

Title	Planning Applications
To:	Planning Control Committee
On:	19 April 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.

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: Bury East - Redvales	App No. 59160
	Location: Greenfields, Dumers Lane, Bury, BL9 9UT	
	Proposal: Construction of lorry parking area, open material storage area, landscaping and security fencing	
	Recommendation: Approve with Conditions	Site Visit: Y
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02	Township Forum - Ward: Ramsbottom and Tottington - Ramsbottom	App No. 59550
	Location: The Paddock, Sheep Hey Farm, Leaches Road, Shuttleworth, Ramsbottom, Bury, BL0 0ND	
	Proposal: Change of use of field to camping site including siting of 2 no. moveable portaloos and shower block	
	Recommendation: Approve with Conditions	Site Visit: N
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03	Township Forum - Ward: Prestwich - Sedgley	App No. 59565
	Location: Yesoiday Hatorah School, Bury New Road, Prestwich, Manchester, M25 0JW	
	Proposal: Construction of gatehouse	
	Recommendation: Approve with Conditions	Site Visit: N
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04	Township Forum - Ward: North Manor	App No. 59592
	Location: Masons Arms, 241 Walmersley Old Road, Bury, BL9 6RU	
	Proposal: Change of use of former public house to a mixed use development comprising offices, training facility, cafe, with conservatory at rear; ancillary parking.	
	Recommendation: Approve with Conditions	Site Visit: N
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05	Township Forum - Ward: Bury West - Church	App No. 59616
	Location: 110 Ainsworth Road, Bury, BL8 2RS	
	Proposal: Change of use from office (Class B1) to dental surgery (Class D1)	
	Recommendation: Approve with Conditions	Site Visit: N
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06	Township Forum - Ward: Bury West - Elton	App No. 59693
	Location: Site of Olives Paper Mill, Tottington Road, Bury, BL8 1RU	
	Proposal: Application to remove planning obligation under Section 106A of the Town and Country Planning Act 1990 to provide a bridge link across the Kirklees Brook	

Recommendation: Refuse **Site Visit:** Y

07 Township Forum - Ward: Whitefield + Unsworth - Unsworth **App No.** 59725

Location: 142 Hollins Lane, Bury, BL9 8AW
Proposal: Outline application for the erection of 1 no. detached dwelling
Recommendation: Approve with Conditions **Site Visit:** N

08 Township Forum - Ward: Bury West - Church **App No.** 59749

Location: New Victoria Mills, Wellington Street, Bury, BL8 2AL
Proposal: Change of use of third floor from storage area (Class B8) to indoor cricket nets/practice area (Class D2)
Recommendation: Approve with Conditions **Site Visit:** N

09 Township Forum - Ward: Ramsbottom and Tottington - Ramsbottom **App No.** 59788

Location: 45 Bridge Street, Ramsbottom, Bury, BL0 9AD
Proposal: Prior approval for proposed change of use from shop (A1) to cafe/restaurant (A3)
Recommendation: Prior Approval Required and Granted **Site Visit:** N

10 Township Forum - Ward: Bury East **App No.** 59795

Location: DW Sports, Angouleme Way, Bury, BL9 0BT
Proposal: 17 No. non-illuminated pole mounted car park management signs (retrospective)
Recommendation: Approve with Conditions **Site Visit:** N

11 Township Forum - Ward: Radcliffe - East **App No.** 59806

Location: 115-119 Bury Road, Radcliffe, Manchester, M26 2UT
Proposal: Raising of roof height of warehouse by 3.2m to create mezzanine storage level; First floor office extension at front
Recommendation: Approve with Conditions **Site Visit:** N

12 Township Forum - Ward: Bury East - Moorside **App No.** 59814

Location: Woodfield Retail Park, Peel Way, Bury, BL9 5BY
Proposal: 43 No. non-illuminated pole mounted car park management signs and banner sign (retrospective)

Recommendation: Approve with Conditions

Site Visit: N

13 **Township Forum - Ward:** Ramsbottom + Tottington - Tottington **App No.** 59839

Location: 1 Claybank Cottages, Cann Street, Tottington, Bury BL8 3PG

Proposal: Single storey extension at side

Recommendation: Approve with Conditions

Site Visit: N

Ward: Bury East - Redvales

Item 01

Applicant: Thumbs (Up) Bury Ltd

Location: Greenfields, Dumers Lane, Bury, BL9 9UT

Proposal: Construction of lorry parking area, open material storage area, landscaping and security fencing

Application Ref: 59160/Full

Target Date: 18/12/2015

Recommendation: Approve with Conditions

The Development Manager has recommended a site visit take place before the Planning Control Committee meeting.

Description

The application relates to a 1.55 hectare vacant piece of land which is located to the north of the existing industrial/commercial development at Thumbs Up. The site is an area of open land which is allocated as a River Valley (Policy OL5/2) and Wildlife Link and Corridor (EN6/4) in the Bury UDP. It also falls within Flood Zone 2. The site is currently maintained as a grassed area, to the side of their existing business.

To the north is St Peter's Primary School, to the north east and east are residential properties on Whitefield Road which are separated from the site by trees and vegetation. To the west is the River Irwell. To the south of the site are buildings and servicing areas associated with the applicant's existing business, separated from the application site by an intervening palisade fence and gate.

A public footpath runs along the far northern boundary from St Peter's School playing fields, behind Nos 702-712 Whitefield Road. There is a gate between the site and Whitefield Road but this is not used to access the site.

The company specialises in the manufacture and distribution of plastic house and garden ware goods for domestic use. Due to expansion of the company and policy changes to the way goods and materials are stored, the firm requires more space for the storage of the transport/trailer vehicles and the storage of plastic pellets used in the manufacture of their products.

This application seeks to use the land to create a trailer storage and materials storage area.

Application proposals:

Trailer Storage Area - The eastern area (behind the houses on Whitefield Road) would be used to store lorry trailers. The applicant states the area would be used intermittently during the week, and at weekends the vehicles would return to the site, ready to be reloaded for deliveries the following week. This generally occurs before 8pm on a Friday and either removed on a Sunday before 8pm or on a Monday after 7am. The trailers would be moved on and off the site by a vehicle shunt or driven straight onto the site, and the tractor unit unhooked and driven off. The proposed site layout shows that up to 36 trailers could be stored in this area at one time.

The applicant proposes hours of operation between 7am and 8pm daily.

Materials Storage Area - The western area of the site would be used to store pallets of materials which would be delivered by trailer and unloaded. This process would generally take between 1-1.5 hours per trailer, with a maximum time of 2 hours. The materials would

be delivered on pallets, unloaded by fork lift truck (FLT) and placed directly into the materials store area. The materials would then be transported by forklift truck to the warehouse/manufacturing unit as required. There would be between 0 and 20 trailers of materials delivered per week.

The applicant proposes materials be delivered between 7am and 8pm Monday to Saturday and the materials moved to the factory between 7am to 8pm, 7 days a week, as the manufacturing unit operates 7 days a week.

Boundary proposals - The application proposes to incorporate a landscaped 'bund' (earth mound), to form an acoustic and visual barrier between the site and the rear of the houses on Whitefield Road. It would be approximately 9m in depth from the rear boundary of the houses on Whitefield Road and 3m high which would be landscaped and planted with trees and a wildflower and grass seed mix. A 3m high security mesh fence would be erected behind the bund along the rear garden boundaries of these houses.

There would be a break in the bund and fencing of 12m wide in the far north eastern corner of the site where there is an historic gated entrance but is not proposed to be used. The bund and fencing would then continue along the northern boundary of the site behind the playing fields of St Peter's Primary School.

To the west, the mesh perimeter fence would continue along the boundary to separate the site from the River Irwell.

Lighting - It is proposed to erect 5 No. 4m high mounted directional lights along the Irwell Corridor to the west and 1.2m high bollard lighting along the edge of the yard to the east to illuminate the yard area.

The land would have a hardstanding concrete surface and incorporate SuDS.

Relevant Planning History

45399 - Topsoil restoration - Refused 25/11/2005

45522 - Change of use of existing warehouse (class B8) to manufacturing (class B2) and associated building works including installation of six 14 metre high silos - Approve with Conditions 21/12/2005

47585 - Extension to existing factory - Approve with Conditions 18/4/2007.

52091 - Non-material amendment raising floor slab level, 2 new doors, new roof lights and smoke vents following grant of 47585 - Approved 19/1/2010.

52211 - Change of use of open land to service yard; Creation of hardstanding and erection of 2.3m high security fence - Approve with Conditions 25/05/2010

53186 - Demolition of existing warehouse and erection of a research and development and recycling building (Class B2) - Approve with Conditions 15/12/2010

56971 - 2 No. non illuminated fascia signs - Approve with Conditions 12/02/2014

57027 - Non material amendment following granting of planning permission 53186 for demolition of existing warehouse and erection of a research and development and recycling building (Class B2): Minor amendment to building footprint, redesign of roof lights, smoke vents omitted and minor amendments to door positions - Approve 20/12/2013

Publicity

97 letters sent on 18/9/2015 to properties on Whitefield Road, Dumers Lane, Cumberland Close, Wellfield Close, Drinkwater Street, Bury Road, New Street, St James Square.

