Bury
Planning, Environmental and Regulatory Services**



Bury
COUNCIL

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60409

Photo 1



Photo 2



Recent extended playground section

EXISTING

RECENT 2m High fence & gate

NEW OSCARS STORAGE UNIT

PROPOSED

GENERAL NOTES

THE CONTRACTOR IS ADVISED TO VISIT THE SITE PRIOR TO TENDERING & ASCERTAIN ALL LOCAL CONDITIONS & RESTRICTIONS LIKELY TO AFFECT THE EXECUTION OF THE WORKS. NO CLAIMS ARISING FROM FAILURE TO DO SO WILL BE CONSIDERED.

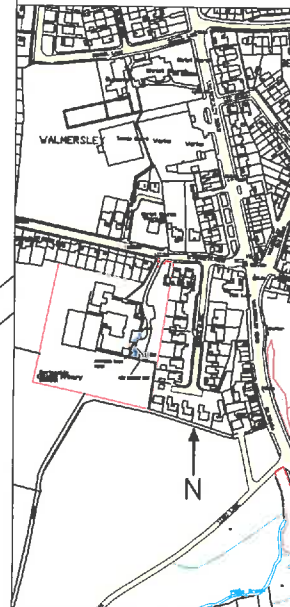
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS, SPECIFICATIONS & SPECIFICATIONS RELATIVE TO THE PROJECT AND ANY DISCREPANCIES NOTIFIED TO THE CONTRACT ADMINISTRATOR IMMEDIATELY.

THE CONTRACTOR IS TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS OR ORDERING ANY MATERIALS. DO NOT SCALE OFF DRAWINGS.

ALL WORKMANSHIP AND MATERIALS TO COMPLY WITH BUILDING REGULATIONS, BRITISH STANDARDS CODES OF PRACTICE, MANUFACTURERS INSTRUCTIONS AND ANY OTHER CERTIFICATES ETC. ALL MATERIALS SHALL BE SUITABLE FOR PURPOSE.

THE CONTRACTOR IS TO MAKE GOOD ALL WORKS DISTURBED.

THE CONTRACTOR TO COMPLY WITH CONSTRUCTION AND HEALTH AND SAFETY REQUIREMENTS WHERE APPROPRIATE.



"Quotation" issue

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Resources and
Regulation Services
Architectural Services

Bury
COUNCIL

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Bury, Lancs. BL3 9EL
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Bury, Poynton, Radcliffe, Rochdale, Tostockton, Tostockton, Tostockton

PROJECT TITLE:
SPRINGSIDE PRIMARY SCHOOL, SPRINGSIDE
ROAD, BURY

DRAWING TITLE:
NEW OSCARS EXTERNAL STORAGE UNIT

DRAWN BY: K.B. DATE: 26.07.16 ISSUE NUMBER:

CHECKED BY: DATE:

SCALE: 1:75, NTS @ A1 DATE OF ISSUE:

DRAWING NUMBER:
KB OSCARS 01 EXIST & PROPOSED



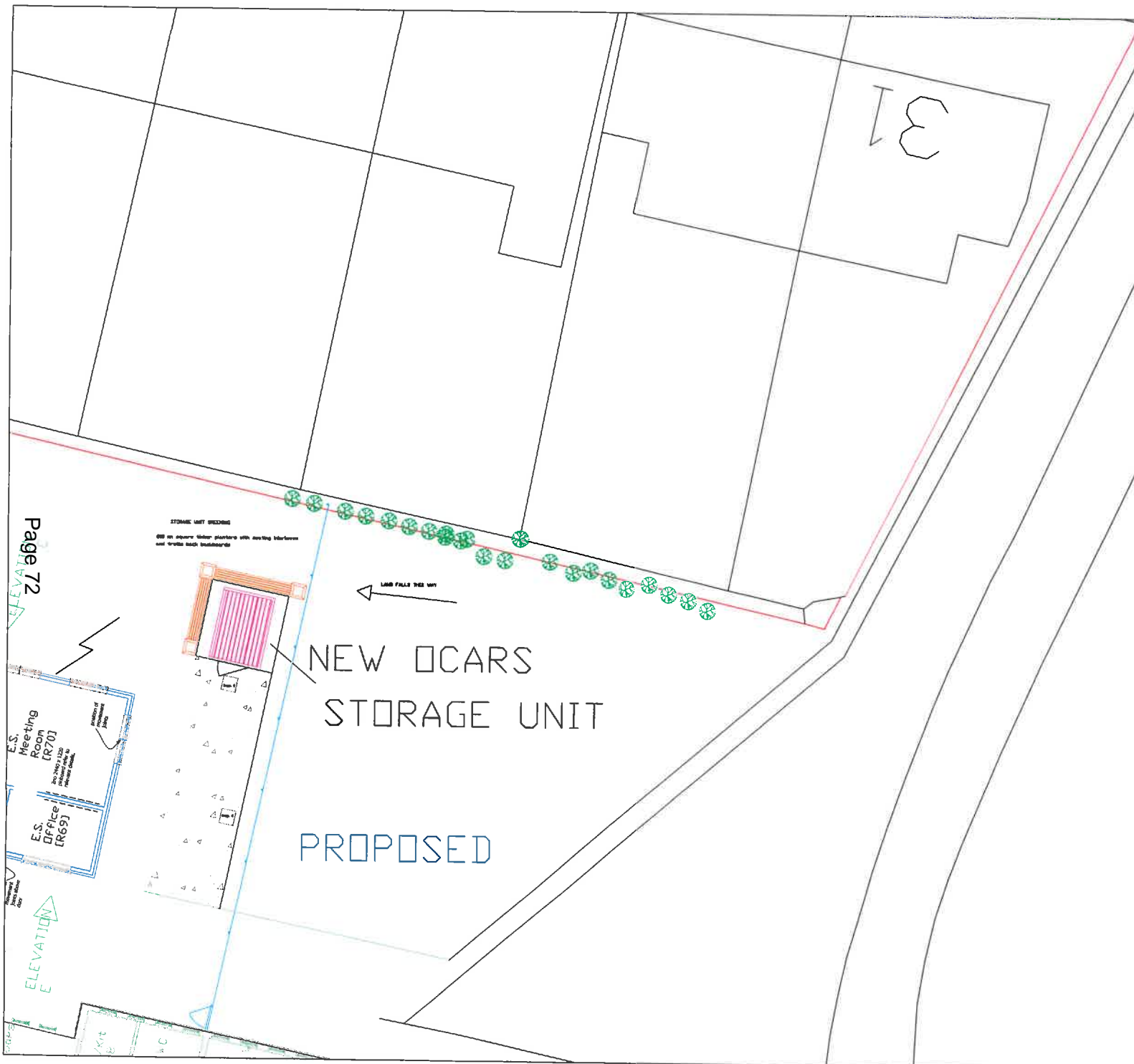
PROPOSED NEW 3 m x 2.14m OSCARS storage unit - 2.14 m High

Expanda model by TP Structures Limited, 33 Abby Foregate, Shrewsbury, Shropshire SY2 6BL

Unit to be located onto 3.2m sq concrete base

Unit to be galvanized powder coated Moss Green (RAL 6005)

Existing area - location of new storage



GENERAL NOTES

THE CONTRACTOR IS ADVISED TO VISIT THE SITE PRIOR TO TENDERING & ASCERTAIN ALL LOCAL CONDITIONS & RESTRICTIONS LIKELY TO AFFECT THE PROTECTION OF THE WORKS. NO CLAIMS ARISING FROM FAILURE TO DO SO WILL BE CONSIDERED.

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THE CONTRACTOR IS TO MAKE GOOD ALL WORKS DISTURBED.

THE CONTRACTOR TO COMPLY WITH ALL REGULATIONS AND HEALTH AND SAFETY REQUIREMENTS WHERE APPROPRIATE.



Example of 'Bury' screening, structure & setting previously used on a larger container 10m x 6.5m x 3.5m to match the impact of a primary school in Bury West is being proposed for other.



"Planning" issue

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Resources and Regulation Services

Architectural Services

Design Room,
1 Riverside Plaza, Oak Street,
Bury, Lancs. BL9 9ET



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Fax: 0161 253 6155
Web: www.bury.gov.uk

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PROJECT TITLE:

SPRINGSIDE PRIMARY SCHOOL, SPRING STREET, BURY

DRAWING TITLE:

PROPOSED NEW STORAGE HARD STANDING LOCATION (MAGNIFIED)

DRAWN BY: K.B. DATE: 07.05.2010 ISSUE NUMBER:

CHECKED BY: DATE: DATE OF ISSUE:

SCALE: 1:75, NTS @ A1

DRAWING NUMBER:

KB OSCARS 02 PLANNING

APP. CORR. DRAWING NO. REV.

Ward: North Manor

Item 06

Applicant: Mr James Launder

Location: Hollymount Farm, Hollymount Lane, Tottington, Bury, BL8 4HP

Proposal: Conversion of farm building into 4 no. residential units; Demolition of the other farm buildings and replacement of mobile home with permanent dwelling

Application Ref: 60437/Full

Target Date: 28/09/2016

Recommendation: Approve with Conditions

Description

The application relates to a farm and associated outbuildings which are located on land designated as Green Belt, Special Landscape Area, West Pennine Moors and Wildlife Corridor in the Bury Unitary Development Plan. The site is located off a single lane which leads to a wide access opening and hardstanding area at the lower end of the site.

The lane continues north past the site and leads to a residential hamlet, primary school and golf club, with Claremont Lodge being the nearest residential property. The site is otherwise surrounded by open fields and farmland.

The site comprises an existing dwelling, Hollymount farmhouse, a 2 storey stone built cottage. The attached buildings are also constructed of stone and are single storey in height, formally used as a farm shop which ceased use a number of years ago due to the business being unviable. The remaining farm buildings comprise a stone built barn and lean-to open sided outbuildings.

In the western corner of the site, is a mobile home which can be permanently sited and occupied following the grant of a Certificate of Lawfulness in 2011 by virtue of it being in situ for more than 10 years.

The application seeks part demolition and conversion of the farm buildings to create 4 No. residential units. It is also proposed to replace the mobile home with a permanent single storey dwelling.

The development would create an 'L' shape layout in a 'cottage style' design. The existing single storey barn and farm shop attached to the farmhouse to the north of the site would be converted to create plots 1 and 2. The timber shippon, open sided lean-to buildings and timber shed which are centrally located within the site would be demolished and this area utilised as gardens and access for these plots. Two parking spaces per property would be located to the west of the site, adjacent to a new entrance which would be formed off Hollymount Lane.

The barn which forms the eastern elevation of the buildings would relate to plots 3 and 4, with gardens to the east and parking for two cars each, located to the front of plot 3 and the rear of plot 4. Plot 3 would have a separate access with the existing access off Hollymount Lane to the south of the site used for Plot 4 as well as other farm vehicles accessing the surrounding land.

The buildings would be raised in height to facilitate 1st floor accommodation. The original stonework would be retained wherever possible, and new build or repair work would use stone materials and slate roofs. New window openings would be timber framed.

The accommodation would comprise living areas at ground floor and 1 x 3 No bed (Plot 1), and 3 x 4 No. bed dwellings (Plots 2-4).

The development would result in a net reduction of built form on the site which can be summarised as follows:

Total floor area

Existing building = 822 m²

Proposed building = 427 m²

Overall effect = - 395 m²

Total volume

Existing building = 2734 m³

Proposed building = 2576 m³

Overall effect = - 158 m³.

It is also proposed to replace the mobile home with a permanent dwelling (Plot 5). It would be located in the same position on the site. The dwelling would be a 2 bed bungalow, with the front facing Hollymount Lane. A new entrance would be created to the north of the site, and this would also provide access to plots 1 and 2. The garden area for this property would be located at the rear, with two parking spaces allocated to the front of the dwelling.

The scheme would include the provision of a passing place approximately half way down Hollymount Lane to assist in traffic flows.

Relevant Planning History

01802/E - Conversion of farm buildings into 4 no. dwellings - Enquiry completed 14/06/2016

53930 - Lawful Development Certificate for existing use of site for siting of a mobile home in breach of condition no. 3 of planning permission 28271/93 - Lawful Development 17/06/2011

54376 - Demolition of 4 barn buildings & conversion of redundant agricultural buildings to form 3 dwellings, including reconstruction of external walls & raising of roof - Withdrawn by Applicant 18/10/2011

54962 - Demolition of 4 barn buildings & conversion of redundant agricultural buildings to form 3 dwellings, including reconstruction of external walls & raising of roof (Resubmission of 54376) - Refused 15/06/2012

59078 - Conversion of farm buildings into 4 no. residential units and replacement of mobile home with a permanent dwelling - Withdrawn by Applicant 18/01/2016

Publicity

36 letters sent on 15/8/2016 to properties at Nos 5-35 Brookside Crescent; 1,2,4,6,8, Brookhouse Close; 131,135,133,149 Holcombe Road; 19,21,23,25,27 Greenheys Crescent; Higher Hill Top, Claremont Lodge, Hollymount Farm Beechcroft, Lower Hilltop Barn, Hollymount Lane.

Site notice posted 17/7/2016.

Press notice in the Bury Times 18/8/2016.

One letter of objection received from No 11 Brookside Crescent which raises the following issues:

- Whilst the plans would undoubtedly improve the overall look of the farm and associated buildings, concerns have to be raised about the building of residential houses on Green Belt/farm land and the possibility that if this application is approved, others will follow until all Green Belt/farm land is built over;
- The field adjoining the farm regularly floods in high rain at its bottom end - hopefully ensuring that common sense would mean further development applications would be rejected;
- The access lane already has congestion issues at bust times of the day due to school traffic and the residential developments already permitted over the last few years, so

- further development will only exacerbate this;
- Consideration should be given to the effect on local infrastructure.

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

Consultations

Traffic Section - No objection subject to conditions.

Drainage Section - A drainage scheme is required for submission. A condition is recommended.

Environmental Health Contaminated Land - No objection subject to conditions.

Public Rights of Way Officer - No objection.

Waste Management - No objection

Environment Agency - No response received. The site is not in a flood Zone. A drainage scheme would be required by condition.

United Utilities (Water and Waste) - No response received. A drainage scheme would be required by condition.

Fire Protection Dept Bury Fire Station (Part B) - The applicant is advised to contact the Fire Department regarding the installation of sprinklers. An informative to this effect is included for the applicant's attention.