Twelve letters of objection received from Nos 625, 699, 701, 709, 714, 716, 718, 730, 732, 736, 740 Whitefield Road, 33 Dumers Lane which raise the following issues:

- Unacceptable increase in noise levels (wagons, fork lift trucks) at all hours, with no respite at a weekend;
- Outraged the company could even consider this in a residential area;
- Previous proposals have resulted in unacceptable noise levels, nothing has been done

about it by the company;

- The company have stipulated that the proposed area would remain Green Belt;
- Will not hesitate to request support for refusal of the application;
- Beyond belief the council would support such a venture;
- Result in the decimation of wildlife habitats;
- Increase in harmful pollution, emissions and toxins from the lorry park;
- Object to opening up the gateway along Whitefield Road to allow vehicle access directly from Manchester Road;
- Area is close to St Peter's School which may cause issues;
- Loss of privacy as it would be in close proximity to the boundary with neighbours;
- Significant impact on physical and mental health of the residents;
- Impact from light pollution;
- Fire risk from storage of materials close to residential properties;
- No information as to the operating hours;
- Would it be open to other companies?
- It would be a few yards away from our front door;
- During the winter months when the trees are bare we can hear lorries beeping on the other side of the river - would be unbearable a few yards away;
- No mention of effect on trees along our boundary;
- If the site is developed further, this will lead to greater production levels and therefore increase in lorries and deliveries accessing the main entrance to the site which would cause additional noise, disturbance and traffic on Dumers lane;
- Staff already park outside our houses on Dumers Lane causing problems for residents - even though they have a car park;
- As an example was woken at 3am by vehicle revving, vibrating my property;
- My house is on the opposite side of Whitefield Road from those residents consulted on this application. The selection of consultees was a subjective judgement and only included properties on the periphery of the site. The odd-numbered properties are also affected adversely by noise nuisance from the Company's activities currently during night and day;
- The EH Pollution Control Dept has noise logs and complaints - disturbance of residents' sleep patterns from the reversing sirens of the fork-lift trucks used on-site;

Two petitions of objection with 22 and 10 signatures, which raise the following issues:

- Already endure high levels of noise disruption from the fork lift trucks and HGV's in their existing yard areas, 24 hours/7 days a week and can no longer enjoy garden areas and have disrupted sleep;
- The existing floodlights (similar to a football stadium) are a constant annoyance during the evenings - presumably lighting would be extended?;
- Detrimental impact on the wildlife in the field and river valley;
- The application sends the wrong message to the children of St Peter's School that their environment and community are not important;
- The proposed application is most definitely an inappropriate development adjacent to residential properties and a primary school.

Amended letter sent on 7/10/2015 to residents on Whitefield Close informing them of revisions to the application to remove the proposals for access and replacement gates to Whitefield Road.

Amended letter sent on 26/11/2015 and 2/12/2015 to residents on Whitefield Close informing them of revisions to the boundary treatment, lighting details and landscaping.

Letters of objection received from Nos 699, 709, 716, 726, 728, 730, 740, 750 Whitefield Road, 18 Cumberland Close which raise the following:

- Object to the whole planning application as living on Whitefield Road already feels like living on an industrial estate because of the noise pollution and these plans will make life worse;
- The plans are not clear as to the proposed revisions;

- The mocked up photos from the rear of 728 Whitefield Road do nothing to allay concern;
- This was a nice quiet residential area being slowly strangled by Thumbs Up;
- The view will still be marred despite their attempts at 'prettifying' it up;
- More noise than we already endure; Has lead to sleeplessness and health issues
- Little faith that any changes to their proposal would be beneficial to the residents;
- Not agreeable to expanding their business in any way at all;
- The estate is not wide enough to accommodate large heavy goods vehicles to Whitefield Road or Tarn Drive; cause access and safety issues;
- Diesel fumes from lorries would restrict residents using their gardens;
- Catastrophic effect on the wildlife;
- Proposed lighting would pollute into residents houses;
- The fact that an acoustic barrier would be needed speaks for itself - a 10ft mound of earth will not reduce the noise we will have to endure;
- Up to 20 trailers per week - how long before it would be more than this;
- To be expected to wait for 5 years for the trees to grow tall enough to partly mask the site is unacceptable;
- Thumbs Up should show more consideration for the local community and abandon these plans;
- The Council's EH dept have on record noise diaries from local residents as proof of night time operations - working on site 24 hours a day 7 days a week;
- Have had promises from Thumbs Up in the past concerning quieter fork lift trucks and acoustic measures to calm the noise all of which have come to nothing;
- No trust in the company;
- The applicant has not defined the term 'vehicle' to assure that fork lift truck would not be used outside the proposed hours;
- No stated proposals in relation to land drainage - an earth mound 3m high will unquestionably adversely affect the local drainage in the adjacent residential properties and possibly local primary school;
- The proposed tree planting would obscure the setting sun by mid afternoon and result in a loss of light to properties;
- Nuisance from the floodlights;
- Local flora and fauna eradicated;
- Request a Committee site visit;

Amended letter sent to residents on 16/2/16 informing of the submission of an Air Quality and Noise Assessment Report.

The following responses have been received from Nos 709,711,713, 716,722, 724, 726, 728,730, 732,740 Whitefield Road,

- Despite all our efforts, this is now a done deal;
- No reference made to the noise during the building works;
- Will have to wait 10 years until the bund and growth are fully mature;
- There is already a bund at the side of my house, but the trees planted by Thumbs Up have taken years to grow to any significant height and are too thinly placed to offer any kind of acoustic barrier to the daily noise;
- Stated that the operation will be for 363 days a year - only 2 days off;
- The noise survey does not tell the whole story of how disrupted this community already is to the people living in the area - and who were here before the factory was built;
- Still wildlife in the area and we will continue to fight to save the remaining green fields;
- The garden is now a no-go due to excessive noise;
- Am faced with a parked wagon outside my window - have to leave the curtains closed - the trees which screened the area have been removed;
- The reports do not reflect the actual impact a lorry park would have on the well being and quality of resident's lives;
- A 10ft mound will be unsightly and limit light/sunlight to gardens;
- The fact that an acoustic barrier is needed for the lorry park speaks volumes;
- Impact of noise on the school children, night shift workers, those in ill health, residents in

- general and wildlife;
- Light pollution and air pollution;
- Residents will, in effect, be part of the factory as we are so close to the area;
- Do not accept the suggestion that noise is mainly from traffic and trains - the disturbance day and night comes from the manufacturing/yard area of the factory and activities in the yard;
- The proposal should not be considered for a site next to a housing estate, established more than 30 years;
- Thumbs Up won't stick to the hours - was woken up at 1.40am by noise from their site - they don't care about the neighbours and less about what the council say;
- Will disrupt sleep';
- its like living in an industrial estate;
- Insufficient time given to residents to obtain independent professional evaluation of the surveys and findings of the reports (deadline 26/2/16);
- Significant pressure on the local drainage system given the vast water catchment area on a porous surface. No evaluation of the capacity of the local drainage to accommodate this eventuality;
- Section 7 - conclusions - without technical experience, seems 8dB an insignificant reduction given the level of existing activity has given rise to so many complaints of noise nuisance;
- Would be an infringement on basic human rights;
- Causing untold stress for residents;
- Significantly effect house prices;
- Seething at the possibility that the application may go ahead;
- Confused as to what has happened to the council's preservation of the wildlife corridor at Green fields where deer and GCN have been seen as well as many other species of animals and birds;
- Planning a monstrosity of the land;
- Already have to endure noise from FLT's with only 2 days respite per year - its disgusting and despite reading noise and air quality reports remain against the proposal.

Comment received on behalf of the residents and friends of Whitefield Road:

- Residents are delighted to have had peace and quiet for the past few weeks, having put up with noise for more than 2 years, which despite our protests and plea's has continued relentlessly day and night without let up;
- Is this quiet period due to their forthcoming application? We are not taken in, as no doubt if the application is authorised, they will be back with a vengeance, and the neighbourhood once again hell for us.

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

Consultations

Traffic Section - No objection subject to condition.

Drainage Section - No objection subject to condition and informatives.

Environmental Health Contaminated Land - No objection.

Environmental Health Pollution Control - Conditions relating to the control of noise on vehicles and hours of operation recommended.

Public Rights of Way Officer - No objection.

Environment Agency - No objection. Recommend the applicant is advised of the EA's Standing Advice.

The Coal Authority - No objection.

Greater Manchester Ecology Unit - Recommend conditions and informatives.

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

EC1 Employment Land Provision

EC2/1 Employment Generating Areas

EC6 New Business, Industrial and Commercial Development

EN1/2	Townscape and Built Design
EN6/4	Wildlife Links and Corridors
OL5/2	Development in River Valleys
EN7/2	Noise Pollution
EN9	Landscape
EC6/1	New Business, Industrial and Commercial
EN7/1	Atmospheric 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.

Land use - The land is included as a River Valley and Wildlife Corridor in the Bury Unitary Development Plan.

River Valleys - UDP Policy OL5/2 - The change of use of land will not be permitted where this will lead to the division of the open parts of the valleys into sections. In addition, where the area does not form part of the Green Belt as in the case of this site, at least one of a number of circumstances must be met including limited infilling, extension to or renewal of existing industry, development associated with outdoor recreation or tourism, limited and essential to public services, or any other development appropriate in a Green Belt.

The proposal would not lead to the division of open part of the valley into sections. Whilst land to the south of the application site is also designated as River Valley, this has previously been developed by Thumbs Up and no longer fulfils any function as an area of River Valley.

It is considered that the proposal will not harm the wider function of the river valley in this area, as much of the land on this eastern bank of the River Irwell already performs relatively poorly in the river valley context and does not connect sufficiently well with the surrounding area. Exception (ii) relating to the extension to or renewal of an existing industry where the economic and employment factors are of overriding importance is sufficient to justify development of the river valley in this case and therefore the proposal is considered not to conflict with UDP Policy OL5/2.

Wildlife Corridor - Policy EN6/4 does not permit development which would adversely affect wildlife links and corridors and the Council seeks to consolidate and strengthen them where appropriate. New development within or adjacent to corridors should contribute to their effectiveness through the design, landscaping and siting of proposals and mitigation works where appropriate.

It is considered that the applicant has taken measures to account for the impact on the wildlife corridor through the provision of landscape/vegetation buffers on three sides of the site area and principally adjacent to the River Irwell where the movement of wildlife is likely to be mostly concentrated. It is therefore considered that the proposal is not in conflict with UDP Policy EN6/4.

As such, in land use terms, development of the site is considered acceptable in principle. Issues relating to impact on residential and visual amenity, highways and ecology are analysed below.

Residential amenity - For the purposes of the report, the issues of visual impact, noise, hours of operation, air quality and lighting are considered in turn.

Impact on visual amenity - The trailer storage area would be 25m from the rear elevation of the houses on Whitefield Road, and 15m from their rear garden boundaries. The nearest property would be No 736 Whitefield Road, 19m from this area.

The material storage area would be 80m from the rear elevation of houses, 66m from the rear garden boundaries, and 70m from the rear elevation of No 736. The area would store pallets of materials, at a height of 2m. It would also be an area where most activities from the loading and unloading of pallets from trailers and the distribution of materials to the factory would take place.

There is currently an established line of trees and scattered scrub along the rear boundaries of the houses on Whitefield Road. This vegetation already provides some screening of the site, mainly from the ground floor or garden area of these houses.

There is also an existing bund, planted with trees and vegetation, which was put in by the applicant, between the northern elevation of the existing warehouse and Nos 738-754 Whitefield Road, to provide screening and privacy of the site and buildings. This application proposes a similar bund and landscaping solution along the north and eastern boundaries.

The proposed bund would be 3m high and 9m at minimum depth behind the rear boundaries of the houses on Whitefield Road and to the boundary with the playing fields of St Peter's School. The bund would be planted with shrubs, a mix of wild flowers and tree planting, which the applicant states would be 3m and 6m high at 5 to 10 years old respectfully.

It is also proposed to erect a 3m high paladin mesh fence along the rear boundaries of the houses on Whitefield Road and retain the existing trees and shrubs along this boundary. However, the erection of the fence may result in some of the vegetation to be removed. To minimise the impact of this, and to ensure that resultant gaps are duly landscaped, two conditions (Conditions 9 and 19) have been included in the recommendation.

At ground floor level and the garden of the houses, it is considered that the retention of the existing landscaping, together with the proposed bund and planting would sufficiently screen the stacked materials, trailers and daily operations on the site from the views of local residents, given the heights involved and distance from the houses. At first floor level however, planting which has not yet grown to full maturity may not provide an adequate screen between the storage areas and site operations and these houses.

GMEU are satisfied that the tree species proposed would be acceptable and of a type which could be planted on bunding in this location. However, to ensure the landscaping would be of suitable maturity and height, they have recommended a condition be included to submit these details, together with a timetable for planting, implementation and maintenance of the vegetation.

As such, it is considered that there would be a satisfactorily screening of the site, storage areas and associated activities, and would improve the existing planting and boundary treatment which currently runs along the rear boundaries of the houses on Whitefield Road, and their future outlook of the site.

The details of the boundary treatment secured by condition are therefore considered to be acceptable, and comply with UDP Policies OL5/2, EN6/4 and EN1/2.

Noise - Chapter 11 - Conserving and enhancing the natural environment of the NPPF states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life

- arising from noise from new development, including through the use of conditions;
- recognise that the development would often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
 - identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

UDP Policy EN7/2 - Noise Pollution seeks to control the location of development in relation to noise pollution in order to reduce the impact and will not permit development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity uses, or permit development close to a permanent source of noise.

The applicant has submitted a Noise Assessment Report and Addendum and the Environmental Health Pollution Control Section has been consulted.

British Standard 4142:2014 - Methods for rating and assessing industrial and commercial noise, is the national standard against which methods for rating and assessing sound of an industrial and/or commercial nature are measured.

The information provided on noise has been difficult to assess, given there are 3 mobile noise sources operating separately for differing lengths of time, and that the application of correction factors for the characteristics or features of the sounds, as per the British Standard 4142:2014, were not agreed between the applicant and the Pollution Control Officer.

The Planning Officer and Pollution Control Officer have been to the site to witness a demonstration of the FLT which would be used in the materials storage area, and to confirm the operations which would be carried out on site.

It is therefore considered that sufficient information has been submitted to enable a considered and balanced judgement to be made of potential noise impact. This is considered below.

Trailer store - The applicant states that this area would be used intermittently during the week, and more so at the weekend when vehicles would return to the site at the end of the working week with an empty trailer, ready for reloading to commence deliveries at the start of the week. Noise would be generated from the trailer's tractor engine or from the shunt engine as they arrive on site, disengage the trailer and leave the site. The existing shunt does not have a reversing alarm, and this was the vehicle used for the noise modelling purposes in the Noise Consultants Addendum report. The noise output has been assessed based on 5 minutes of activity from the shunt and 3 mins of activity from the tractor, in a period of one hour.

The applicant has estimated that a single HGV movement to and from this area should realistically take 2 mins per vehicle. The parked trailers would be located approximately 25m from the rear elevations of the houses and 15m from gardens. It is acknowledged that trailers arriving and leaving the site may not be regularly spread out over the week, which essentially would mean that activity in this part of the application area could be more intense over shorter periods of time.

The application shows that the site could accommodate up to 36 trailers at one time. However, in consideration of the logistics the trailers could not all arrive at the same time and therefore there would be sporadic need to park the trailers, which would reduce the intensity of the activity in this part of the site at any one time. As such, it is considered that there would be no sustained intensive impact from the delivery and storage of the trailer units.

Following the demonstration and in consideration of the particular noise issues, it has been

concluded that both the shunt engine and tractor engine noise and reversing alarm noise may be audible for brief periods at the houses backing onto the site, but the effect of the acoustic bund would be to reduce this noise. The bund is only effective where the line of sight between noise source and receiver is interrupted, and in this instance the bund has not been designed to protect the bedroom/first floor windows.

Planning is about striking a balance between the benefits of a development against any impacts which may be caused as a result, and whether those impacts are significantly adverse, and whether mitigation measures or conditions would deem a development acceptable.

In this case, the presence of the acoustic bund, and conditions to minimise sound arising from the tractors or shunt and restriction of the hours of operation (see below), are considered to be sufficient to control noise on this part of the site, and not cause a significant adverse impact on the amenity of local residents. The conditions are considered to pass the legal tests and to warrant the development as acceptable.

Materials store - The delivery of the materials would involve a single HGV driving onto the south western area of the site, where a FLT would unload pallets and stack them in the store area. The trailers would then move off the site, the process taking approximately 1.5 hours. Activity in this part of the site would be more intense and for longer hours than the trailer park, with materials proposed to be delivered between 7am and 8pm Monday to Saturday and materials moved to the factory from the site between 7am to 8pm, 7 days a week.

The applicant proposes to use the FLT (or similar) which was used for demonstration purposes during a site visit and for the assessment purposes in the submitted Noise Report. The conclusion drawn is that these FLT's are not likely to be audible at the houses behind the acoustic bund, and the Pollution Control Officer is satisfied with this conclusion. To cover all eventualities should the scheme be approved, a condition should be imposed that noise from the FLT shall not exceed those as measured and used for the modelling purposes contained in the Noise Consultants Addendum Report would be included, as would a condition for hours of operation.

With regards to noise assessment, the overall conclusion drawn is that there would be some noise created from the operations and use of the site. However, with the mitigation measures and conditions which could be imposed, it is considered that the noise which would be created would not be significantly adverse to warrant refusal of the application, and on balance the application would be acceptable subject to these measures.

Hours of operation - The applicant proposes all operations to be carried out on site as follows: 07:00 to 20:00 daily and deliveries of materials to the materials storage area is proposed as 07:00 to 20:00 Monday to Saturday.

Materials storage area - The Pollution Control Section is satisfied that noise from movements of the FLT's would not be audible to the properties on Whitefield Road. As such, it is considered reasonable to accept the hours of 07:00 to 20:00 daily in this respect, but condition deliveries as 08:00 to 20:00 Monday to Friday and 09:00 to 13:00 Saturdays only, and at no other time.

Trailer storage area - In terms of the trailer store area, noise is more likely to be audible to the houses from the HGV tractor units and the 'shunt engine' when they are being brought on and taken off site. Hours proposed are therefore as follows: 08:00 to 20:00 Monday to Friday and 09:00 to 13:00 Saturdays only.

Air Quality - Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality

Management Areas is consistent with the local air quality action plan.

The applicant has submitted an Air Quality Report and this has been assessed and responded to by the Environmental Health (EH) Section. The Report addresses the potential risks from air pollutants associated with the operational phase of the proposed development, and considers the impact that vehicles and traffic might have on existing air quality, travelling to, from and within the development site itself.

The Report assessed the proposals in terms of impact on the Air Quality Management Area (AQMA) and the impact on nearby residential properties.

Based on the air quality assessment submitted the EH Section is in agreement with the consultant's conclusion that the nature of the material being stored, type of vehicles used on the application site, relatively small increase in vehicle movements per day, the distance of the vehicles to the closest residential properties, the additional emissions caused by the development are not expected to be significant enough to impact local air quality at the properties of Whitefield Road or within the AQMA at Dumers Lane. Consequently, no further information of the impact on air quality is required.