Greater Manchester Ecology Unit - No objection subject to conditions.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/5	Waste Water Management
EN9/1	Special Landscape Areas
OL1/4	Conversion and Re-use of Buildings in the Green Belt
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD 9	Conversion and Re-use of Buildings in the Green Belt
SPD11	Parking Standards 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 (Green Belt) - Paragraph 89 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- buildings for agriculture and forestry;
- provision for appropriate facilities for outdoor sport and recreation;
- extension or alteration of a building providing it does not result in disproportionate additions;

- replacement of a building, providing the new building is in the same use and not materially larger;
- limited infilling in villages and limited affordable housing;
- limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 states that certain other forms of development are also not inappropriate in the Green belt, provided they preserve the openness and do not conflict with the purposes of including land in the Green Belt. These areas are:

- mineral extraction;
- engineering operations;
- local transport infrastructure;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought under a Community Right to Build Order.

UDP Policy OL1/4 states that the conversion and re-use of buildings within the Green Belt will be permitted providing that the proposal would not have a materially greater impact than the present use upon the openness of the Green Belt; the buildings are capable of conversion without major or complete reconstruction; the form, bulk and general design are in keeping with the surroundings and suitable access and the likely traffic can be accommodated without creating a hazard or the need for major road improvements.

SPD8 - New Buildings and Associated Development in the Green Belt offers more detailed advice in terms of acceptability including scale and form, siting and visual design and materials.

SPD9 - Conversion of Buildings in the Green Belt advises further on acceptability of schemes in terms of impact on character and appearance of the retained building, impact on openness of the Green Belt and capability of the conversion itself.

Conversion and new build - Plots 1-4

Paragraph 90 of the NPPF finds the reuse of buildings to be appropriate provided they are of permanent and substantial construction and that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The proposal for conversion of the existing farm buildings is appropriate as the structural report confirms that the buildings are capable of conversion and the openings proposed on the new layouts are kept to a minimum are largely sympathetic and correspond to original openings in accordance with SPD9.

However, the proposal includes additional development which would alter the character of the existing buildings. Paragraph 89 of the NPPF regards the construction of new buildings as being inappropriate in the Green Belt but includes exceptions such as the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. It is considered that the increase in height of the proposed dwellings in comparison to the existing, which are on part of the northern/southern elevations and on the eastern elevation, would represent a doubling in height, constitutes a disproportionate increase and would cause an impact on the openness and character of the Green Belt in what is a highly visible location.

It is therefore viewed that in principle, the proposal would represent inappropriate development in the Green Belt, requiring a case for very special circumstances.

Paragraph 88 states that local planning authorities should ensure that substantial weight is given to any harm in the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has set out that the following represents a case for very special circumstances:

- Reduction in building volume of 158 cubic metres including demolition of buildings;
- Reduction in building floor area of 395 square metres.
- Reduction in hardstanding on site of 0.2 hectares to be replaced by landscaping.
- Small and unviable farming business that has failed to diversify.

It is considered that the first three reasons given above indicate clear gains for the openness and the visual amenity of the Green Belt and therefore demonstrate very special circumstances to justify the grant of planning permission in respect of Green Belt policy.

As such, it is considered that the principle of the development would be acceptable and would comply with OL1/2, OL1/4, SPD9 and Paragraphs 89 and 90 of the NPPF.

Replacement dwelling - Plot 5

Bullet point 6 of Paragraph 89 of the NPPF states that new buildings in the Green Belt are appropriate, if for limited infilling, partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The proposal would be partial redevelopment of brownfield land, would involve the replacement of a permanent building and would not have a greater impact on the openness of the Green Belt and the purposes of including land in the Green Belt.

The existing mobile home has been in situ for more than 10 years and is lawful in terms of its siting and occupation. It could be removed from the site and replaced at any time without the need for planning permission.

The development would comply with Paragraph 89 of the NPPF.

Principle (Housing) - Following revocation of the North West Regional Strategy on 20th May 2013, there is no statutory housing target for Bury. Work has commenced on the Greater Manchester Spatial Framework and this will bring forward a new statutory housing target for the Borough. This will subsequently be incorporated into Bury's future Local Plan.

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 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.

Whilst the site is in a semi rural area, it is close to a suburban and established residential area. There has also been residential development further along the lane to the north of the site, creating small hamlet type development. There is existing infrastructure in place to facilitate the scale of the scheme and the new dwellings, which together with the demolition of some of the existing farm outbuildings, would not result in the overdevelopment of the site. The proposed layout demonstrates that the site could satisfactorily accommodate the development in relation to the surrounding area.

As such, the principle is considered to be acceptable and in compliance with the NPPF and UDP Policies H1/2, H2/1 and H2/2.

Layout - The existing built development is located relatively centrally within the site, in what is essentially a rectangular formation. The proposed layout would not be dissimilar to this, the difference being that the buildings would form an 'L' shape with gardens for Plots 1 and 2 infilling the central area. The gardens for Plots 3 and 4 would be located at the back of these houses, behind the lane which bounds the site to the east.

Each property would have its own area for bin storage and 2 parking spaces would be allocated to each property.

A hedge would be established along the eastern and southern boundaries of the site, which would screen parts of the development from views from Hollymount Lane and the open land to the south. A 3.5m wide access along the southern boundary of the site would be maintained to facilitate access for farm vehicles. The 2 existing access points off Hollymount Lane would be retained and a new opening created to serve Plots 1, 2 and 5.

The development would result in a reduction in hardstanding area and in terms of the layout, the site would be reduced in scale and sprawl in comparison to the existing arrangement. It is therefore considered this approach would have a beneficial and positive impact on the openness of the Green Belt.

As such, it is considered the proposed layout would not have a detrimental impact on the openness or special character of the Green Belt and would bring forward a residential development which would be sensitive and sympathetic to the surrounding area, and as such would comply with OL1/4, SPD8, SPD9 and the NPPF.

Design and appearance -

Plots 1-4 - The scheme has been designed out to retain where possible, the character of the existing buildings and barns. Elevations and fenestration patterns would be reflectant of a farmstead habitat, with materials re-used or new materials to be in keeping with the existing site.

In terms of the elevations, a number of new openings would need to be inserted. These would be kept to a minimum, randomly positioned and be more irregular in shape, in order to remain true to the special quality and architectural characteristics of the surroundings.

The larger openings on the proposed south elevation would imitate the existing barn doors, and patio windows on the north and east elevations, whilst more domestic in nature, would either face inwards towards the gardens or be screened from public views by hedging. In any event, there would be minimum intervention to avoid any significant harm to the character of the area.

It is acknowledged that some of the buildings would be increased in height. This would be done in a considered and sympathetic manner, designed to respect the scale and massing of the original farmhouse and buildings in the area.

Materials would comprise stonework elevations, slate roofs and timber framed windows, and this would ensure a consistent approach to developing the site for residential

purposes.

It is considered the proposals would deliver a farmstead cottage-type development, appropriate in size and scale within the context of the surrounding area, the existing buildings and the special character of the Green Belt location. As such, the design and appearance is considered to be acceptable and would comply with UDP Policies OL1/4, and SPD9.

Plot 5 - The existing mobile home is of a size and structure not dissimilar to an average sized bungalow, and replicates such a dwelling by virtue of its external elevations and appearance. It is adjacent to the site boundary, screened from views from the north and west. As a single storey unit, it is not in a prominent position and lower in height than the existing dwelling.

The proposed replacement would similarly reflect the scale and massing, being of a bungalow type dwelling, with a low pitched roof, accommodating 2 bedrooms and 2 living spaces.

In terms of design and appearance, the bungalow would be a modest addition to the site and would sit comfortably within the surrounding redevelopment of the buildings.

As such, it is considered that the proposals would present an appropriate and acceptable development in this location and would be in compliance with UDP Policies H2/1, OL1/4 EN1/2, and SPD 8 and 9.

Highways issues - The development would be served by Hollymount Lane, which is a single width road. The applicant proposes to install a lay-by approximately half way up the lane, which has previously been discussed with highways, in view of the change in traffic as a result of the development and the existing problems on the route. As details have not been submitted at this time, the Highway's Officer is satisfied this can be dealt with by condition.

The access points into the site would incorporate adequate visibility splays and signage to direct traffic to the relevant parts of the site. Highway's are also satisfied that details can be resolved by condition.

As such, it is considered the access arrangements would be acceptable and subject to conditions there are no objections. The proposals would therefore comply with H2/2 - The Layout of New residential Development and HT6/2 - Pedestrian Vehicular Conflict.

Parking - SPD11 - Parking Standards in Bury states that the maximum parking standards are 3 spaces for a 4 bed dwelling, 2 spaces for a 3 bed and 1.5 spaces for a 2 bed dwelling.

The application proposes 2 spaces per property. Whilst this would fall just short of the requirement, these are maximum standards. There is ample room within the courtyard for additional parking and for visitors, and although located off the main road on a lane, the site is within walking distance of local bus services and facilities.

The Highway's Section have raised no objection to the proposed parking provision and as such the scheme is considered to be acceptable and in compliance with H2/2 - The Layout of New Residential Development.

Ecology

Bats - In 2014 a single bat survey was recorded emerging from the farmhouse. In both 2014 and 2015 when the building was reassessed and no bat found, it was concluded that the roost could be avoided and no license would be required. Clarification has been received from the bat consultant, in a statement dated 5-9-16, that there would be no detrimental effect on the bat or bat roost. GMEU are satisfied with the information and recommend the measures detailed in Section 5.1 of the report are conditioned.

Nesting birds - Swallows have been recorded previously in one of the out buildings. A condition is recommended to restrict the timing of building works, including demolition, unless a bird nest survey is carried out.

Ecological Mitigation - The development is likely to result in a net loss of swallow nesting habitat contrary to guidance within the NPPF unless mitigation is provided. A condition to submit a landscape plan, including mitigation for loss of bird nesting habitat is recommended. Mitigation would also be required to compensate for/replace the hedge affected by the provision of the passing place on Hollymount Lane.

Response to objector

The issues regarding residential development in the Green Belt, traffic and local infrastructure have been covered in the above report.

A condition regarding the submission of a drainage scheme would be included.

The application relates to the site edged red only. In terms of flooding on adjacent fields, any future proposals which come forward on other adjacent land would be dealt with on their own merits.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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: 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 Promap red/blue edge site plan received 4/8/2016; DD1191/1; DD/1191/2; DD/1191/5; DD1191/6 Rev B; DD/1191/12; DD/1191/13; DD/1191/14; DD/1191/15; C777-1; Report on a partial structural inspection by Davis Consultants project No DD1191; Bat Survey dated 3.9.2015 and addendum dated 5.9.2016 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. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required 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. No development shall commence unless and until details of surface water drainage proposals have been submitted to and approved by the Local Planning Authority. The proposed scheme must be based on the hierarchy of drainage options in the National Planning Practice Guidance and include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented and thereafter maintained.
Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact in the interests of sustainable development pursuant to chapter 10 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
6. No building works, including demolition, shall commence between 1st March and 31st August inclusive in any year unless a detailed bird nest survey by a suitable experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by 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.
7. A landscape plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The content of the plan should include elements to mitigate for loss of bird nesting habitat. The approved plan shall be implemented in accordance with the approved details. Any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 11 - Conserving and enhancing the natural environment of the NPPF.
8. The recommendations in Section 5.1 of the Bat Survey by Martin Prescott Environmental Services dated 3.9.2015 shall be implemented in full.
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 Section 11 of the National Planning Policy Framework.
9. Notwithstanding the details shown indicatively on the approved plans, no

development shall commence unless and until full details of the formation of the proposed site accesses onto, and passing place on Hollymount Lane, including all the necessary signage and works to replace the affected hedge, have been submitted to and approved in writing by the Local Planning Authority. The details subsequently approved shall be implemented to an agreed programme.

Reason. To ensure good highway design in the interests of highway safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development and OL1/4 - Conversion and Re-use of Buildings in the Green Belt.

10. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP) has been submitted to and approved in writing by the Local Planning Authority and shall confirm/provide the following:
- Hours of operation and number of vehicle movements;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
 - Parking on site or on land within the applicant's control of operatives' and construction vehicles together with storage on site of construction materials.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction vehicles.

Reason. To mitigate the impact of construction traffic generated by the proposed development on the adjacent highway and to ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period, in the interests of highway safety, pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

11. No development shall commence unless and until details have been submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by operations. The approved details only shall be implemented and maintained thereafter during the period of construction.

Reason. To ensure that Hollymount Lane and the adopted highways are kept free of deposited material from the ground works operations pursuant to Bury Unitary development plan Policy EN1/2 - Townscape and Built Design.

12. The visibility splays indicated on the approved plan ref DD/119/14 shall be implemented before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

13. The turning facilities indicated on the approved plan ref DD/1191/14 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 H2/2 - The Layout of New residential Development and EN1/2 - Townscape and Built Design.

14. The car parking indicated on the approved plan reference DD/1191/14 shall be surfaced, demarcated and made available for use prior to the development hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

15. Details/Samples of the materials 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 shall be used for the construction of the development.