Lighting - The application proposes 1.2m high bollard lighting on the eastern edge of the trailer store area, set behind the 3m high bund and a strip of bollard lighting along the centre of the site. Their position within the site, type, and height of this particular lighting is such that there would not be any light pollution that would affect the gardens of the houses on Whitefield Road.

In terms of the lighting along the western boundary, this is proposed as 4m high mounted directional lights facing towards the storage areas. The lights would be 98m from the rear gardens and 112m from the rear elevations of the houses and directed downwards. The houses on Whitefield Road would be a significant distance away and given the direction of the lighting they would not be affected by light spillage or pollution. For clarification of this, a condition would be included requiring details to be submitted prior to commencement of development.

Highways issues - Access to the site would be from Dumers Lane through the existing yard and servicing area. The site is approximately 1.5m higher than the existing servicing area, and a concrete ramp would be incorporated to facilitate access through new 2.4m high palisade gates.

There are a set of gates between Whitefield Road and the site. There is currently no usable access to the site from Whitefield Road, and it is not proposed as part of this application, which is re-enforced by the provision of Condition 5.

In terms of the public footpath which runs along the top of the site, this would not be affected by the development proposals.

Given there would be no alterations to the existing access arrangements, the highways team have raised no objection to the proposals and as such the development would comply with UDP Policy EN1/2 - Townscape and Built Design.

Ecology - A Phase I Habitat Survey and Protected Species Survey has been submitted with the application and GMEU consulted. No objections have been raised, and conditions and informatives have been recommended, relating to:

Bats - There is no potential for bat roosts on site, but the probable importance for commuting and foraging along the Irwell Corridor is acknowledged. Vegetation along the Irwell would be retained and habitat linkage created along the northern boundary of the site, which is welcomed.

Lighting - The site layout includes lighting along the boundary with the Irwell, and the

applicant has stated to ensure this would not have a negative impact on bats. Details, however, would need to be provided and GMEU have recommended a condition as such (Condition 6).

Other protected Species - No evidence of any other protected species was found on the site. The only species with any level of risk is otter which has been recorded on the Irwell just downstream of the development. As the riparian habitats are being retained, GMEU are satisfied the risks are low.

Invasive species - Japanese knotweed and giant hogweed were recorded on sites and Himalayan balsam along the River Irwell just off the site. It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Japanese knotweed, giant hogweed and Himalayan balsam are included within this schedule. A condition is therefore recommended that a method statement be submitted to deal with invasive species.

Nesting birds - A significant area of habitat with bird nesting potential will be removed along the eastern boundary of the site. All British birds nests and eggs (with certain exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. A condition is therefore recommended to restrict the removal of trees or shrubs.

Animal Welfare - Potential rabbits and fox holes were identified. An informative is recommended advising the applicant of their responsibilities under the Wild Mammal Protection Act.

Ecological mitigation - The development would result in the loss of scrub, low value grassland and bird nesting habitat. Mitigation is proposed along the northern and eastern boundaries in the form of new tree and shrub planting. GMEU are satisfied with the quantity and location of the planting and welcome the linkage provided between the housing and river for bats by this proposal. The use of wildflower mix between the tree planting and hardstanding would also be supported. Whilst it is acknowledged that there may be a short term loss of bird nesting habitat, in the long term there would be a net gain.

As such, a condition to finalise details of the landscaping scheme would be included.

Water Framework Directive - The EU Water Framework Directive (WFD) requires environmental objectives be set for all surface and ground waters to enable them to achieve good status or potential for heavily modified water bodies by a defined date. One objective is to prevent further deterioration which can include changes to flow pattern, width and depth of channel, sediment availability/transport and ecology and biology. The proposed development is adjacent to the river Irwell and would potentially reduce porosity of the adjacent land, and increase sediment and pollution run-off in to the River. The commitment to utilise a SUDS system and the retention of the existing vegetation between the development and the river would significantly buffer the river during and after the development.

GMEU requested that prior to determination of the application a WFD be submitted in order to assess the potential WFD impacts of the development, and this has been received. Based upon the assessment conducted, the report considered that the proposed works would have a negative impact on the river Irwell and the underlying groundwater body. To ensure protection of the River Irwell and the aquifers, mitigation measures are recommended and GMEU are satisfied these can be conditioned.

It is therefore concluded that the proposed works would be compliant with the requirements of the WFD, and could be implemented without adversely impacting the water environment. **Flood Risk** - The site is within Flood Zone 2 and a Flood Risk Assessment submitted with the application. The Environment Agency have been consulted and raised no objection and recommending that the LPA take regard of their standing advice. A condition that the mitigation measures set out in chapter 7 of the Flood Risk Assessment would therefore be

included as a condition.

The Drainage Engineer has been consulted on the application and raises no objection subject to a condition that details of surface water drainage proposals are submitted prior to any development.

Response to the objectors -

- The Environmental Health Pollution Control Section have received complaints and noise diaries from residents, logging times/dates of disruptions. These complaints relate to the existing activities at the site and not to the proposed development. However, as the scheme is to move an industrial activity to a location where residential amenity could be affected, a significant amount of study and consideration has taken place to enable the recommendations to be made.
- Impact on house prices is not a material planning consideration.
- The objections relating to wildlife, air pollution and air quality, access, loss of privacy, visual impact, light pollution, noise pollution, drainage have been covered in the above report.

Conclusion

Planning seeks to strike a balance between the benefits of a development against any impacts which may be caused as a result, and weigh up whether those impacts are significantly adverse, and whether mitigation measures or conditions would deem a development acceptable.

In this case, it is considered that the bund, conditions to minimise sound arising from the tractors or shunt and the restriction of the hours of operation (see below), would be sufficient to control noise on this part of the site, and not cause a significant adverse impact on the amenity of local residents. The provision of the bund and proposed landscaping, together with the retention of the existing boundary treatment would also provide a satisfactory level of screening of the site from the nearby properties.

The proposal would not lead to the division of open parts of the River Valley into sections and ecological mitigation measures would result in a net gain of bird nesting habitat.

The conditions are considered to pass the legal tests and would warrant the development as acceptable.

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 51/2015/0768 01 Rev B; Site sections as proposed 51/2015/0768 03 Rev C; Site plan as proposed 51/2015/0768 02 Rev H; Revised Design and Access Statement received 22/4/16;

Noise survey by ADC Acoustics ARR/PPN/C/2599.01 15th February 2016 and Addendum Report 22nd March 2016; Flood risk Assessment by Anderson Ref 8717/TW/001/01 August 2015; Extended Phase I Habitat Survey and Protected Species Survey/Assessment by Pennine ecological June 2015 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 details of surface water drainage proposals and interface pollution interception facilities 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 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 of the development to ensure and promote sustainable development pursuant to chapter 10 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

4. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in Section 7 of the Flood Risk Assessment by Sanderson Ltd ref 8717/TW/001/01 dated August 2015 and the mitigation measures of Section 7 of the Water Framework Directive Assessment Final report v1.2 December 2015

Reason. To ensure and promote sustainable development pursuant to chapter 10 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

5. There shall be no direct means of vehicular access between the site and Whitefield Road.

Reason. To ensure good highway design in the interests of road safety pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and EN1/2 - Townscape and Built Design.

6. No development shall commence unless and until a 'lighting design strategy' for the development has been submitted to and approved by the Local Planning Authority. The strategy shall:

- identify areas/features on the site that are potentially sensitive to lighting for bats and any other species that may be disturbed;
- show how and where external lighting will be installed (through appropriate lighting contour plans) so that it can be demonstrated clearly that any impacts on wildlife are negligible (in particular bats);
- Specify frequency and duration of use.

All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy, and thereafter maintained.

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.

7. Prior to the commencement of any earthworks, a method statement detailing the eradication and/or control and/or avoidance measures for Himalayan balsam, Japanese knotweed and giant hogweed have been submitted to and approved by the Local Planning Authority. The agreed method statement only shall be adhered to and implemented in full.

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.

8. No works to trees or shrubs shall be carried out between 1st March and 31st August inclusive in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present, to be approved 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.
9. No development shall commence unless and until a landscape management plan and timetable has been submitted to and approved by the Local Planning Authority. The content of the plan should include elements to mitigate for loss of trees, shrubs, grassland and bird nesting habitat. The plan shall also include proposals for landscaping along the riverside buffer strip. The approved plan shall be implemented in accordance with the approved details and timetable.
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, OL5/2 - Development in River Valleys and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 11 - Conserving and enhancing the natural environment.
10. The 3m high bund hereby approved, together with the landscaping to be approved by condition 9 of the permission hereby granted, shall be erected and made available prior to the first use and occupation of the site. The bund and landscaping shall thereafter be maintained as approved.
Reason. To protect the amenities of the occupants of the residential properties on Whitefield Road, in terms of providing an acceptable acoustic barrier and visual screen of the site, pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and chapter 11 - Conserving and enhancing the natural environment of the NPPF.
11. Materials and pallets shall not be stacked at a height exceeding 3m.
Reason. In the interests of visual and residential amenity and to protect the special character of the River Valley and Wildlife Links and Corridor and local residents, pursuant to Bury Unitary Development Plan Policies OL5/2 - Development in River Valleys, EN6/4 - Wildlife Links and Corridor and EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.
12. Notwithstanding the terms of condition 6, no development shall commence unless and until details of the type of lighting, together with its illumination, lighting splays and times of illumination has been submitted for approval to the Local Planning Authority. The proposed 4m high lighting columns on the western boundary of the site hereby approved shall be so positioned and designed such that the filaments of any bulbs are not directly visible from nearby dwellings, including gardens.
Reason. In the interests of residential amenity pursuant to Bury Unitary Development plan Policies EN1/2 - Townscape and Built Design and EN7 - Pollution Control.
13. Details of the materials and finished surfacing of the hardstanding area hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The approved details only shall be implemented and thereafter maintained.