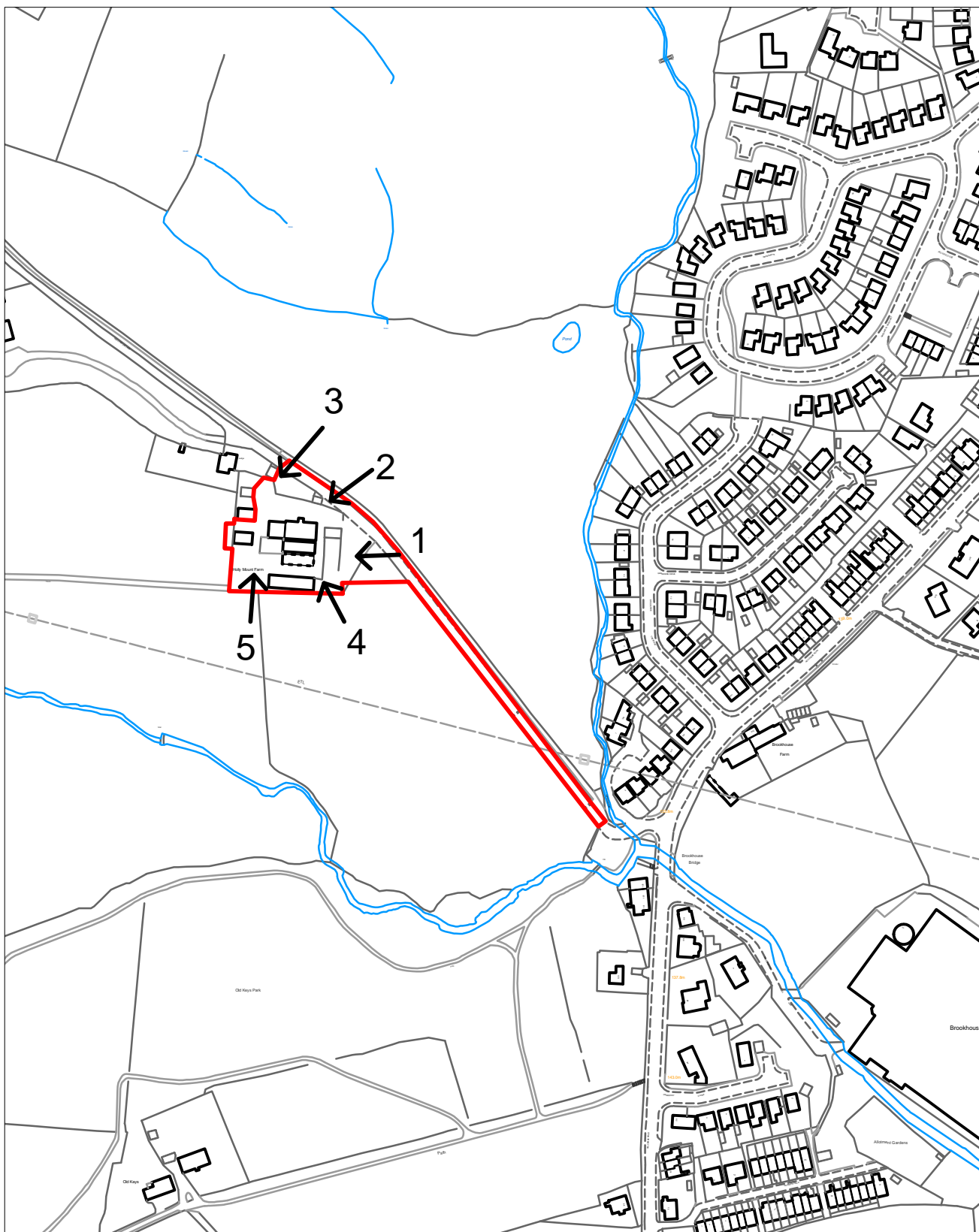
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design; H2/1 - The Form of New Residential Development and OL1/4 - Conversion and Re-use of Buildings in the Green Belt.

16. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 60437

**ADDRESS: Hollymount Farm,
Tottington**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

60437

Photo 1



Photo 2



Photo 3

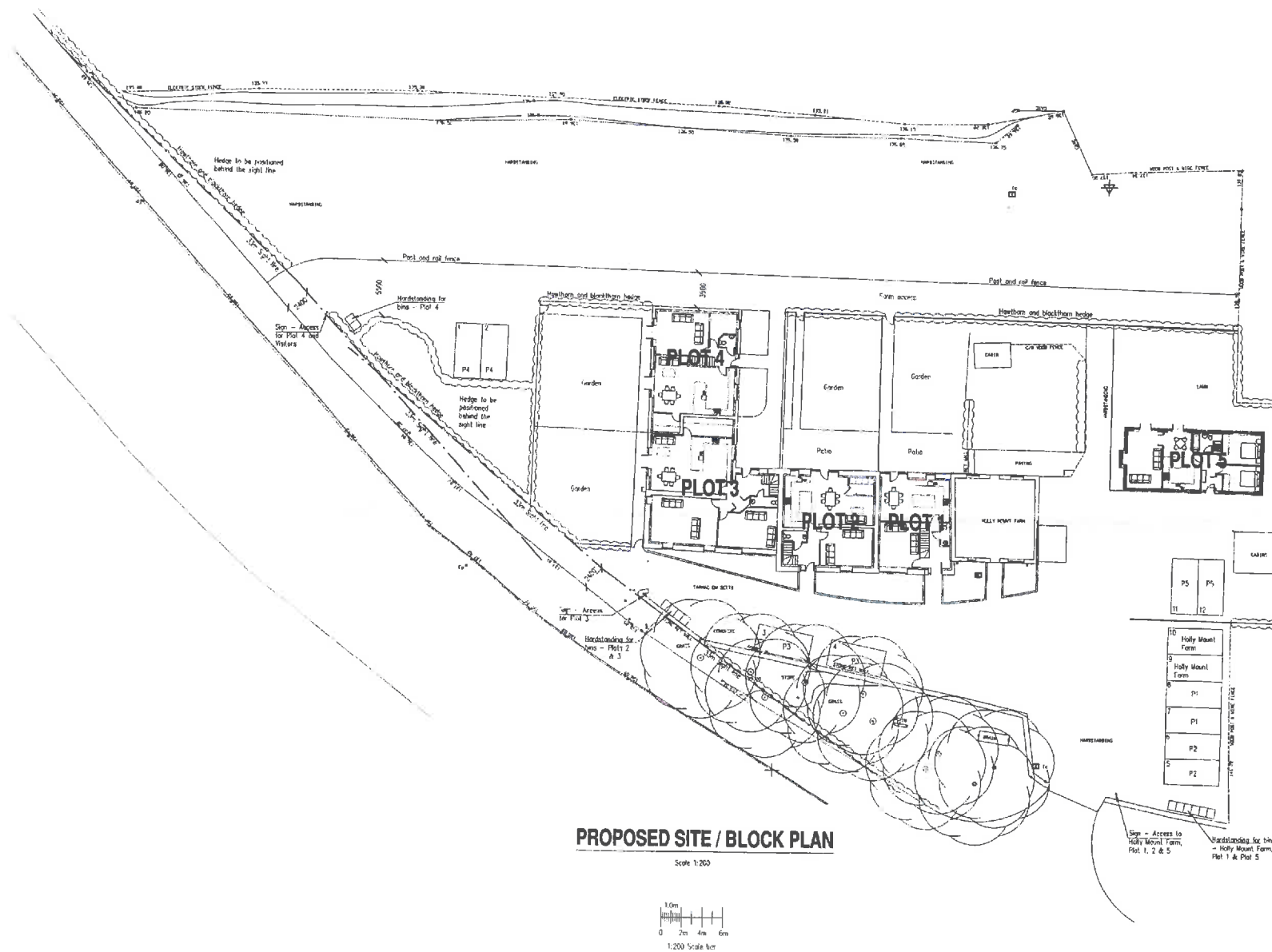


Photo 4



Photo 5



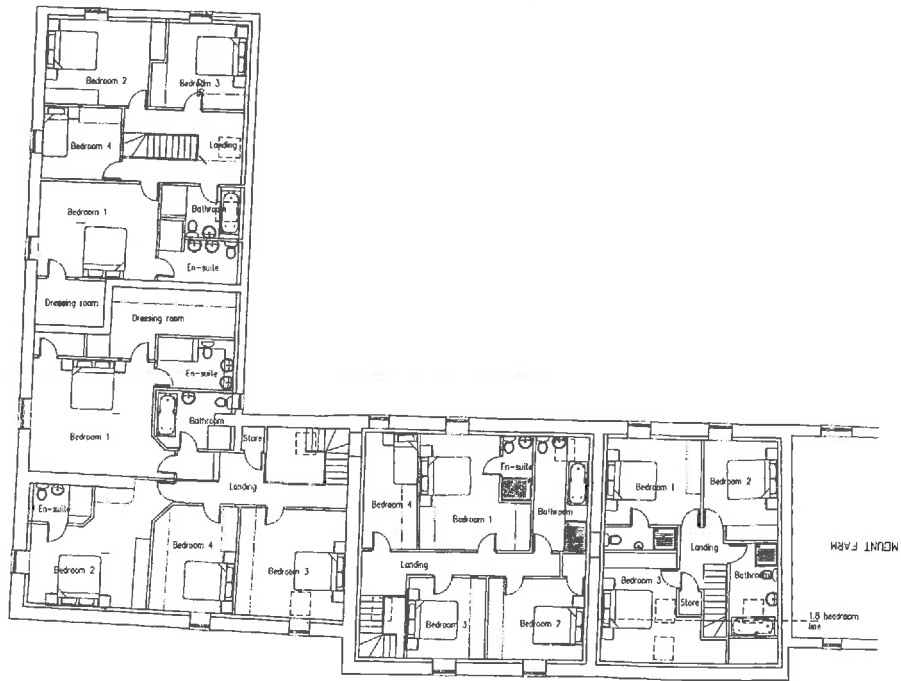


PROPOSED SITE / BLOCK PLAN

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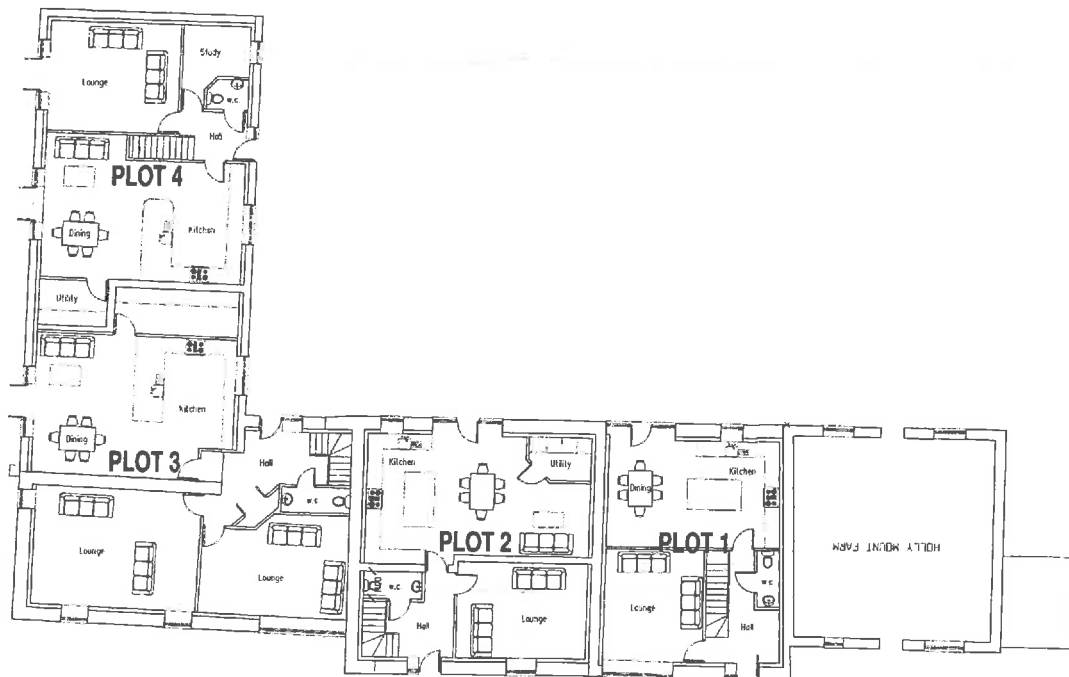


Revision	Description	By	Appd.	Date
<h1>Davis</h1>		566 Liverpool Road Princeton PA 191 000		
<h1>Design</h1>		Tel : 01772 747882 Fax : 01772 750047		
<h2>PROPOSED SITE/BLOCK PLAN</h2>				
<h3>HOLLY MOUNT FARM, HOLLY MOUNT LANE TOTTINGTON</h3>				
Drawn DH	Checked	Approved	Date 06/16	
Scale 1:200	Drawing No.	DD/1191/14	Revision	



PROPOSED FIRST FLOOR PLAN

Scale 1:100



PROPOSED GROUND FLOOR PLAN

Scale 1:100

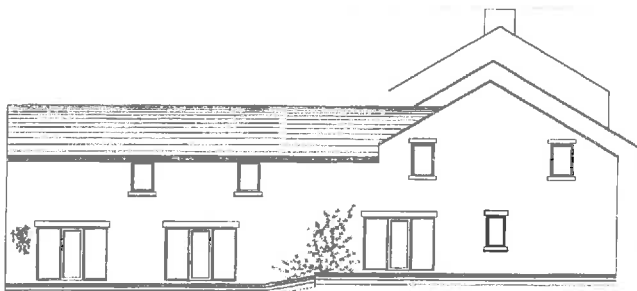


Revision	Description	By	Appd.	Date
Davis Design				
565 Liverpool Road Farnborough Hants GU14 7JG Tel: 01772 747862 Fax: 01772 750947				
PROPOSED PLANS - PLOTS 1 - 4 HOLLY MOUNT FARM, HOLLY MOUNT LANE TOTTINGTON				
Drawn DH	Checked	Approved	Date 05/10	
Scale 1:100 1:50	Drawing No. DD/1191/12	Revision		



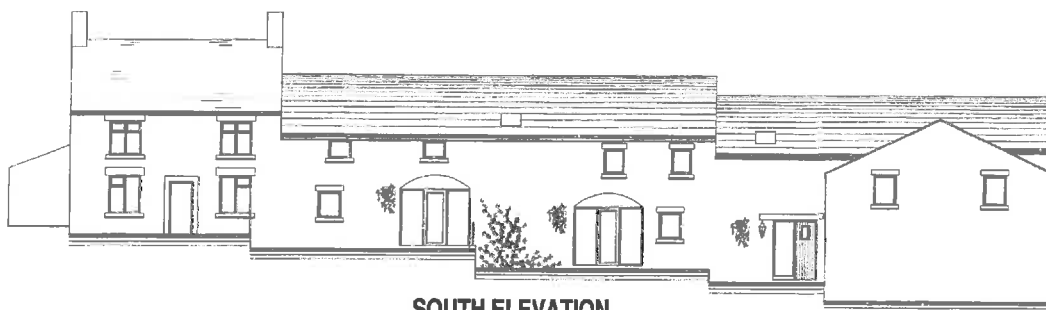
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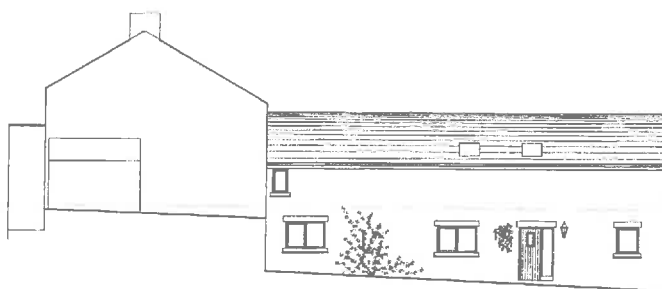
EAST ELEVATION