Reason. To secure the satisfactory development of the site and in the interests of visual and residential amenity pursuant to Policies EC6 - New Business, Industrial and Commercial Development and EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

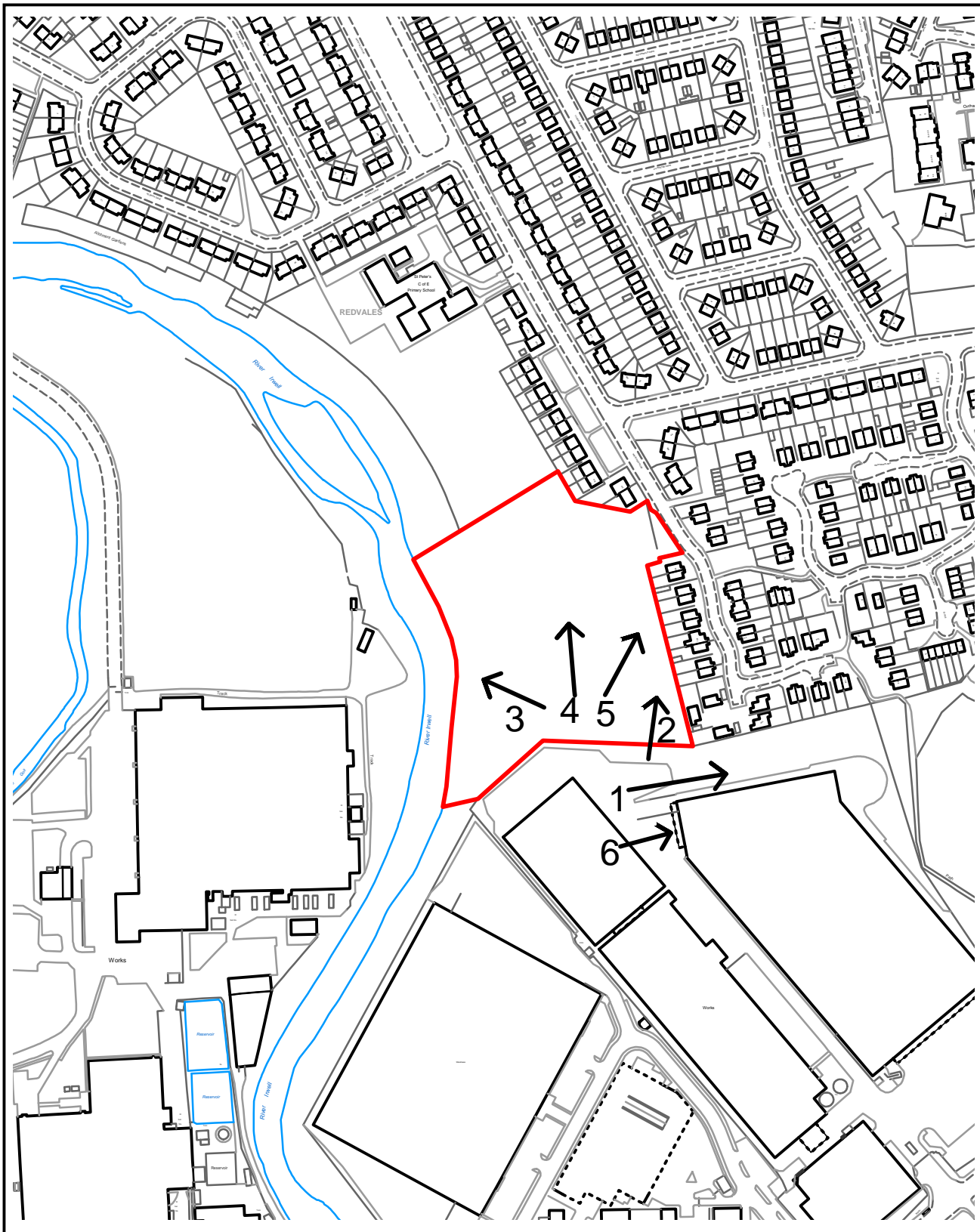
14. No deliveries shall be permitted to the site outside the hours of 08:00 to 20:00 Monday to Friday and 09:00 to 13:00 Saturdays, and at no other time.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and EC6/1 - Assessing New Business, Industrial and Commercial Development of the Bury Unitary Development Plan and the NPPF.
15. No activity or site operations shall be permitted in the materials storage area as shown on approved site plan 51/2015/0768 02 Rev H outside the hours of 07:00 to 20:00 daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and EC6/1 - Assessing New Business, Industrial and Commercial Development of the Bury Unitary Development Plan and the NPPF.
16. No activity or site operations, including the delivery and storage of trailer vehicles, shall be permitted in the trailer storage area as shown on approved site plan 51/2015/0768 02 Rev H, outside the hours of 08:00 to 20:00 Monday to Friday and 09:00 to 13:00 Saturdays, and at no other time.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and EC6/1 - Assessing New Business, Industrial and Commercial Development of the Bury Unitary Development Plan and the NPPF.
17. Noise emitted from the fork lift trucks to be used on the site hereby approved shall not exceed those noise levels as measured and used for the noise modelling purposes contained in the Noise Consultants Addendum Report dated 22nd March 2016 (ref:ARR/PPN/C/2599.01). The fork lift truck reversing alarms to be used on the site shall be white noise/non-tonal broad band reversing alarms with adjustable volume control.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and EC6/1 - Assessing New Business, Industrial and Commercial Development of the Bury Unitary Development Plan and the NPPF.
18. Noise emitted from any vehicle to be used on the site hereby approved for manoeuvring trailer units shall not exceed those noise levels as measured and used for the noise modelling purposes contained in the Noise Consultants Addendum Report dated 22nd March 2016 (ref:ARR/PPN/C/2599.01). Any reversing alarms fitted to a vehicle used for manoeuvring the trailer units shall be white noise/non-tonal broad band reversing alarms with adjustable volume control.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and EC6/1 - Assessing New Business, Industrial and Commercial Development of the Bury Unitary Development Plan and the NPPF.
19. No development shall commence unless and until a scheme has been submitted that shows the position of the security fencing in relation to the existing landscaping which runs along the boundary with Nos 702-738 Whitefield Road. No works to remove the landscaping shall take place unless and until such scheme has been subsequently approved and the development shall be carried out in accordance with the approved details.
Reason. To avoid the loss of trees and shrubs which are of residential and visual 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. The area indicated for trailer storage on the approved site plan ref 51/2015/0768 02 Rev H shall be used for the storage of trailers only, and for no other purpose or activity.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and EC6/1 - Assessing New Business, Industrial and Commercial Development of the Bury Unitary Development Plan and the NPPF.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 59160