Scale 1:100



SOUTH ELEVATION

Scale 1:100



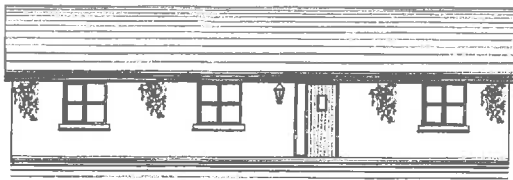
WEST ELEVATION

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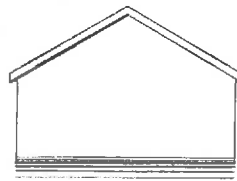
Revision	Description	By	Appd	Date
Davis		Site Liaison Role Fenwick PR1 020		
Design		Tel - 01772 247862 Fax - 01772 750547		
PROPOSED ELEVATIONS - PLOTS 1 - 4				
HOLLY MOUNT FARM, HOLLY MOUNT LANE TOTTINGTON				
Drawn DN	Checked	Approved	Date 06/16	
Scale 1:100	Drawing No.	DD/1191/13		Revision

PROPOSED ELEVATIONS



FRONT ELEVATION

Scale 1:100



SIDE ELEVATION

Scale 1:100



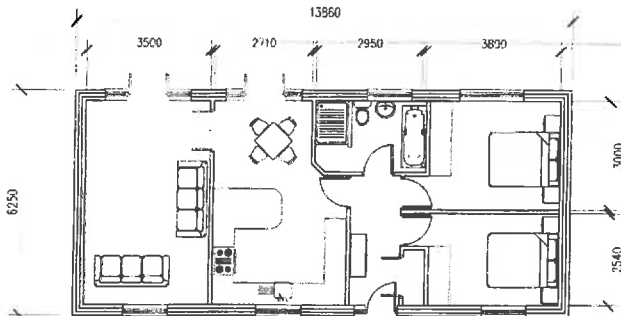
REAR ELEVATION

Scale 1:100



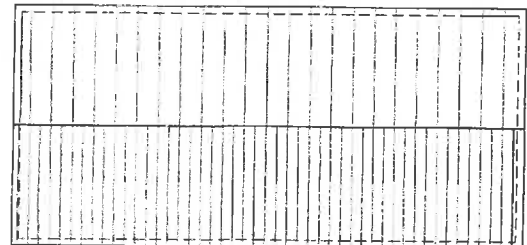
SIDE ELEVATION

Scale 1:100



**PROPOSED GROUND
FLOOR PLAN**

Scale 1:100



PROPOSED ROOF PLAN

Scale 1:100

Revision	Description	By	Appd.	Date
Davis		56a Liverpool Road Penwortham Preston PR1 0DQ		
Design		Tel : 01772 747862 Fax : 01772 750047		
PROPOSED PLANS AND ELEVATIONS - PLOT 5				
HOLLY MOUNT FARM, HOLLY MOUNT LANE TOTTINGTON				
Drawn DH	Checked	Approved	Date 09/14	
Scale 1:100	Drawing No.	DD/1191/6	Revision	B

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BURY COUNCIL
DEPARTMENT FOR RESOURCES AND REGULATION
PLANNING SERVICES

PLANNING CONTROL COMMITTEE

27 September 2016

SUPPLEMENTARY INFORMATION

Item:01 Site of former British Legion Club, Water Street, Radcliffe, Manchester, M26 4DF Application No. 59375

Outline - demolition of existing building and erection of 1no. building containing 19 no. apartments with associated car parking and amenity space

Publicity

47 letters notifying the neighbouring properties of the revised plans were sent on 7 September 2016.

16 letters of support have been received from the occupiers of 18 Coleridge Street, 50, 88, 90 Water Street, 330 Lever Street, 1 Radcliffe Moor Road, 5 Eccleston Close, 2 Osborne Walk, 103 Blackburn Street, which have raised the following issues:

- As an ex-soldier I am happy that this ex British Legion site is being put to good use. There is a need for more housing in Radcliffe.
- If this site is left undeveloped, it may become either a tipping ground or even worse.
- Radcliffe has been developing and changing over the past few years to become more presentable.
- The proposed development will attract new people to the area.
- In favour of the development of apartments.
- I have lived in Radcliffe for over 60 years and a development of this nature should be encouraged because of its close proximity to the town centre.
- It will encourage people to make far greater use of public transport rather than private cars.
- I pass this site regularly and it is an derelict and an eyesore. Radcliffe needs this sort of redevelopment.
- If someone is willing to put a couple of million pounds into Radcliffe on what is a very good looking development and making good use of this vacant land, I am definitely in favour.

3 letters have been received from the occupiers of 48 Robertson Street, which has raised the following issues:

- I represent the 7 businesses at Albert Works and the tenant in 52b Waterside.
- The revised plans do not address the narrow access from Water Street onto the overall site.
- The proposed pavement would limit the passing place which currently exists at the current access to the application site.
- The existing access should be widened to take account of the increase in traffic flow.
- There is nothing to stop cars from being parked on the existing access from Water Street to the site. This could be an issue as there do not seem to be enough parking places for the number of flats in the development. Double yellow lines will be required.

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to pedestrian and vehicular access improvements, boundary treatments, visibility, construction traffic management plan, measures to prevent mud from passing onto the highway, turning facilities and car parking.

Drainage Section - No objections.

The Coal Authority - No objections, subject to the inclusion of a condition relating to coal mining.

Issues and analysis

For the avoidance of doubt, the outline application sets the means of access, appearance, layout and scale of the proposed development. The landscaping of the site would be dealt with at reserved matters stage.

The rooms in the roofspace relate to the dormers on the front elevation of the proposed building. There would be 58 metres between the proposed building and the properties opposite on Water Street, which would be in excess of the 26 metre aspect standard.

Response to objectors

The issues of access, turning facilities, parking provision, residential amenity and privacy and the height and scale of the proposed building have been addressed in the main report. The issue of financial viability of the care home is not a material consideration and cannot be taken into account.

Conditions

Therefore, conditions 11 - 17 should be added in relation to coal mining, pedestrian and vehicular access improvements, boundary treatments, visibility, construction traffic management plan, measures to prevent mud from passing onto the highway, turning facilities and car parking.

11. No development shall commence unless or until:-

- A site investigation report to assess the actual/potential risk from coal mining has been submitted to and approved in writing by the Local Planning Authority;
- Where actual/potential risk from coal mining has been identified, a detailed remedial scheme shall be submitted to and approved in writing by the Local Planning Authority;

The approved remedial scheme must be carried out to the written satisfaction of the Local Planning Authority within agreed timescales.

Reason. The scheme does not provide full details of the actual risk from coal mining and subsequent remedial works, which is required to secure the satisfactory development of the site in terms of coal mining and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

12. Notwithstanding the details indicated on approved plan reference 2400/15/04 Revision A, no development shall commence unless and until full details of the following have been submitted to and approved by the Local Planning Authority:

- revised boundary fencing/railing details to ensure that visibility splays in accordance with the standards in Manual for Streets for a design speed of 20mph can be provided at the junction of the site access with Water Street/the unadopted access road;
- revised pedestrian access arrangements to provide a direct connection from the adopted highway;

The details subsequently approved shall be implemented to an agreed programme.

Reason. To ensure good highway design and ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

13. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved in writing by the Local Planning Authority and shall confirm/provide the following:

- Access route for construction traffic from the highway network;
- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles together with storage on site of construction materials.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

14. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction.

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.

15. The development hereby approved shall not be first occupied unless and until the proposed pedestrian and vehicular access improvements on Water Street/the unadopted access road indicated on approved plan reference 2400/15/04 Revision A and all associated highway remedial works have been implemented to an agreed specification.

Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

16. The turning facilities indicated on approved plan reference 2400/15/04 Revision A 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 the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

17. The car parking indicated on approved plan reference 2400/15/04 Revision A shall be surfaced, demarcated and made available for use prior to the development hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

Item:02 Land at Mountheath Industrial Estate, George Street, Prestwich

Application No. 59884

Outline planning application for the demolition of all existing structures and redevelopment for a mixed use development comprising up to 160 residential dwellings and 2,959 sq.m of employment floorspace (Use Classes B1 / B8) including all associated infrastructure.

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for the phasing of the employment land and residential dwellings in accordance with Policy EC1/1 and EC2/1 of the adopted Unitary Development Plan and SPD14. If the agreement is not signed within a reasonable timeframe, then delegated authority is sought by the Development Manager to determine the application

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to access and junction improvements, construction traffic management plan, visibility splays and driveway lengths.

Environment Agency - No objections, subject to the inclusion of conditions relating to the open channel of Singleton Brook, management of the buffer zone of Singleton Brook, Japanese Knotweed and Himalayan Balsam, contaminated land and foul and surface water drainage.

Transport for Greater Manchester - No objections, subject to the inclusion of a condition relating to the improvements at the junction of George Street/Bury New Road and a travel plan.

Issues and analysis

Flood risk - An updated Flood Risk Assessment was submitted and included an assessment of risks to the site based on the existing channel and culvert through the site (Singleton Brook). Although some information on watercourse levels downstream has been estimated, this shows that there is risk to the development site under 1% and 0.1% AEP events. As such, parts of the site are effectively within flood zones 2 and 3.

The updated FRA outlines a proposal to form a new channel across the site albeit at a higher level than the current culvert. Whilst the proposed works to Singleton Brook may be acceptable in principle, sufficient evidence must be submitted to indicate that it would not increase risks upstream. The FRA proposes raising the bed level at the existing culvert inlet by 2.5 metres and acknowledges that this would impact upon the channel upstream. No model has been submitted to show the impact of this. However, as the detailed design in relation to layout and scale is not being determined at this stage, further information can be submitted at the first reserved matters stage and this would be the subject of a condition. The Environment Agency

has no objections, subject to the inclusion of conditions relating to the open channel of Singleton Brook, management of the buffer zone of Singleton Brook, Japanese Knotweed and Himalayan Balsam, contaminated land and foul and surface water drainage. Therefore, the proposed development would be in accordance with Policy EN5/1 of the Bury Unitary Development Plan and the NPPF.

Highways issues - The proposed development involves the provision of a traffic signal controlled junction at Bury New Road, George Street and Kings Road. Transport for Greater Manchester has no objections, subject to the inclusion of conditions relating to the improvements at the junction of George Street/Bury New Road and a travel plan. The Traffic Section has no objections, subject to the inclusion of conditions relating to access and junction improvements, construction traffic management plan, visibility splays and driveway lengths. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EC6/1, H2/1 and H2/2 of the Bury Unitary Development Plan.

Planning obligations - The applicant sought to deal with the viability of the proposed development at this stage and submitted a viability appraisal. The viability appraisal sought to demonstrate that the proposed development would be financially unviable for the development to deliver affordable housing in line with the policy requirements. However, as the application is in outline, with only the means of access determined at this stage, it is not possible to determine issues such as proposed layout, materials, build costs, landscaping, which are all unknown. As such, the requirements to provide recreational provision and affordable housing will be secured via condition at this stage, with further detail being provided at the reserved matters stage.

A Section 106 agreement would link the delivery of the employment land to the delivery of the residential dwellings as follows:

- The first phase of employment land comprising the island site shall be substantially build complete and available for marketing/occupation prior to the occupation of the 10th residential dwelling.
- The final phase of employment land shall be substantially build complete and available for marketing/occupation prior to occupation of 50% of the residential dwellings.

Response to objectors

- The issues of employment land, mixed use, traffic generation, servicing and turning facilities, highways issues, parking provision, traffic calming and the provision of a signal controlled junction have been addressed in the main report.
- The Council has to determine the application before it and cannot consider alternative sites for the proposed development.
- The application is in outline and the detailed design of the dwellings, including energy efficiency and affordable housing will be assessed at the reserved matters stage.

Conditions

Condition 10 relates to Japanese Knotweed and Himalayan Balsam and conditions 13 - 15 relate to foul and surface water drainage.

Conditions 4, 5 and 7 should be amended in relation to contaminated land and dust mitigation plan.

Conditions 17 - 27 should be added in relation to recreation provision, affordable housing, improvements at the junction of George Street/Bury New Road, a travel

plan, access and junction improvements, construction traffic management plan, visibility splays, driveway lengths, the open channel of Singleton Brook and the management of the buffer zone of Singleton Brook.

4. No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site and shall include a conceptual model of the site indicating sources, pathways and receptors 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. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required 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.

5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence and shall identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, 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.

7. A Dust Mitigation Plan in line with the technical guidance - Guidance on the assessment of dust from demolition and construction, IAQM, February 2014 - for the construction phase is required for submission to the Council prior to works commencing on site. The approved details shall be implemented during the construction of the development hereby approved.

Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Section 4 the National Planning Policy Framework.

17. In the event of the development comprising 10 units and a combined floorspace of more than 1000 square metres or 11 units or more (regardless of floorspace), the development authorised by this permission shall not begin unless and until the Local Planning Authority has approved in writing a scheme to secure recreation provision, which shall include a mechanism for delivery, in accordance with Policy RT2/2 – Recreation Provision in New Housing Development and its associated SPD1 – Open Space, Sport and Recreation Provision in New Housing development. The scheme shall be submitted as part of the reserved matters application and the recreation provision shall be delivered in full accordance with the approved details.

Reason - To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy RT2/2 -

Recreation Provision In New Residential Development and the associated
Supplementary Planning Document 1 - Open Space, Sport and Recreation in New
Housing Development.

18. The development authorised by this permission shall not begin unless and until the Local Planning Authority has approved in writing a scheme to secure Affordable Housing provision as part of the development, which shall include a mechanism for delivery, in accordance with policy H4/1 – Affordable Housing and its associated SPG5 – Affordable Housing Provision in New Residential Developments. The scheme shall be submitted as part of the reserved matters application and the affordable housing provision shall be delivered in full accordance with the approved details.

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

19. No trees subject to a Tree Preservation Order, unless indicated otherwise on plans submitted and approved as "reserved matters", shall be felled, lopped or topped without the previous written consent of the Local Planning Authority.