**ADDRESS: Greenfields, Dumers Lane
Radcliffe**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

59160

Photo 1



Photo 2



59160

Photo 3



Photo 4



59160

Photo 5



Photo 6



59160 - Aerial Location Plan



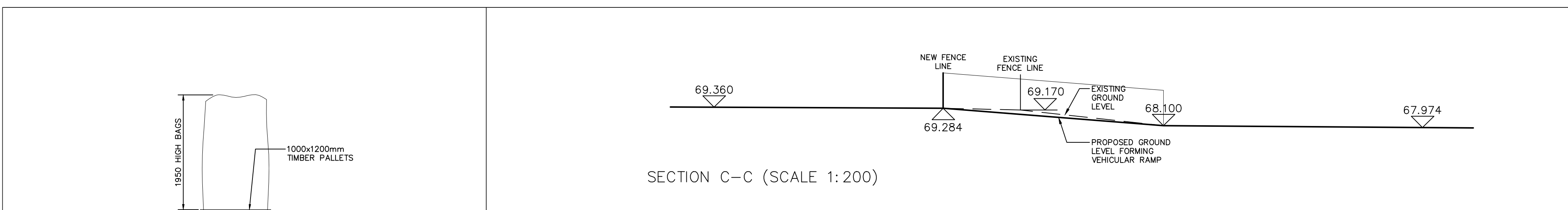
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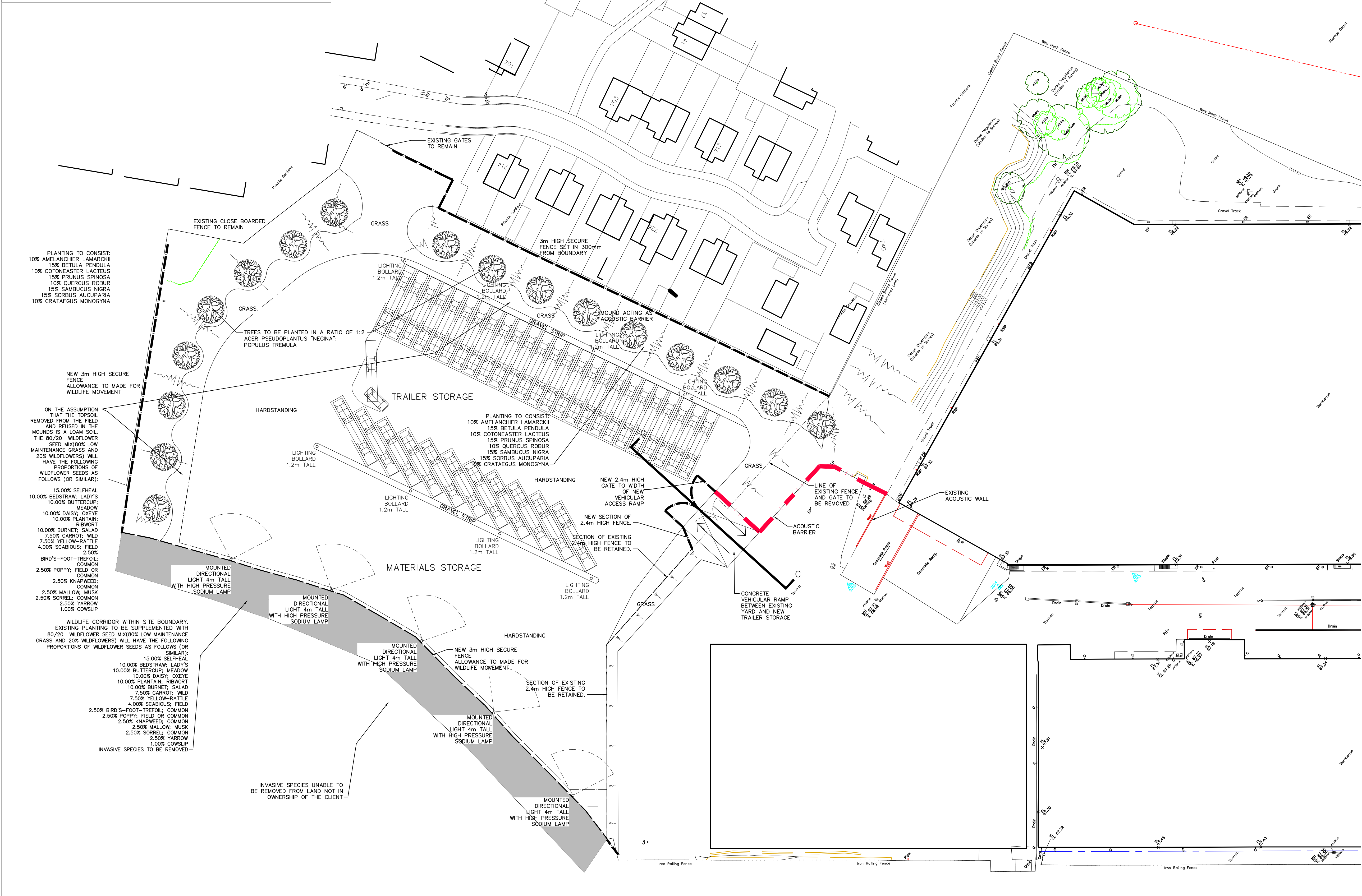


Bury
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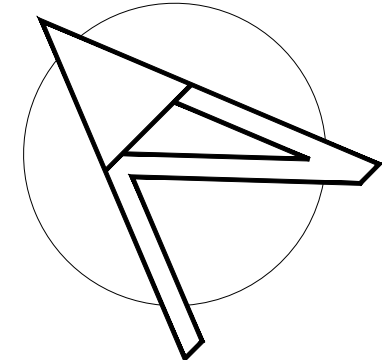
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TYPICAL THROUGH MATERIAL STORAGE (SCALE 1:50)



Notes:
 ● All dimensions to be checked on site.
 ● No dimensions to be scaled from this drawing unless otherwise stated.



Revision No.	Date	Description	Checked By	Revision By
H	08.04.16	TRAILER LAYOUT ADDED		BGF
G	23.03.16	ANNOTATION FOR ACOUSTIC BARRIER CHANGED. EXISTING ACOUSTIC WALL NOTED		BGF
F	25.11.15	AMENDED TO ADDRESS COMMENTS FROM PLANNING DEPARTMENT		BGF
E	23.10.15	FENCE LINE AMENDED, PLANNING REVISED		BGF
D	01.10.15	EXISTING FENCING RETAINED AS ANNOTATION		BGF
C	17.09.15	SITE PLAN AMENDED.		SLW
B	17.08.15	AMENDMENTS FOLLOWING DISCUSSIONS WITH CLIENT		BGF
A	04.08.15	MINOR AMENDMENTS		BGF

BYROM CLARK ROBERTS
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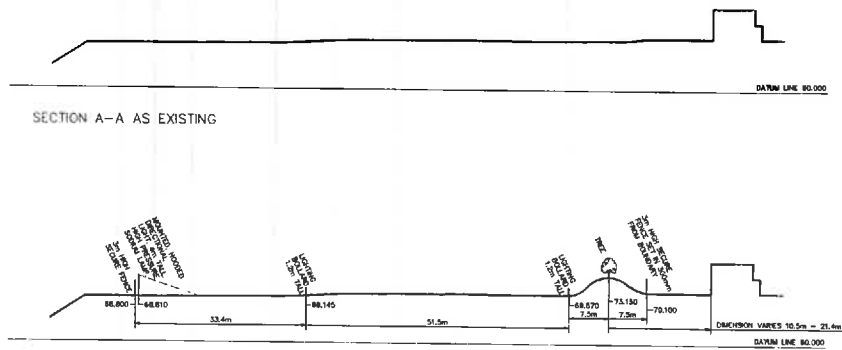
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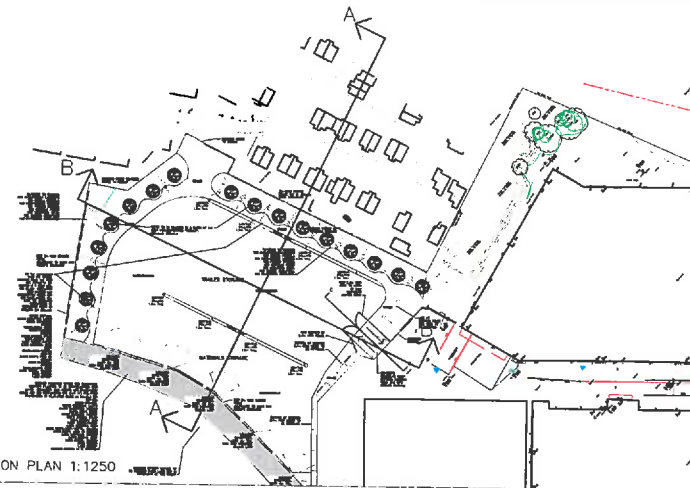
Client: THUMBS UP (BURY) LTD			
Project: PHASE 4 DUMING LANE, BURY			
Drawing Title: SITE PLAN AS PROPOSED			
Scale: 1:500	Date: 02.15	Drawn: BGF	Check: H
Job No. 51/2015/0768	Drawing No. 02	Rev.	

SECTION A-A AS EXISTING

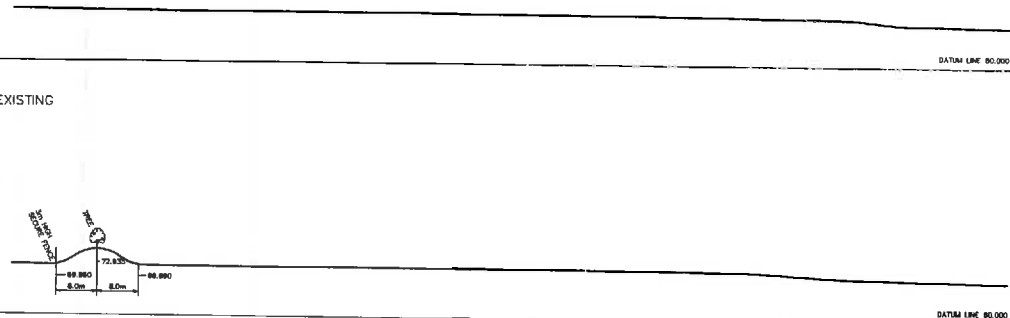


SECTION A-A AS PROPOSED

LOCATION PLAN 1:1250



SECTION B-B AS EXISTING



SECTION B-B AS PROPOSED

Notes:

- All dimensions to be checked on site.
- No dimensions to be scaled from this drawing unless otherwise stated.

Revision No.	Date	Description	Checked By	Drawn By
C 25.11.15		AMENDED TO ACCURATELY REFLECT THE PLANNING DEPARTMENT		BGF
B 23.10.15		MINOR CORRECTIVE ACTION REQUIRED		BGF
A 17.08.15		DATE TO BE REVIEWED FOR APPROVAL		MLW



VIEW FROM REAR WINDOW OF 728 WHITEFIELD ROAD



VIEW FROM REAR WINDOW OF 728 WHITEFIELD ROAD

Byrom Clark Roberts
 Architects • Surveyors • Engineers • Project Managers

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Client:
THUMBS UP (BURY) LTD

Project:
**PHASE 4
DUMERS LANE, BURY**

Drawing Title:
SITE SECTIONS AS PROPOSED

Scale	Date	Drawn	Check
1:500	08.15	BGF	

Job No.	Drawing No.	Rev.
51/2015/0768	03	C

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 02

Applicant: Mr Andrew Rothwell

Location: The Paddock, Sheep Hey Farm, Leaches Road, Shuttleworth, Ramsbottom, Bury,
BL0 0ND

Proposal: Change of use of field to camping site including siting of 2 no. moveable portalooos
and shower block

Application Ref: 59550/Full

Target Date: 02/02/2016

Recommendation: Approve with Conditions

Description

The application site consists of a field, which was used for grazing sheep. The site is predominantly flat, but the surrounding land to the east and south of the site is at a higher level. There is a line of mature trees along the eastern boundary and a stone wall and timber fence marks the boundary of the site. There is a timber post and rail fence to all other boundaries. The site is accessed from Leaches Road, which connects to Whalley Road to the east and Bolton Road North to the west.