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

20. Notwithstanding the details indicated on approved plan reference SCP/14342/F03 Revision E, SCP/14342/F01 Revision C and SK3 Revision B, full details of the following highway aspects shall be submitted at first reserved matters application stage:

- Signalisation of the Bury New Road/George Street/Kings Road junction, including the removal of the existing pelican crossing and all necessary modifications to and improvement of affected street lighting, road markings and highway drainage and the provision of adequate footway widths to accommodate all signal equipment, pedestrian guardrailling and street furniture;
- Proposed means of access to the site from George Street, including the provision of adequate arrangements at the interface with the adopted highway to form a level plateau, provision of appropriate tactile paving and all necessary modifications to, and improvement of, affected street lighting, road markings and highway drainage;
- In the event that it is intended for the proposed residential estate roads to be adopted, the provision of full structural, construction and drainage details of the proposed embankment supporting the site access road;
- Proposed secondary emergency access from Ardent Way to a width and specification to be agreed with Greater Manchester Fire & Rescue Service;
- In the event that it is intended for the proposed residential estate roads to be adopted, all necessary modifications to, and improvement of, Ardent Way to form adoptable turning facilities at the interface with the secondary emergency access and provision of adequate street lighting, road markings and highway drainage on the route to connect to the existing adopted highway;
- Proposed internal road layout to a specification to be agreed and, in the event that it is intended for the proposed residential estate roads to be adopted, to current adoption standards;
- Adequate turning facilities within the curtilage of the site and associated swept path analysis;
- A scheme of 20mph traffic calming measures in the George Street area and on

the proposed internal roads to a scope to be agreed including details of proposed materials, road markings and signage as required;

- Provision of visibility splays and forward visibility envelopes at all internal junctions and bends in accordance with the standards in Manual for Streets;
- Provision of long sections and cross sections at positions to be agreed through the proposed estate roads and turning heads to ensure adoptable gradients and minimum 1 in 3 batters can be achieved along and adjacent to the proposed adopted highways;
- Swept path analysis of the proposed estate roads to ensure a refuse collection vehicle can pass a private car and manoeuvre at both turning heads.
- Provision of a street lighting scheme for the proposed residential development.

The details subsequently approved shall be implemented to an agreed programme.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EC6/1 - New Business, Industrial and Commercial

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

21. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Access route for demolition/construction traffic from the highway network;
- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site or on land within the applicant's control of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials.

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition/construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EC6/1 - New Business, Industrial and Commercial

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

22. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction.

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy H2/2 - The Layout of New

Residential Development of the Bury Unitary Development Plan.

23. The visibility splays indicated on approved plan reference SCP/14342/F01 Revision C shall be implemented to the written satisfaction of the Local Planning Authority before the site access road is brought into use and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EC6/1 - New Business, Industrial and Commercial

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

24. A minimum hardstanding of 5.5m measured between the highway/estate road boundary and any proposed garage doors shall be provided to the written satisfaction of the Local Planning Authority and thereafter maintained.

Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EC6/1 - New Business, Industrial and Commercial

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

25. Where dwellings are constructed without a garage, a minimum hardstanding of 5.0m measured from the highway/estate road boundary shall be provided within the curtilage of each dwelling to the written satisfaction of the Local Planning Authority and thereafter maintained.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EC6/1 - New Business, Industrial and Commercial

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

26. The development hereby permitted shall not be commenced unless or until such time as a scheme to divert Singleton Brook within open channel has been submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the provisions contained within the current Flood Risk Assessment and its accompanying addendum' details relating to a scheme that creates and provides an adequate open channel/culvert crossing the site that does not create adverse conditions beyond the development site itself is submitted at first reserved matters stage. The approved details only shall be implemented and where it is proposed that phasing is involved within the delivery of the development, details of hydrological and hydraulic calculations (allowing for the impacts of climate change) and long and cross sections of the new channel and downstream culvert inlet should be submitted and approved in writing by the Local Planning Authority.

Reason. To reduce the risk of flooding to the proposed development, future users and also that flood risk elsewhere is not increased pursuant to Policy EN5/1 - new Development and Flood Risk of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.

27. No development shall take place until a scheme for the provision and management of an minimum of 8-10m wide buffer zone alongside the Singleton Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- Plans showing the extent and layout of the buffer zone
- Details of any proposed planting scheme including planting schedule largely based on native species.
- Details demonstrating how the buffer zone will be protected during development, and details of any proposed footpaths, fencing, lighting etc.
- Details demonstrating that any required sewer diversion is located exterior to buffer zone.
- Detail assessment of potential de-culverting opportunity along existing Singleton Brook culvert and green infrastructure asset.

Reason. To mitigate the impact of the development upon the ecological value of the watercourse pursuant to that encroaches on watercourses has a potentially severe impact on their ecological value pursuant to Policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.

Item:03 Site of Tottington Motor Co, Market Street, Tottington, Bury, BL8 3LS
Application No. 60264

Demolition of existing car sales/MOT garage and former petrol station canopy and erection of petrol filling station and Spar convenience store with ATM machine, car parking and associated works

Publicity

1 letter of support has been received from the occupier of 42 Bury Road, which has raised the following issues:

- This is exactly what we need on that site.
- Please approve the application.

A petition, containing 44 signatures, objecting to the proposed development has been received.

3 letters have been received from the occupiers of 161 Market Street and 20 Sandybrook Close, which have raised the following issues:

- Are there any plans for double yellow lines near the garage? If there are I would object as it is difficult to park.
- We already have a lot of traffic in the mornings and the roundabout backs up.
- We do not need a Spar as we have a Co-op.
- You are turning Bury into a less attractive area. We already have an Aldi, Lidl, B & M and home bargains a stones throw from each other in the Ainsworth area.
- This is unfair to existing residents. Fuel is a massive fire hazard.

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

Consultations

Drainage Section - No objections, subject to the inclusion of condition relating to

surface water drainage and works to the culvert.

Issues and analysis

Principle (retail) - Given the absence of suitable sites within the Tottington centre, the next stage in the sequential approach is to consider edge-of-centre locations, such as the application site, and give preference to sites that are well connected to the centre. Tottington District Centre fronts onto either side of Market Street and the application site is very well connected to the centre. Consequently, it is considered that the sequential test has been passed.

In addition, the limited size and local convenience function of the proposed retail unit would not adversely impact upon the performance of the District Centre and its vitality and viability, and given its edge of centre location, would add to the local convenience offer and choice. Therefore, the proposed development would be in accordance with the NPPF.

Culvert - There is culvert/brook which passes through the site and is located behind the existing sales building. The existing culvert would be opened up and two crossing points provided. The proposed works would create more capacity and the Drainage Section has no objections to the proposal, subject to the inclusion of a condition relating to the works to the culvert. Therefore, the proposed development would be in accordance with Policy EN5/1 of the Bury Unitary Development Plan and the NPPF.

Impact upon residential amenity - The proposed building would be single storey in height and would be 4.3 metres high adjacent to the existing care home rising to 6.4 metres on the front elevation. There would be 6.5 metres between the existing windows in the residential care home and the proposed building, which would be in accordance with the aspect standard in SPD6.

The openings from the care home would overlook the rear elevation of the proposed retail unit, which would be blank. The gable elevation would contain the access door and low level brickwork would partly obscure the plant from view. The proposed development would not generate any more noise than the current use, which included car repairs and valeting. The petrol station would be fitted with the facility to 'pay at pump' and as such, the proposed petrol filling station would be open 24 hours. The proposed retail unit would be open from 06.00 to 23.00 and a condition would require the retail store to be closed to customers outside of these hours. As such, the proposed development, subject to conditional control, would not have an adverse impact upon residential amenity with regard to noise and would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

Trees - There are two mature trees located on site. The first is located between the care home and the proposed retail unit and the second is located within the garden of No. 134 Market Street. The proposed site plan indicates that both of the mature trees would be retained and a condition will be placed on any grant of planning consent to secure this. Therefore, the proposed development would be in accordance with Policy EN8 of the Bury Unitary Development Plan.

Response to objectors

- The issues relating to traffic generation, parking, impact upon residential amenity, need, compliance with local and national policy, noise and works to the culvert have been addressed in the main report and above.
- Each application is assessed on its own merits and with regard to the Bury Unitary Development Plan and the National Planning Policy Framework.

- The impact upon property prices is not a material planning consideration and cannot be taken into account.

Conditions

Conditions 7, 8 and 9 in the main report deal with foul and surface water drainage. Conditions 3, 7, 8, 11, 12 and 15 should be amended as follows and conditions 19 and 20 should be added in relation to trees and works to the culvert:

3. 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 construction of the petrol filling station and retail unit is commenced. Only the approved materials/bricks shall be used for the construction of the development.

Reason: No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

7. Prior to the commencement of any development, excluding demolition of the existing structures and clearance of the site, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 20 l/s.

Reason: To ensure a satisfactory means of drainage, promote sustainable development and to manage the risk of flooding and pollution pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.

8. No development, other than demolition shall commence unless or until a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:

- The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the

11. If works are to be carried out to trees between 1 March and 31 August inclusive in any year, a report assessing whether the trees contain nesting birds shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed within an agreed timetable.

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.

12. Notwithstanding the details shown on approved plan reference 297 PL-01 Revision B, no development, excluding demolition and site clearance, shall commence unless and until full details of the following have been submitted to and approved in writing with the Local Planning Authority:

- Proposed pedestrian and vehicular access alterations on Market Street, including the provision of heavy duty accesses to a specification to be agreed, demarcation of the limits of the adopted highway, full reconstruction of the footways abutting the site, reinstatement of the all redundant accesses, provision of tactile paving and all associated highway and highway drainage remedial works;
- Provision of a barrier and/or boundary treatment between the two proposed accesses at the interface with the adopted highway to a specification to be agreed and of a height not exceeding 0.9m;
- Provision of give-way markings and signage at both proposed accesses;
- Provision of a demarcated and signed delivery bay adjacent to the brook clear of the adjacent vehicle crossing points and appropriate hatched/'Keep Clear' markings at both crossing points;
- Provision of a minimum 2.0m Building Regulations compliant pedestrian route from the highway, to be subsequently maintained clear of any physical obstructions;
- Proposals for the introduction of waiting restrictions to scope to be agreed on the westerly side of Market Street abutting the site, including all necessary road markings and signage.

The details subsequently approved shall be implemented in full to a programme to be agreed.

Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.

15. The development hereby approved shall not be brought into use unless and until a Delivery Management Plan has been submitted to and approved in writing by the Local Planning Authority, incorporating measures to mitigate the impact of fuel tanker deliveries at the front of the site on vehicle access arrangements to the site and adjacent pump islands. The development shall be managed in accordance with the approved plan and measures.

Reason. To ensure that adequate provision is made within the curtilage of the site for the loading and unloading of all service vehicles which visit the site in connection with the uses proposed and to ensure such vehicles do not restrict access to the site, in the interests of highway safety pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.

19. No trees, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before or during the construction period.

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

20. No development shall commence, other than demolition and site clearance, unless or until a scheme for works to the culvert, including the highway crossing points, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the development hereby approved being first brought into use.

Reason. To ensure a satisfactory means of drainage and to manage the risk of flooding and pollution pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.

Item:04 66 Sunny Bank Road, Bury, BL9 8HJ Application No. 60408

Change of use from post office (A1) to hot food takeaway (A5) with extractor flue at rear

Conditions.

Condition 4 amended to read:

No development shall commence unless and until a scheme for treating, diluting and dispersing fumes and odours has been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include a written statement from a suitably qualified person who is a member of the Heating and Ventilation Contractors Association (HVCA) or an equivalent professional body, stating that the fume treatment to be installed complies with or exceeds the 'Minimum Requirements For Odour Control' provided by the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems :DEFRA 2005 (or if applicable such superseding guidance as shall prevail at the time of commencement of the development).

The scheme to be submitted shall also include the relevant manufacturer and installer instructions for any associated equipment with details of maintenance requirements.

The installation shall be so designed such that the maximum noise emitted does not exceed NR25 (Noise Rating) in the bedrooms of the nearest residential property, with the windows of that residential property being open in the normal manner for ventilation purposes.

The scheme as approved shall be implemented, available for use and maintained in accordance with the approved scheme whilst it shall serve the development.

Reason. Additional information and details are required to ensure the installed ventilation equipment would meet the required standards in order to protect the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to UDP Policy S2/6 - Food and Drink.

Item:05 Springside County Primary School, Springside Road, Bury, BL9 5JB
Application No. 60409
Siting of 1 no. storage container in playground and hardstanding extension to form playground

Nothing further to report

Item:06 Hollymount Farm, Hollymount Lane, Tottington, Bury, BL8 4HP
Application No. 60437
Conversion of farm building into 4 no. residential units; Demolition of the other farm buildings and replacement of mobile home with permanent dwelling

Additional plan - Plan (ref C777-1) has been included to show the existing site layout and retention/demolition of the buildings on site.

Conditions

Condition 7 amended to read:

A landscape plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The content of the plan should include elements to mitigate for loss of bird nesting habitat. The approved plan shall be implemented in accordance with the approved details. Any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. Insufficient information has been submitted to secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 11 - Conserving and enhancing the natural environment of the NPPF.

Condition 9 amended to read:

Notwithstanding the details shown indicatively on the approved plans, no development shall commence unless and until full details of the formation of the proposed site accesses onto, and passing place on Hollymount Lane, including all the necessary signage and works to replace the affected hedge, have been submitted to and approved in writing by the Local Planning Authority. The details subsequently approved shall be implemented to an agreed programme.

Reason. Insufficient information has been submitted to ensure good highway design in the interests of highway safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, OL1/4 - Conversion and Re-use of Buildings in the Green Belt.

Condition 10 amended to read:

No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP) has been submitted to and approved in writing by the Local Planning Authority and shall confirm/provide the following:

- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles together with storage on site of construction materials.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction vehicles.

Reason. Insufficient information submitted to ensure mitigation of the impact of construction traffic generated by the proposed development on the adjacent highway and to ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period, in the interests of highway safety, pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

Condition 11 amended to read:

No development shall commence unless and until details have been submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by operations. The approved details only shall be implemented and maintained thereafter during the period of construction.

Reason. Insufficient information submitted to ensure that Hollymount Lane and the adopted highways are kept free of deposited material from the ground works operations pursuant to Bury Unitary development plan Policy EN1/2 - Townscape and Built Design.

Condition 15 amended to read:

Details/Samples of the materials to be used in the external elevations, and details of the surfacing materials for the hardstanding areas, 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 shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design; H2/1 - The Form of New Residential Development and OL1/4 - Conversion and Re-use of Buildings in the Green Belt.

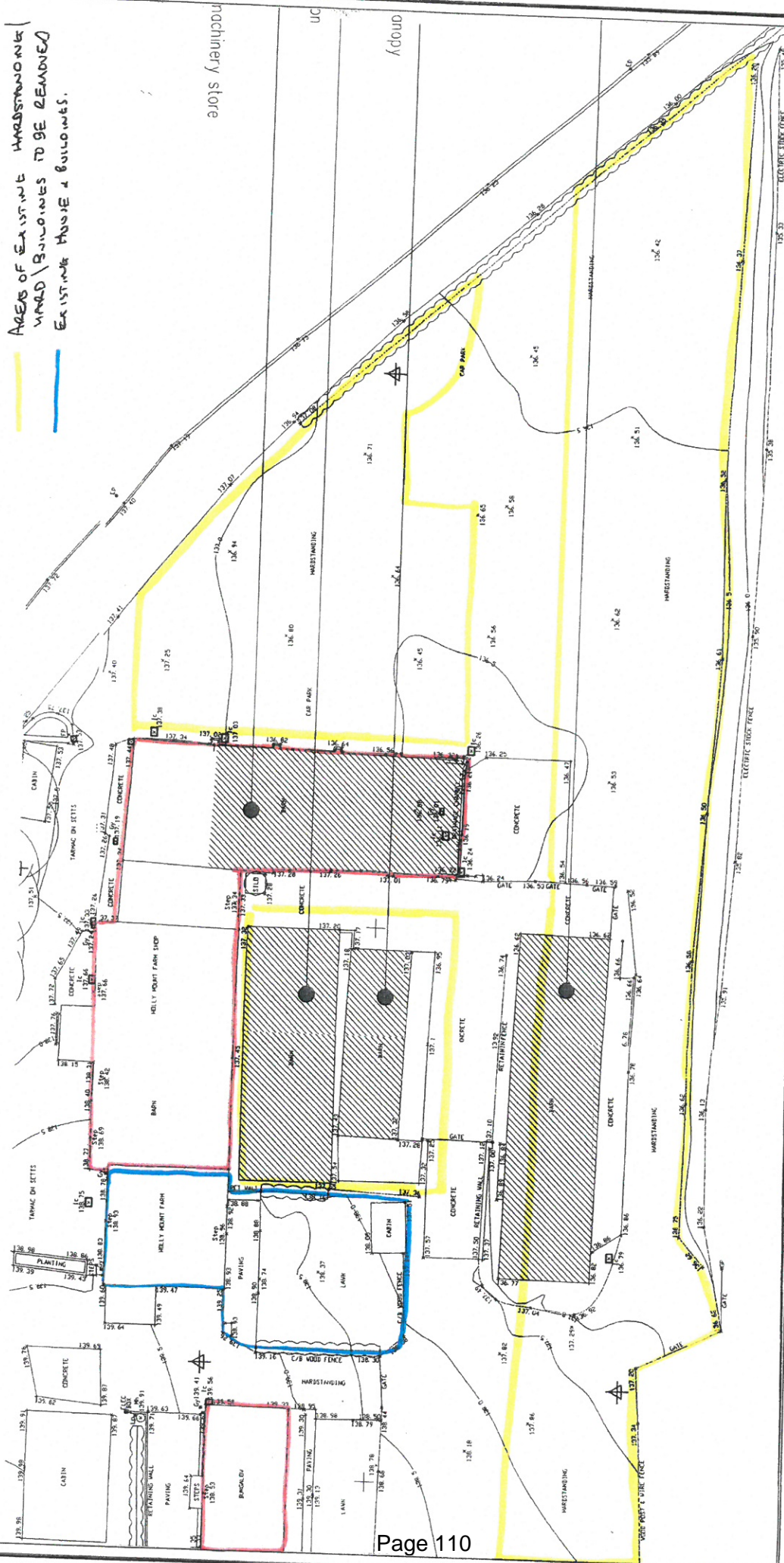
Condition 17 added to read:

No development shall commence unless and until details of the removal of the hedge and details of the replacement hedge at the passing place on Hollymount Lane, has been submitted to and approved by the Local Planning Authority. This shall include details of the species and maturity of the replacement hedge and a timetable for implementation. The approved details only shall be implemented to the approved timetable.

Reason. Insufficient information has been submitted to ensure appropriate replacement hedging and the retention of features of ecological value, pursuant to Bury Unitary development Plan Policy EN6/3 - Features of Ecological value and chapter 11 - Conserving and enhancing the natural environment of the NPPF.

BUILDINGS TO BE CONVERTED

AREAS OF EXISTING HARDSTANDING
WARD/BUILDINGS TO BE REMOVED
EXISTING THURIE & BUILDINGS.



Burlington House
10-11 Ribblesdale Place
Preston, Lancashire PR1 3NA
Tel: 01772 882277 Fax: 01772 258309



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Scale 1: NOT TO SCALE
FOR IDENTIFICATION
PURPOSES ONLY
Ref 277-1 Date 2/8/16.

REPORT FOR DECISION

Agenda Item 5

Bury
COUNCIL

Agenda
Item

5

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	27 September 2016
SUBJECT:	DELEGATED DECISIONS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report lists: Recent delegated planning decisions since the last PCC
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A
Wards Affected:	All listed
Scrutiny Interest:	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:-**

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Bury BL9 0EJ

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Planning applications decided using Delegated Powers

Between 22/08/2016 and 18/09/2016



Ward: **Bury East**

Application No.: 60152 **App. Type:** FUL 13/09/2016 Approve with Conditions
Location: 5 Silver Street, Bury, BL9 0EU
Proposal: Change of use from retail unit (Class A2) to wine bar (Class A4)

Application No.: 60210 **App. Type:** ADV 22/08/2016 Approve with Conditions
Location: Angouleme Retail Park, Angouleme Way, Bury, BL9 0BZ
Proposal: 24 No. non-illuminated pole/wall mounted car park management signs

Application No.: 60290 **App. Type:** FUL 31/08/2016 Approve with Conditions
Location: Bridge House, Topping Fold Road, Bury, BL9 7NQ
Proposal: Demolition of south wing of building

Application No.: 60318 **App. Type:** FUL 07/09/2016 Approve with Conditions
Location: 40 Market Street, Bury, BL9 0AJ
Proposal: Change of use from pay day loan shop (Sui Generis) to hot food takeaway (Class A5) with new shop fronts and installation of flue at side

Application No.: 60349 **App. Type:** ADV 22/08/2016 Approve with Conditions
Location: Asda Store, Spring Street, Bury, BL9 0RN
Proposal: 4 No. internally illuminated signs and 65 no. replacement store signs

Application No.: 60356 **App. Type:** REG3 02/09/2016 Approve with Conditions
Location: East Ward County Primary School, Willow Street, Bury, BL9 7QZ
Proposal: Variation of condition no. 2 (approved plans) of planning permission 59990 to show relocation of fire exit door on the proposed building and to move the building 3 metres to the west

Application No.: 60403 **App. Type:** CON 24/08/2016 Raise No Objection
Location: Tack Lea Works, Bury & Rochdale Old Road, Heywood, BL9 7UA
Proposal: Article 18 consultation from Rochdale Council for outline application for the demolition of existing buildings and the erection of 14 no. detached dwellings

Ward: **Bury East - Moorside**

Application No.: 60359 **App. Type:** ADV 02/09/2016 Refused
Location: Gable of 37 Walmersley Road, Bury, BL9 5AE
Proposal: Replacement of existing 48 sheet advertising display with 48 sheet LED display

Ward: **Bury East - Redvales**

Application No.: 60304 **App. Type:** FUL 01/09/2016 Approve with Conditions
Location: 51 Dorset Drive, Bury, BL9 9DN
Proposal: Change of use of part of property from residential (Class C3) to educational centre (Class D1)

Application No.: 60358 **App. Type:** GPDE 22/08/2016 Prior Approval Not Required - Extension
Location: 272 Market Street, Bury, BL9 9JN
Proposal: Prior notification for proposed single storey rear extension

Ward: Bury West - Church

Application No.: 60386 **App. Type:** FUL 02/09/2016 Split Decision
Location: 35 Bournville Drive, Bury, BL8 2UF
Proposal: A: Single storey extension at rear
B: Two storey extension at front

Application No.: 60441 **App. Type:** FUL 13/09/2016 Approve with Conditions
Location: 38 Greenhill Road, Bury, BL8 2LL
Proposal: Single storey extension at rear

Ward: Bury West - Elton

Application No.: 60346 **App. Type:** FUL 07/09/2016 Refused
Location: 1 Grantham Drive, Bury, BL8 1XW
Proposal: Erection of 2 metre high boundary wall/fence

Application No.: 60397 **App. Type:** FUL 22/08/2016 Approve with Conditions
Location: 54 Bankhouse Road, Bury, BL8 1DS
Proposal: Single storey side extension

Ward: North Manor

Application No.: 60321 **App. Type:** FUL 26/08/2016 Approve with Conditions
Location: 19 Rowlands Road, Summerseat, Bury, BL9 5NF
Proposal: Loft conversion with front dormer

Application No.: 60381 **App. Type:** FUL 26/08/2016 Approve with Conditions
Location: 499 Bolton Road West, Ramsbottom, Bury, BL0 9RT
Proposal: Two storey extension at side and rear

Application No.: 60389 **App. Type:** FUL 15/09/2016 Approve with Conditions
Location: 49 Bolton Road, Tottington, Bury, BL8 4JA
Proposal: First floor side extension and alterations to elevations

Application No.: 60400 **App. Type:** FUL 07/09/2016 Approve with Conditions
Location: 16 Longsight Road, Ramsbottom, Bury, BL0 9TD
Proposal: Two storey extension at side and single storey extension at rear: Part demolition of existing garage and formation of garden store and external covered store; Raised patio to rear

Application No.: 60492 **App. Type:** FUL 13/09/2016 Approve with Conditions
Location: 11 Bolton Road, Tottington, Bury, BL8 4HZ
Proposal: New front boundary wall and recessed entrance gate

Ward: Prestwich - Holyrood

Application No.: 60415 **App. Type:** FUL 02/09/2016 Approve with Conditions
Location: 88 Tamworth Avenue, Whitefield, Manchester, M45 6UA
Proposal: Two storey side extension

Application No.: 60416 **App. Type:** FUL 02/09/2016 Approve with Conditions
Location: 5 Perrymead, Prestwich, Manchester, M25 2QJ
Proposal: Loft conversion with dormer at rear

Ward: Prestwich - Sedgley

Application No.: 60323 **App. Type:** FUL 24/08/2016 Refused
Location: 45 Bury Old Road, Prestwich, Manchester, M25 0EY
Proposal: Extension to existing dwelling to form ground floor self contained flat for 3 persons and first floors to be used as post - graduate study centre

Application No.: 60347 **App. Type:** FUL 22/08/2016 Approve with Conditions
Location: 2 Winchester Avenue, Prestwich, Manchester, M25 0LJ
Proposal: First floor extension at side and single storey extension at rear

Application No.: 60362 **App. Type:** FUL 15/09/2016 Approve with Conditions
Location: 3 East Meade, Prestwich, Manchester, M25 0JJ
Proposal: Two storey extension at side/rear, single storey extension at rear and single storey extension/porch at front

Application No.: 60382 **App. Type:** FUL 02/09/2016 Approve with Conditions
Location: 29 Bury Old Road, Prestwich, Manchester, M25 0EY
Proposal: Retention of ATM

Application No.: 60383 **App. Type:** ADV 02/09/2016 Approve with Conditions
Location: 29 Bury Old Road, Prestwich, Manchester, M25 0EY
Proposal: 1. no illuminated top sign and 1.no illuminated logo panel

Application No.: 60387 **App. Type:** FUL 09/09/2016 Approve with Conditions
Location: 213 Bury Old Road, Prestwich, Manchester, M25 1JF
Proposal: Change of use of first floor from storage to independent office units

Application No.: 60393 **App. Type:** FUL 02/09/2016 Refused
Location: 82 Heywood Road, Prestwich, Manchester, M25 1FN
Proposal: Two/single storey extension at rear; First floor extension at side and front porch

Application No.: 60430 **App. Type:** FUL 02/09/2016 Approve with Conditions
Location: Habers World, 76 Kings Road, Prestwich, Manchester, M25 0FY
Proposal: Single storey shop extension at rear of adjacent property (76A)

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

Application No.: 60184 **App. Type:** FUL 07/09/2016 Approve with Conditions
Location: 3 Sites at: 2 No. at Chapel Road, 1 No. at Hilton Lane, Prestwich, Manchester
Proposal: Erection of 2.3m and 6m high poles (some connected with string) at 3 sites, to create an Eruv

Application No.: 60298 **App. Type:** FUL 13/09/2016 Approve with Conditions
Location: 8 Warwick Street, Prestwich, Manchester, M25 3HN
Proposal: Variation of condition no.4 of planning permission 58558 to change the opening hours from:
08.00 - 23.00 - Monday to Saturday and 09.00 - 22.00 - Sundays and Bank Holidays to 08.00
- 23.00 - Monday to Wednesday; 08.00 - 00.00 Thursday to Saturday and 09.00 - 22.00 -
Sundays and Bank Holidays

Application No.: 60322 **App. Type:** GPDE 22/08/2016 Prior Approval Not Required - Extension
Location: 53 Highfield Road, Prestwich, Manchester, M25 3AS
Proposal: Prior notification for proposed single storey rear extension

Application No.: 60348 **App. Type:** FUL 01/09/2016 Approve with Conditions
Location: 51 Rainsough Brow, Prestwich, Manchester, M25 9XW
Proposal: Variation of condition no. 2 (approved plans) of planning permission 59290 to show the
amended rear elevation and modified internal layout.