The site was used as a temporary camp site during the Ramsbottom Festival in September 2015 and the structures (toilets and shower block) were removed from the site in November 2015. The site has been used to host events and functions in a large tipi tent (shown on the photographs). The use of the tipi for functions and events does not form part of the application being considered and is otherwise permitted for up to 28 days in a calendar year under Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

There is a area of mature trees to the north of the site with residential properties beyond. There are open fields to the west, which contain two stables buildings and open fields to the south. The M66 motorway is located to the west and is within an embankment with Leaches Road and the associated bridge above.

The proposed development involves the change of use of the field to a camping site including the siting of 2 moveable portalooos and shower block. The proposed shower block would measure 3 metres by 3 metres and would be 3 metres in height. The proposed portaloo building would measure 1.2 metres by 1.3 metres and would be 2.3 metres in height. Both the proposed buildings would be clad in timber. The proposed development would be accessed from Leaches Road and a small area of hardstanding would be located in the north western corner of the site.

Relevant Planning History

33506 - Conversion of existing outbuildings to form 6 dwellings and garages at Sheep Hey Farm, Leaches Road, Shuttleworth. Approved with conditions - 13 October 1997

Adjacent site

33808 - Erection of agricultural building at Sheep Hey Farm, Leaches Road, Shuttleworth. Withdrawn - 4 February 1999

34584 - Erection of block of 3 stables and store at land adjacent to Sheep Hey Farm, Leaches Road, Shuttleworth. Approved with conditions - 1 October 1998.

43717 - Detached single storey stable block and tack at paddock off Leaches Road, Shuttleworth. Refused - 18 January 2005

51562 - Agricultural livestock building at land at Sheep Hey Farm, Leaches Road, Shuttleworth. Refused - 10 September 2009.

Enforcement

15/0317 - Events company and campsite run from residential property at 7 Sheep Hey, Leaches Road, Shuttleworth.

15/0396 - Erection of toilet blocks at the paddock, Sheep Hey, Leaches Road, Shuttleworth. Application received - 8 December 2015.

Publicity

The neighbouring properties (1 - 8 Sheep Hey, Sheep Hey Farm) were notified by means of a letter on 14 December 2015 and a press notice was published in the Bury Times on 24 December 2015. Site notices were posted on 22 December 2015.

14 letters have been received from the occupiers of Sheep Hey Farmhouse, 3, 5, 6, 8 Sheep Hey, Leaches Road, 42 Whalley Road, 3 Hollins Lane, Shuttleworth; 31 Dale Street, Woodside, Dearden Brook, Edenwood Lane, Ramsbottom; 41 Bolton Road North, Edenfield; 10 Tenterden Street, Bury, which have raised the following issues:

- While we have no objection to the use of the field for occasional parties, we object to the use as a commercial camp site and party venue.
- We live a short distance away and the noise levels are unacceptable. The level of noise on December 31 made sleep impossible in the small hours.
- Our land is separated from the site on the east side by a small wall and are concerned to have campers and party goers in close proximity.
- Access via the narrow land is difficult and dangerous during times when the volume of traffic increases.
- The applicant's address is incorrect and is one of the 8 dwellings around the former farm yard. This is not a farmer seeking diversification.
- A vehicle access has recently been created from Leaches Road onto the paddock at the bend at the bottom of the hill. Should this have had consent?
- There are no commercial waste bins on site and none proposed as part of the application.
- Where are the 20 parking spaces and how would they be constructed?
- 20 spaces is insufficient for the events that the applicant is advertising and hosting and could prevent emergency access.
- No hours of opening have been stated. Will the site operate 24/7 365 days a year?
- The form has been signed by Mr Hodkinson, who is the agent and not the applicant.
- The site is not suitable for camping.
- The site is very boggy, which will force cars to park on the single track access road, causing problems for the existing residents.
- The application should be retrospective as the site has been used for camping and events previously.
- The applicants have shown no regard for their neighbours
- There could be an effect on local farm animals and wildlife.
- How many residents have been consulted? The sound from this development will travel a great distance across the valley.
- The area is in the Green Belt and this is not permitted.
- The access road is used by the equestrian community.
- The facebook page is actively advertising the facilities for weddings and parties.
- The music could be heard inside residential properties in Stubbins.
- No real objections to a camp site, but have concerns about a wedding/event venue due to noise.
- If the proposed beer festival became a reality, the possibility of the "bar never closing" and the guests/campers doing "whatever takes [their] fancy" is of great concern to us.

- The proposed development will have a detrimental impact on the neighbouring residents.
- Loss of view.
- Smells from the toilets and camp site.
- Lack of privacy.
- A reduction in the value of the property.
- The paddock directly behind the applicant's property should be used as a camp site as the yard would provide parking in bad weather.
- The application for change of use to a camp site is misleading as the applicant's true intentions are to run an events business.
- The site is being advertised on facebook with events to be held on 23, 24 April and 16 July 2016.
- The alternative access is a public footpath and the bridge is structurally unsound for use by vehicles.
- Any decision to permit a camping site within 50 metres of a residential property is not consistent with the residential use. What reasonable body of planning officers and councillors would oppose this view?
- It should be noted that the events are held in a canvas tent and not within an enclosed soundproofed building.
- Will power be provided to the field?
- Does the applicant have sufficient public liability insurance in the event of damage to property?

Revised plans were received on 16 February 2016 and all of the neighbouring properties and the objectors listed above were notified by means of a letter on 17 February 2016. 7 letters have been received from the occupiers of 5, 6, 8 Sheep Hey, Sheep Hey Farm, 25 Dale Street, 27 Windemere Drive:

- The noise from the teepee events can be heard from Windemere Drive.
- The proposed camp site would cause anxiety and stress for local residents.
- The facebook page is actively advertising the facilities for weddings and parties.
- The music could be heard inside residential properties in Stubbins.
- All previous comments are relevant and are unchanged by the proposed plan.
- The addition of fictitious passing places makes no difference to the application.
- The existing passing place is the mouth of an access to No. 6 Sheep hey and is not in the ownership of the applicant. This area often has cars parked in it.
- The passing place at the 90 degree bend is an access to the public footpath. On 31/12/2-15, this area was used as a parking space for a van selling hot drinks.
- The final passing place is an access to a stables, which often has a car parked in it.
- The area in front of the garages is used as a turning area for vehicles delivering to the events.
- The latest plan is a misrepresentation of the realist of the situation.
- An event is planned for 24/04/2016 and the applicant appears to be proceeding whether he has planning permission or not.
- An unsightly hardstanding area has need added, which sits next to the Rossendale Way and in designated Green Belt.
- A stand pipe has been installed near our garden, which will erode the ability to enjoy the garden.
- The effluent tanks have already been in stalled and there is a van that is usually parked in the gateway to the stables.
- The location of the toilets and showers would adversely affect our neighbours view, which loos directly onto The Paddock. The owners should use the field at the back of their own property.
- The applicants continue to advertise their campsite and take bookings for later in the year and have continues work on the site. They are clearly under the impression that they have planning permission.

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 - Comments awaited.

Environmental Health - Contaminated Land - No comments.

Public Rights of Way Officer - No objections.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
OL1/2	New Buildings in the Green Belt
OL1/5	Mineral Extraction and Other Development in the Green Belt
OL6/1	New Uses and Development of the Countryside
RT3/2	Additional Provision for Recreation in the Countryside
RT4/3	Visitor Accommodation
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New 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 - Paragraph 81 of the NPPF states that Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

The NPPF (paragraph 89) states that the construction of new buildings in the Green Belt should be regarded as inappropriate in the Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- 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;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages and limited affordable housing for local community needs under policies set out in the local plan; or
- limited infilling or the partial redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing

development.

Policy OL1/2 states that the construction of new buildings within the Green Belt will be inappropriate development unless it is for agriculture, forestry, essential facilities for outdoor recreation, limited extensions of existing dwellings and for other uses of land which do not conflict with the purposes of including land in it. Proposals for buildings, which do not fall into one of the above categories is inappropriate development and will only be permitted in special circumstances.

The proposed development involves the change of use of a field to a camp site including the provision of buildings for use as a toilet and shower block. The proposed buildings would represent appropriate facilities for outdoor recreation and as such, would be appropriate development in the Green Belt. The proposed buildings are small in footprint and would be clad in timber, which would be acceptable. In addition, the proposed buildings are moveable and if the use ceases could be removed from site and the land restored to its previous state. As such, the proposed buildings would be appropriate development and would not have a significant adverse impact upon the openness and character of the Green Belt. Therefore, the proposed development would be in accordance with Policy OL1/2 of the Bury Unitary Development Plan and the NPPF.

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

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

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

Recent case law has concluded that the list of forms of development in paragraph 90 of the NPPF is a 'closed list'. In other words, if the proposed development does not fall within the list in paragraph 90 it is inappropriate development. The use of land as a camp site does not fall within the list in paragraph 90 of the NPPF and as such, is inappropriate development.

Where inappropriate development is proposed in the Green Belt, it is for the applicant to demonstrate a case for very special circumstances which would outweigh any in-principle harm and additional harm caused to the Green Belt. The applicant has put forward the following very special circumstances:

- The development is in accordance with guidance elsewhere in the NPPF which promotes the development and diversification of agricultural and other rural industries and supports the provision of and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met (para 28). There are no camp sites in Bury or neighbouring Rossendale and the provision of the camping facility will be a significant asset to the area.
- The site is in a sustainable location close to main roads, bus routes and facilities such as shops and restaurants in Ramsbottom.
- There is no need to prove special circumstances for the intended three small structures on the land. The granting of planning permission will enable the structures to be sited and camping to take place on more than the permitted 28 days per year.
- The degree of harm caused by the proposed use for camping is minimal as the appearance of the field will not be permanently changed and its open character will be retained.