Application No.: 60402 **App. Type:** LDGP 02/09/2016 Lawful Development
Location: 10 Lowther Close, Prestwich, Manchester, M25 9LN
Proposal: Certificate of lawfulness for proposed single storey rear extension

Application No.: 60406 **App. Type:** FUL 24/08/2016 Approve with Conditions
Location: Butterstile County Primary School, School Grove, Prestwich, Manchester, M25 9RJ
Proposal: Single storey extension to northern elevation with associated re-roofing

Application No.: 60412 **App. Type:** FUL 26/08/2016 Approve with Conditions
Location: 34 Lowther Road, Prestwich, Manchester, M25 9QQ
Proposal: Dormer at rear

Application No.: 60432 **App. Type:** FUL 07/09/2016 Approve with Conditions
Location: 24 Barnhill Road, Prestwich, Manchester, M25 9NH
Proposal: Raise height of roof to create second floor; Two storey and first floor extensions at front; Two storey extension at side; Single storey extension at rear

Ward: **Radcliffe - East**

Application No.: 60379 **App. Type:** FUL 09/09/2016 Approve with Conditions
Location: 32 Warth Fold Road, Radcliffe, Manchester, M26 2XL
Proposal: Demolition of existing garage and erection of two/single storey extension at side and single storey extension at rear

Application No.: 60401 **App. Type:** FUL 16/09/2016 Approve with Conditions
Location: 291 Bury Road, Radcliffe, Manchester, M26 2XW
Proposal: Single storey extension at rear

Application No.: 60447 **App. Type:** LDGP 02/09/2016 Lawful Development
Location: 1 Martingale Close, Radcliffe, Manchester, M26 4YA
Proposal: Certificate of lawfulness for proposed removal of existing conservatory frame and below brickworks of the walls and in its place utilising the same foundations/slab and footings construct a new single storey extension with pitched roof

Ward: **Radcliffe - West**

Application No.: 60342 **App. Type:** REG3 02/09/2016 Approve with Conditions
Location: Footbridge between Lomax Street & Outwood Road, Radcliffe, M26 1PX
Proposal: Replacement footbridge over River Irwell

Ward: **Ramsbottom + Tottington - Tottington**

Application No.: 60307 **App. Type:** FUL 01/09/2016 Approve with Conditions
Location: 321 Turton Road, Tottington, Bury, BL8 3QG
Proposal: Single storey rear extension

Application No.: 60378 **App. Type:** FUL 22/08/2016 Approve with Conditions
Location: 56 Claybank Drive, Tottington, Bury, BL8 4BU
Proposal: Two storey extension at side

Ward: **Ramsbottom and Tottington - Ramsbottom**

Application No.: 60188 **App. Type:** FUL 26/08/2016 Approve with Conditions
Location: 53 Whalley Road, Ramsbottom, Bury, BL0 0DP
Proposal: Creation of new vehicular access

Application No.: 60327 **App. Type:** FUL 08/09/2016 Approve with Conditions
Location: 15 Bridge Street, Ramsbottom, Bury, BL0 9WN
Proposal: Creation of DDA entrance on southern elevation

Application No.: 60354 **App. Type:** LDGP 26/08/2016 Lawful Development
Location: 32 Roseberry Close, Ramsbottom, Bury, BL0 9FQ
Proposal: Certificate of lawfulness for proposed single storey rear extension

Ward: Whitefield + Unsworth - Besses

Application No.: 60305 **App. Type:** FUL 07/09/2016 Approve with Conditions
Location: 44 Kenmore Road, Whitefield, Manchester, M45 8FS
Proposal: Alterations to windows at front and rear and two storey extension at rear

Application No.: 60398 **App. Type:** ADV 24/08/2016 Approve with Conditions
Location: 98 Bury Old Road, Whitefield, Manchester, M45 6TQ
Proposal: 1 no. internally illuminated totem sign; 1 no. internally illuminated fascia sign and 1 no. non illuminated fascia sign

Ward: Whitefield + Unsworth - Pilkington Park

Application No.: 60249 **App. Type:** FUL 24/08/2016 Approve with Conditions
Location: 24 Ringley Road, Whitefield, Manchester, M45 7LE
Proposal: Demolition of existing dwelling and erection of 1 no. dwelling

Application No.: 60372 **App. Type:** FUL 24/08/2016 Approve with Conditions
Location: 842-844 Manchester Road, Bury, BL9 8DW
Proposal: Installation of ATM

Application No.: 60373 **App. Type:** ADV 24/08/2016 Approve with Conditions
Location: 842-844 Manchester Road, Bury, BL9 8DW
Proposal: Non illuminated advertising collar to surround the ATM

Application No.: 60427 **App. Type:** FUL 02/09/2016 Approve with Conditions
Location: 143 Lily Hill Street, Whitefield, Manchester, M45 7SN
Proposal: First floor side extension

Application No.: 60442 **App. Type:** FUL 13/09/2016 Split Decision
Location: 3 Dovehouse Close, Whitefield, Manchester, M45 7PE
Proposal: Proposal A: Front porch

Proposal B: Formation of first floor balcony to front elevation with glazed balustrade and alterations to windows

Ward: **Whitefield + Unsworth - Unsworth**

Application No.: 60335 **App. Type:** FUL 24/08/2016 Approve with Conditions
Location: 31 Church Meadow, Bury, BL9 8JF
Proposal: First floor extension at side and single storey extension at rear

Application No.: 60350 **App. Type:** FUL 12/09/2016 Approve with Conditions
Location: Hollins Vale Works, The Hags, Off Hollins Lane, Bury, BL9 8QG
Proposal: Portal frame extension to storage/manufacturing area

Application No.: 60376 **App. Type:** FUL 22/08/2016 Approve with Conditions
Location: 20 Chadderton Drive, Bury, BL9 8NL
Proposal: Conservatory at rear

Application No.: 60391 **App. Type:** FUL 15/09/2016 Approve with Conditions
Location: 22 Wilton Drive, Bury, BL9 8BG
Proposal: Conservatory at rear

Application No.: 60472 **App. Type:** FUL 13/09/2016 Approve with Conditions
Location: 50 Randale Drive, Bury, BL9 8NF
Proposal: Single storey extension at side and rear

Total Number of Applications Decided: **58**

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REPORT FOR DECISION

Agenda Item 6

Bury
COUNCIL

Agenda
Item

6

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	27 September 2016
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - Determined <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Determined
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A

Wards Affected:	All listed
Scrutiny Interest:	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:-

Contact Details:-

David Marno, Head of Development Management
Planning Services, Department for Resources and Regulation,
3 Knowsley Place ,Bury BL9 0EJ

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**Planning Appeals Lodged
between 22/08/2016 and 18/09/2016**



Application No.: 59720/FUL

Appeal lodged: 01/09/2016

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Jewish Telegraph Ltd

Location Land to rear of 11 Park Hill, Bury Old Road, Prestwich, Manchester, M25 0HH

Proposal Retention of storage container (retrospective)

Total Number of Appeals Lodged: 1

**Planning Appeals Decided
between 22/08/2016 and 18/09/2016**



Application No.: 59402/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 09/09/2016
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Miss Justine Molyneux	
Location: Sheepgate Farm Cottage, Bradshaw Road, Walshaw, Bury, BL8 3PL	
Proposal: Conversion and extension of existing garage/store to form specially adapted care provision accommodation for annexe to Sheepgate Farm Cottage	
Application No.: 59424/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 01/09/2016
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Mr D Noble	
Location: Land adjacent to 133 Stubbins Lane, Ramsbottom, Bury, BL0 OPR	
Proposal: Removal of condition no. 4 following grant of planning permission 54694 (erection of detached dwelling) to create a driveway and vehicular access between the site and Stubbins Lane	
Application No.: 59947/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 02/09/2016
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: SR and JR Brown Ltd	
Location: Twine Valley Farm, Church Road, Shuttleworth, Ramsbottom, Bury, BL0 0EH	
Proposal: Retrospective application for agricultural building for housing livestock	
Application No.: 60127/FUL	Appeal Decision: Allowed
Decision level: DEL	Date: 05/09/2016
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Mrs S Lawson	
Location: 63 Tamworth Avenue, Whitefield, Manchester, M45 6UA	
Proposal: First floor extension at side with pitched roof to existing flat roof at rear	

Appeal Decision

Site visit made on 2 August 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 08 September 2016

Appeal Ref: APP/T4210/W/16/3149240

Sheepgate Farm Cottage, Bradshaw Road, Walshaw, Tottington BL8 3PL

- 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 Miss Justine Molyneux against the decision of Bury Metropolitan Borough Council.
 - The application Ref 59402, dated 26 October 2015, was refused by notice dated 14 December 2015.
 - The development proposed is conversion and extension of existing garage and store to form specially adapted care provision in conjunction with Sheepgate Farm Cottage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The proposed development is within the Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development

3. Paragraphs 89 and 90 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. The appellant contends that the proposal would not be inappropriate development as it would not result in any disproportionate additions over and above the size of the original building. In addition, it is argued, the existing building is of robust construction which would facilitate conversion and extension.
4. It is not clear whether the conversion and extension of the existing building is sought or its complete replacement. Despite this, I have considered the proposal in terms of either possibility and reached my decision accordingly.

5. Whilst the proposed extension may be modest in the appellant's view, it would constitute a significant increase in the total floor area of the building from approximately 50 square metres to about 75 square metres. This would be a disproportionate and substantial addition to the original building. Furthermore, the replacement of the existing building would not meet the requirements of the Framework as it would not represent a replacement building in the same use and it would also be a materially larger building than the one it would replace.
6. With regard to the condition of the existing building, it has been in use as a garage and storage facility. The fabric of the building appears worn and dilapidated in parts with gaps in the building in certain areas, particularly between the walls and the corrugated metal roof. Therefore, in the absence of any structural report or other evidence supporting the view that the building is of permanent and substantial construction, I consider it not to be suitable for conversion.
7. As a result, the proposed development does not fall within the categories of buildings or structures allowed for in Paragraphs 89 and 90 of the Framework. Consequently, I conclude that it would be inappropriate development for the purposes of the Framework. The resultant harm must be given substantial weight in determining this appeal.

Effect on openness

8. The appellant argues that the proposed dwelling would not extend above the ridge height of the existing building and a 'green roof' would be incorporated to help mask the proposal when viewed from higher ground to the west. Furthermore, the appellant states that the proposal should be viewed as part of a cluster of buildings within the Green Belt, rather than as a single isolated building and therefore its impact on openness would be limited.
9. Despite this, the proposal would represent a significant increase in floorspace to the existing building. Whilst not increasing its height, it would extend the bulk and volume of the building northwards. In addition, the building would be visible at a distance from the west and seen also as the furthest extent northwards of the cluster of buildings adjacent. Therefore, the proposed development would increase the visible extent of both the building and the group of buildings northwards. This would have a detrimental visual impact on the Green Belt and would reduce its openness as a result.
10. As such, the proposed dwelling would cause some material harm to the openness of the Green Belt and would impact on the Green Belt purpose of safeguarding the countryside from encroachment. Consequently, I conclude that the proposal would be contrary to saved Policies OL1/2 and OL1/4 of the Bury Unitary Development Plan 1997 and the Framework. These policies seek to strictly control development in the Green Belt and keep land permanently open.

Other considerations

11. I have had due regard to the case for very special circumstances put forward by the appellant. I have also considered the statements put forward in support of this within the appellant's Design and Access Statement (DAS).

12. The purpose of the proposal is to provide separate but fully equipped accommodation to allow the appellant's father, in light of relatively recent changes to family and personal circumstances, to still be able to be involved with and provide the necessary care for his daughter outside of the family home. I appreciate the private and sensitive nature of the issues surrounding this case and I am very conscious of the appellant's special needs and best interests.
13. However, I note from the DAS that the existing family home at Sheepgate Farm Cottage is fully adapted to meet the needs of the appellant and carers, including family. While recent events may make it desirable to change the way the appellant is cared for, there is no evidence before me to indicate that it would be impossible for the family to maintain this current situation or, possibly, make alternative arrangements within the existing accommodation. Against this background, I see no overriding justification to justify further development within the Green Belt and its consequent harm.
14. The proposal, it has been argued, may be permitted development. However, this has not been demonstrated and it is not appropriate under Section 78 of the Act to determine whether or not this would be the case. I therefore attach very limited weight to this matter.
15. The proposed building could be constructed in a highly sustainable way so as to reduce its carbon footprint. I attach some weight to this consideration. However, as a whole, for the reasons given above I do not consider that the scheme would constitute sustainable development as envisaged by the Framework.

Conclusion

16. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, where there would be adverse effects on openness and the Green Belt purpose of safeguarding the countryside from encroachment, substantial weight should be given to the harm caused. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
17. Having had regard to all other matters raised, I conclude that the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate the very special circumstances necessary to justify the proposal. I am also satisfied that dismissal of the appeal is a proportionate response necessary in the wider public interest having also had regard to my public sector equality duties.
18. Consequently, for the reasons given above, and in accordance with national and local policy, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR

Appeal Decision

Site visit made on 16 August 2016

by V Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 1 September 2016

Appeal Ref: APP/T4210/W/16/3152546

Land adj 133 Stubbins Lane, Ramsbottom, Bury, BL0 0PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr D Noble against the decision of Bury Metropolitan Borough Council.
 - The application Ref 59424, dated 30 October 2015, was refused by notice dated 18 December 2015.
 - The application sought planning permission for erection of detached dwelling without complying with a condition attached to planning permission Ref 54694, dated 23 February 2012.
 - The condition in dispute is No. 4 which states that: There shall be no direct means of vehicular access between the site and Stubbins Lane at any time.
 - The reason given for the condition is: To ensure good highway design in the interests of road safety.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Work has already started on the construction of the vehicular access. The appeal scheme therefore seeks retrospective planning permission.

Background and Main Issue

3. Permission was originally granted for the erection of a dwelling at the appeal site in 2012, subject to conditions. The dwelling has since been constructed. Condition No. 4 is the subject of this appeal. It restricts the creation of a direct vehicular access between the appeal site and Stubbins Lane. The appeal scheme seeks to remove this condition and in relation to the vehicular access onto Stubbins Lane that has been constructed.
4. I therefore consider the main issue to be whether the condition is reasonable and necessary in the interests of highway safety.

Reasons

5. The appeal site is situated on the north side of the main A676, Stubbins Lane which is a Class 1 road. Whilst I note the appellant's comments that there is often no through flow of traffic along the lane, during the site visit I observed a

regular through flow of traffic including cars, buses, lorries and vans. Therefore based on the evidence before me, including comments from the Highway Authority, I am of the view that the road is a busy and well used thoroughfare.

6. There is a bus stop situated close to the appeal dwelling on the same side of the road as it and I observed buses pulling in to it at regular intervals. The forecourt of the Ramsbottom Fire Station is also directly opposite the site. There is also a car garage further along the road on the opposite side of the highway to the appeal site. Also the majority of the row of dwellings of which the appeal property forms part do not have dedicated off-road parking. As a result of this, there is a line of parked cars along Stubbins Lane at this point where the appeal access is located.
7. There are therefore several features along the highway close to the appeal site which are likely to increase vehicle movements in the vicinity. For example, large vehicles and cars entering and exiting the nearby garage, fire engines entering and exiting the station and cars manoeuvring and stopping on the highway and parking outside the dwellings close by. The bus stop will also result in stationary buses, and additional vehicle movements as buses pull in and out of the stop along with the likelihood of pedestrians seeking to cross the road at this point. There are therefore a number of potential hazards which drivers travelling along Stubbins Lane must already take account of in the vicinity of the appeal site.
8. Given the lack of individual driveways in the immediate vicinity of the appeal site, drivers travelling along the lane would not necessarily anticipate a vehicle turning into or out of a driveway at this point. The creation of a new access would increase the number of vehicle movements in the vicinity. This would increase the number and frequency of potential hazards which drivers travelling along Stubbins Lane would have to negotiate whilst travelling along it. Due to the busy nature of the highway, this would be likely to increase the risk of accidents occurring which would be detrimental to both highway safety and the free flow of traffic travelling along the lane. Notwithstanding that the width of the lane is wide at this point, I therefore consider that the access would be significantly harmful in this regard. Whilst the fire service may not have specifically objected to the scheme that could be for a number of reasons and is not necessarily indicative of support.
9. Whilst the plans submitted with the appeal do show a reversing space within the back garden of the appeal site, the space provided looks to be confined and there is no dedicated turning circle provided. It is therefore likely that vehicles using the driveway would either have to reverse in to or out of the drive. Indeed the appellant has referred to undertaking reversing manoeuvres in the documents submitted with the appeal. Given the busy nature of the lane and the number of existing potential hazards that I have described, a vehicle reversing onto or across the highway at this point would be an unexpected manoeuvre that passing motorists would not necessarily anticipate. The appeal scheme would therefore be harmful to highway safety as a consequence.
10. The driveway would also require users to cross the pavement in order to access the lane. As previously noted, the majority of houses close by do not have dedicated off-road parking. Therefore pedestrians walking along the pavement would not necessarily expect a vehicle to be crossing the pavement and this

would therefore be an unexpected vehicle manoeuvre. As the vehicle would be likely to be reversing in to or out of the driveway, this would therefore be a significant risk to passing pedestrians. This is particularly so given the low boundary wall at the front of the appeal dwelling and the high palisade fence around the neighbouring substation as these features would severely restrict visibility for vehicles emerging from the appeal site. Although the appellant has stated that the pavement is wide at this point, this would not mitigate the harm that I have described as drivers using the access would need to partly cross the pavement before being able to get a clear view of oncoming pedestrians. A mirror to assist users of the driveway when reversing would also not overcome my concerns as this would be of limited benefit in significantly increasing the visibility of passing vehicles or pedestrians in the vicinity.

11. The parked cars along the highway at this point are an additional feature that would restrict visibility for vehicles emerging from the driveway. Whilst there is some dispute between the main parties as to whether or not the scheme would result in the loss of some on-street parking spaces, I am in agreement with the Council that in order to keep the access clear and provide sufficient visibility splays either side, parking would need to be restricted along the highway for a greater distance than just the width of the driveway. This would be to the detriment of neighbouring occupants who rely on on-street parking and would be likely to displace parked vehicles further along Stubbins Lane. This would be likely to increase vehicle movements along the lane as a consequence to the detriment of the free flow of traffic along it.
12. The Council have also raised concerns as to whether the driveway would be wide enough to accommodate a parked car sufficient to allow passengers to enter and exit the vehicle easily. I note that the appellant submitted a plan stating that the width of the driveway would be approximately 2.3m. However, a sketch submitted with the appeal seems to indicate a different measurement. Had the scheme been acceptable in other regards I would have sought further clarification on this matter. In any event, even if the driveway were of sufficient width and length to accommodate a car this would not outweigh the harm that I have identified above.
13. Accordingly, I conclude on this issue that condition No. 4 is reasonable and necessary in the interests of highway safety. The appeal scheme would therefore conflict with policies HT2, HT2/4 and HT2/2 of the Bury Unitary Development Plan (Adopted 1997) which together seek to ensure that new development improves road safety and the free flow of traffic; makes adequate provision for car parking; and demonstrates acceptable standards of layout including access for vehicles.

Other Matters

14. Whether or not the appeal scheme, including the boundary treatments erected, has been built in accordance with the approved scheme is a matter for the Council and not directly relevant to the appeal scheme before me.
15. I note the appellant's comments regarding the relocation of a lighting column. However, there is little specific evidence before me to suggest that approval of this request was indicative of support for the access and indeed the Highway Authority have specifically objected to this appeal scheme.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

V Lucas-Gosnold

INSPECTOR

Appeal Decision

Site visit made on 9 August 2016

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 02 September 2016

Appeal Ref: APP/T4210/W/16/3151468

Twine Valley Farm, Off Church Road, Shuttleworth

- 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 Mr James Brown (SR and JR Brown Ltd.) against the decision of Bury Metropolitan Borough Council.
 - The application Ref 59947, dated 1 April 2016, was refused by notice dated 26 May 2016.
 - The development proposed is agricultural building for housing livestock.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal is retrospective as it refers to a building ("the building") that has already been constructed.
3. There is a deemed consent to carry out an agricultural development complying with the limitations and conditions provided in Part 6 Class A Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The building that has been erected on the site is in the same location, however, it is different in size and design from that approved and the proposal is for a different use, that is for housing livestock as opposed to the storage of the hay crop. Consequently, the appellant accepts that the building requires planning permission and his case in this appeal is based to some extent on the consideration that the Council has accepted that a very similar building to that constructed can be built on the site, albeit not for the housing of livestock. I will determine the appeal on this basis.

Main Issues

4. The appeal site is within the Green Belt. Consequently, I consider the main issues to be firstly, whether or not the appeal building constitutes inappropriate development for the purposes of local and national planning policy; secondly, the effects of the building's use on the living conditions of the occupants of Millhouse Street in terms of noise and disturbance ; thirdly, the effects of the building on the character and appearance of the surrounding Special Landscape Area; and fourthly, the proposal's effects on ground water contamination.

Reasons

Whether or not inappropriate development

5. The building is situated within the Green Belt, on a site elevated above Bamford Road and Church Road on a steeply sloping field. The appeal site is part of a wider open terrain of steep hills scattered with farm buildings, and short roadside terraces of dwellings at lower levels. The building is a large structure of an agricultural character that presents a blank elevation of concrete panels and Yorkshire boarding to Bamford Road, with a roof of corrugated sheeting. The building is open on the elevation facing the field, and at each of the corners on that side. It is sited immediately above a complex of other agricultural structures of similar materials and scales that hug Bamford Road more tightly. Whilst the proposed use of the building is for housing cattle, at the time of my site visit agricultural machinery and related paraphernalia were being stored within it.
6. The National Planning Policy Framework ("the Framework") states that the Government attaches great importance to Green Belts. Paragraph 89 makes it clear that the "construction of new buildings [is] inappropriate in Green Belt". However, there are exceptions to this, which include, amongst other things buildings for agriculture and forestry.
7. The use of the building for agricultural purposes is not a matter of dispute between the parties. Furthermore, the Framework sets no limits on the scale of such a building, or requires evidence of its necessity. Unlike some other development types stated in paragraph 89 and 90 of the Framework, the effects of agricultural buildings on the openness or purposes of the Green Belt are not relevant to a consideration of whether or not they are inappropriate.
8. Consequently, for the purposes of the Framework, the appeal building does not constitute inappropriate development. As it is one of the exceptions given in paragraph 89 it does not therefore have a harmful effect on the openness or purposes of the Green Belt. In this regard also the appeal scheme would not conflict with OL1/2 of the Bury Unitary Development Plan (adopted August 1997) ("the UDP").

Living Conditions

9. The building is located within 400m of dwellings, indeed several of which, including those on Millhouse Street are well within a radius of 200m. Thus its proposed use for livestock housing would be outside of the parameters of the permitted development right for agricultural buildings given in the GPDO. Consequently, the scheme that received deemed consent is only of limited relevance in the assessment of any noise and disturbance caused by cattle housed within the appeal property.
10. I saw at my site visit that other existing open sided large agricultural buildings are closer to the edge of the highway and residential properties than the appeal proposal. At my site visit I did not see any livestock housed within these buildings. However, I am mindful of the comments of the National Farmers Union ("NFU") and the appellant concerning the use of these buildings, and I am therefore persuaded that they could be a source of noise. However, the scale of the appeal building and the amount of cattle it could accommodate would be likely to exacerbate the noise environment to a significant degree.

Due to the building's elevated siting, and lack of intervening structures or significant belts of planting between it and Millhouse Street, I consider that the additional noise created by cattle in the appeal building would be of significant harm to the living conditions of the occupiers of these dwellings. As the corner of the building adjacent to Millhouse Street is open, I do not consider that the orientation of the long open elevation towards the open field would soften these significantly harmful effects.

11. Whilst the use of Twine Farm for livestock is long established, and I concur with the response of the NFU that within a rural environment the sound of cattle would not be an unusual feature, the concentrated nature of the noise created by cattle housed in the building, in such close proximity to dwellings would be likely to be significantly in excess of the background sound of the surrounding environment. This is one of the reasons that the GPDO restricts the permitted development right for buildings to house livestock to sites over 400m from dwellings.
12. I note that the location chosen for the appeal property is dictated to a substantial degree by the landform of the field within which it sits. I am also mindful that economic conditions have changed the nature of the farm's cattle-rearing activities to some extent leading to a requirement for additional livestock housing. However, I am not persuaded that a location more sensitive to the living conditions of adjacent residents could not be provided elsewhere within the landholding.
13. I am aware that the appellant and his family occupies the closest dwelling to the appeal building and does not consider its use for livestock housing to be of detriment to their living conditions. I am also cognisant of the comparatively few objections that mention the noise of cattle as opposed to other sources of noise and disturbance. However, the proposed use of the appeal building, due to its adjacency to Millhouse Street, and its potential to create significant noise and disturbance from the cattle housed within it would be of material harm to the living conditions of that street's occupiers. For these reasons the proposal would conflict with Policies OL4/5, EN1/2 and EN7/2 of the UDP; and the Framework. Taken together, and amongst other matters, these policies seek to ensure that new developments secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

14. The building sits within a Special Landscape Area. It occupies a prominent position within the immediate environs and due to its scale, bulk, and the colour of the materials employed in its construction is a visually intrusive and dominant feature in the context of the largely open surrounding landscape and its generally scattered buildings of more sympathetic scales and facing materials.
15. Whilst the proposal that received deemed consent would be of a slightly lower ridge and eaves height, and would not include the open side facing the field, as in the appeal property, similar materials would be employed in its construction. Whilst the use of the proposal that received deemed consent would not be for the housing of livestock, its visual effects would be similar to the existing property at the appeal site. In fact, due to its more substantial elevational treatments that lacked the open side and corners it would have more bulk, and be more visually intrusive from some viewpoints.

16. Consequently, the visual effects of the building do not result in more significant harm to the character and appearance of the Special Landscape Area than those of the scheme that received deemed consent. For these reasons, whilst I detect some conflict with the objectives of Policies OL4/5, EN1/2 and EN 9/1 of the UDP and the Council's *Development Control Policy Guidance Note 8 New Buildings and Associated Development in the Green Belt* (adopted January 2007), this conflict would be outweighed by the lack of significant harm over and above that of the proposal which received deemed consent.

Ground water contamination

17. The appellant submitted no details with the planning application to suggest how the development of the appeal building would address the risk of ground water contamination. Whilst this means that the appeal scheme is at odds with the objectives of Policies EN7/4 and EN7/5 of the UDP I am persuaded that a suitably worded condition could address these concerns. Consequently, I do not consider that this matter constitutes a reason for refusal for the scheme.

Conclusion

18. I have found that in terms of the Green Belt the building would not be inappropriate, and that the building is not of more material harm to the character and appearance of the area than the scheme which benefits from deemed consent would be. Moreover, I consider that the deficiencies of the scheme in terms of ground water contamination could be controlled by a suitably worded condition.
19. However, the proposed use of the building would be a source of considerable noise that would result in material harm to the living conditions of the occupiers of the adjacent dwellings on Millhouse Street. In this regard, the scheme would conflict with the relevant policies of the development plan insofar as they have been brought to my attention. I attach substantial weight to this harm which, in the overall planning balance, outweighs my findings in respect of the Green Belt, character and appearance of the area and ground water contamination. Consequently, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR

Appeal Decision

Site visit made on 23 August 2016

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 05 September 2016

Appeal Ref: APP/T4210/D/16/3154145

63 Tamworth Avenue, Whitefield, Manchester M45 6UA

- The appeal is made by Su Lawson under section 78 of the Town and Country Planning Act 1990 against a refusal by Bury Metropolitan Borough Council to grant planning permission.
 - The application Ref 60127, dated 12 May 2016, was refused by notice dated 5 July 2016.
 - The development proposed is "First floor extension at side with pitched roof to existing flat roof at rear".
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Decision

1. The appeal is allowed and planning permission is granted for development at 63 Tamworth Avenue, Whitefield, Manchester M45 6UA consisting of the erection of a first-floor extension at the side with a pitched roof to the existing flat roof at the rear, in accordance with the application Ref 60127 dated 12 May 2016 and the plans submitted therewith, subject to the following conditions: -
 1. The development shall begin not later than 3 years from the date of this decision.
 2. The development shall be carried out in accordance with the approved plans, Drawings Nos. LE01 and LE02.
 3. The materials used in the construction of the external surfaces of the development shall match those used in the existing house.

Reasons for the decision

2. The main issue in the appeal concerns the effect the first-floor side extension will have on the appearance of the house and the street scene.
 3. The reason given for refusing planning permission states that the development will conflict with Policy H2/3 of the Bury Unitary Development Plan and with Supplementary Planning Document 6: Alterations and Extensions to Residential Properties. Policy H2/3 lists the factors that will be considered when an application is made for a house extension. They include the extension's external appearance and the effect it will have on the character of the house and its surroundings. Supplementary Planning Document 6 provides advice about house extensions and sets out criteria that will be taken into consideration. In relation to first-floor side extensions, it indicates in Sections 3 and 5 that the
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extension should complement the original house, preserve the general street scene and avoid the appearance of uncharacteristic terracing by setting back the front elevation of the extension by a least 1.5m.

4. In my opinion, the first-floor side extension will not be in conflict with either Policy H2/3 or the advice in Supplementary Planning Document 6. I have reached this conclusion for the following reasons: -
- First-floor side extensions that are not set back are characteristic of the street scene here, there being several other examples nearby.
 - The adjoining semi, No 61, has a similar first-floor extension, which is not set back. The proposed extension will therefore improve the street scene by balancing the appearance of the pair of semis.
 - A terracing effect will not occur, because: (i) the house and the adjoining house, No 65, are at an angle to each other; (ii) No 65 is on higher ground; (iii) No 65's first-floor extension is flat-roofed and a gap will remain above it; and (iv) No 65's first-floor extension will project further forward than No 63's first-floor extension even though No 63's extension will not be set back.
 - The reduction in the extent of the gap between Nos 63 and 65 will not harm the outlook from the street, since the gap at present opens up a view from the street of a large electricity pylon at the rear of the houses.
5. I have concluded that there are insufficient reasons to justify withholding planning permission for the development. The appeal has therefore been allowed and planning permission has been granted subject to the three conditions requested by the Council in this event. These are conditions that are normally imposed in circumstances of this kind.

D.A.Hainsworth

INSPECTOR

Details of Enforcement Appeal Decisions
between 22/08/2016 and 18/09/2016



Location: Land at rear of Warwick House, Hollins Brook Way, Bury BL9 8RR

Case Ref:
0175 / 15

Issue: Extension to rear car park and erection of gate onto Aviation Road

Appeal Decision: Withdrawn 06/09/2016