- The field will continue to be used for grazing. Only part of the field will be occupied by a relatively small number of tents on a limited number of days per year.
- The field can be seen from the valley to the west but it is screened from other directions by the contours of the land and trees. The visual impact of the tents will be minimal.

The proposed use of the field as a camp site would promote rural diversification and would provide camping accommodation for visitors to the area. Currently the nearest camp site is at Burrs Country Park and is used in connection with the caravan site. As such, the proposed development would meet an identified need for additional visitor accommodation. As confirmed above, the proposed buildings would be appropriate development as they would be required for outdoor recreation. The tents would be present for a limited time and would be removed after use and the proposed buildings are removable. As such, the character of the area would not be permanently affected by the proposal and would be maintained as an open field. The proposed tents would only be visible from the west, due to the topography of the land and only for a limited time. As such, the proposed development would not have a significantly adverse impact upon the openness of the Green Belt.

While no single factor can be described as being so very special a circumstance as to clearly outweigh the harm to the Green Belt, it is considered that when these factors put forward by the applicant are considered cumulatively, they do amount to very special circumstances to outweigh the harm to the openness and character of the Green Belt. Therefore, the proposed development would be in accordance with Policy OL1/5 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed buildings would be located along the northern boundary of the site and would cover 10.5 square metres in total. The proposed buildings would be clad in timber, which would be acceptable. The existing timber post and rail fencing would be retained and would be appropriate. The proposed development would provide an area of hardstanding, which would be constructed from gravel and this would be an appropriate material for the location. Therefore, the proposed development would not be a prominent feature in the locality and would be in accordance with Policies OL1/2 and EN1/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - Policy EN7/2 states that the Council will not permit development which could lead to an unacceptable noise nuisance to nearby occupiers. The proposed development would provide a camping site, which would be 46 metres from the nearest residential property. The proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties through noise. Therefore, the proposed development would be in accordance with Policy EN7/2 of the Unitary Development Plan.

The neighbouring residents have objected to the noise associated with the events that have taken place at the site. The events do not form part of this planning application and are permitted for up to 28 days in a year under Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Highways issues - The proposed development would be accessed from Leaches Road, which connects Whalley Road to Bolton Road North. The proposed development would provide an area of hardstanding, which would be used for parking during bad weather and would assist in preventing mud from passing onto the highway. The agent has provided details of three sites on Leaches Road, which could be used as passing places and these are marked on the proposed site plan. The proposed development would be utilised by campers and not by caravans and motorhomes. As such, the passing places identified would be appropriate. The traffic Section has no objections in principle to the proposed development and further comments will be reported in the Supplementary Report. It should be noted that the access onto Bolton Road North passes over a bridge, which is not safe or suitable for use by vehicles. As such, the requirement for all visitors to use Leaches Road would be the subject of a condition.

Parking - SPD11 states that the maximum parking standards for outdoor recreation are based upon individual consideration.

It is envisaged that campers would park their vehicles adjacent to the tents while camping on site. As such, there would be capacity on site to accommodate 20 tents and 20 parking spaces. The proposed area of hardstanding would be used for parking during periods of bad weather. Therefore, the level of parking provision would be acceptable in this instance and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Response to objectors

The objections relating to noise from parties and events and the traffic associated with such events are not material considerations for this application. The use of the tipi for functions and events does not form part of the application being considered and is permitted for up to 28 days in a year under Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The site has been used for camping and events previously and this was permitted under Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. As such, the application is not retrospective.

The issues of the alternative access, loss of privacy, impact upon residential amenity, noise, the impact on the Green Belt, passing places, visual impact of the hardstanding, highway safety and parking have been addressed in the report above.

The issues of loss of view, loss of value to properties and whether the applicant has public liability insurance are not material planning considerations and cannot be taken into consideration.

The Council can only consider the application as submitted.

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, 15/188/01A, 15/188/02 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. Details/Samples of the materials to be used in the hardstanding, together with

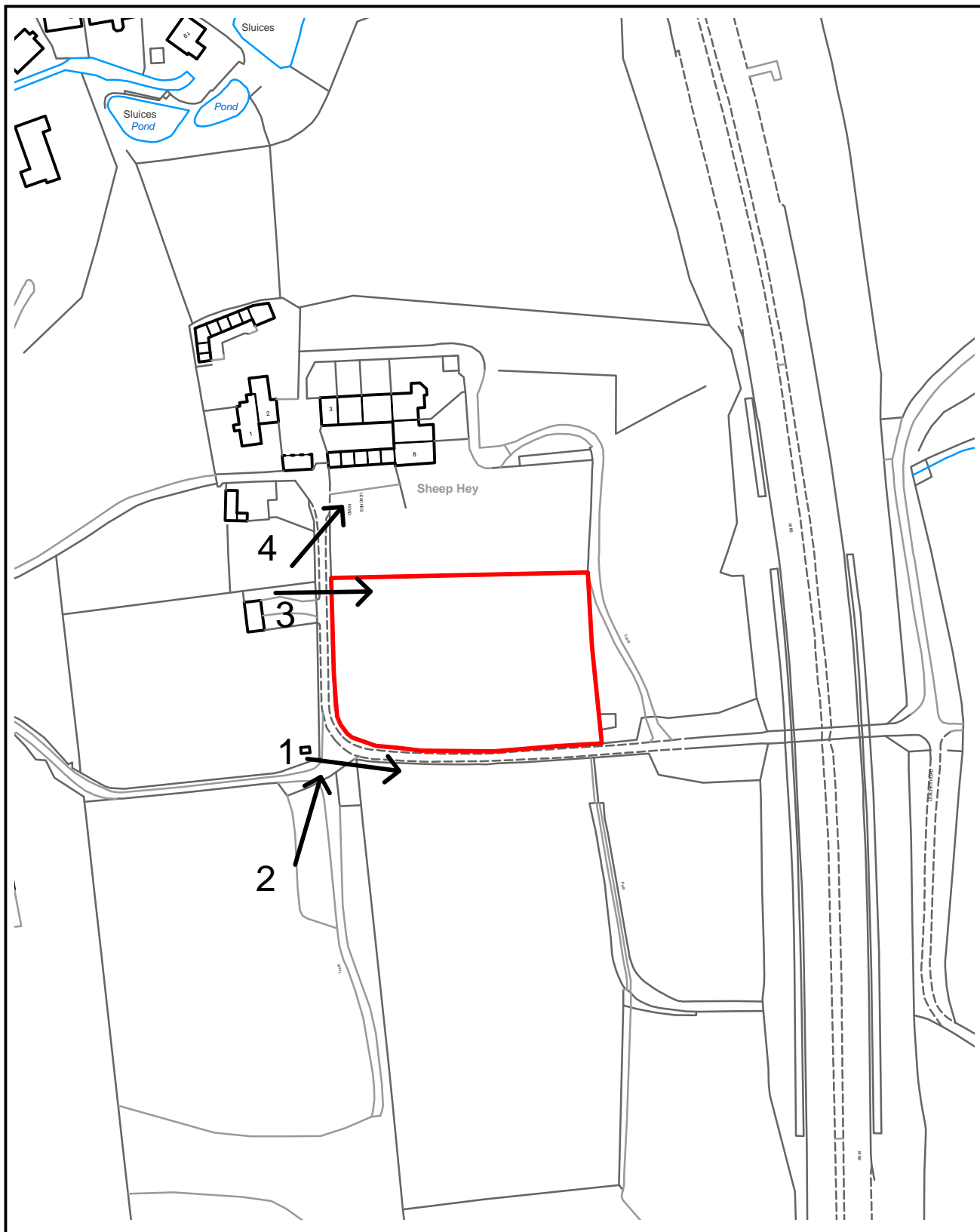
details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.

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 EN1/1 Visual Amenity.

4. There shall be no external lighting to the camp site at any time other than for emergency purposes.
Reason. In the interests of residential amenity pursuant to Policy EN1/2 of the Bury Unitary Development Plan.
5. No development shall commence unless or until, details of the refuse storage facilities indicated on have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development hereby approved being first used and maintained thereafter.
Reason - In order to ensue that the development would maintain adequate facilities for the storage of waste, including recycling containers, in the interests of amenity and pursuant to the following Unitary Development Plan Policies: Policy EN1/2 - Townscape and Built Design.
6. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
7. All foul drainage shall be contained within a sealed and watertight tank, which shall be emptied at least once a week.
Reason: To protect the residential amenity of the neighbouring properties pursuant to Policy EN7/5 of the Bury Unitary Development Plan.
8. The only means of access to the site shall be from Leaches Road only.
Reason. To ensure a satisfactory means of access to the site pursuant to Policy EN1/2 - Townscape and Built Environment of the Bury Unitary Development Plan.
9. The passing places indicated on the approved plan reference 15/188/01 A, shall be made available for use prior to the camp is hereby approved being brought into use.
Reason. To ensure good highway design in the interests of road safety pursuant to Policy EN1/2 of the Bury Unitary Development Plan.
10. The gravel area indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the camp site hereby approved being brought into use.
Reason. To ensure adequate off street facilities in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development and EN1/2 - Townscape and Built Design 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 59550

**ADDRESS: The Paddock
Sheep Hey Farm
Leaches Road
Shuttleworth**
Planning, Environmental and Regulatory Services



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59550

Photo 1



Photo 2

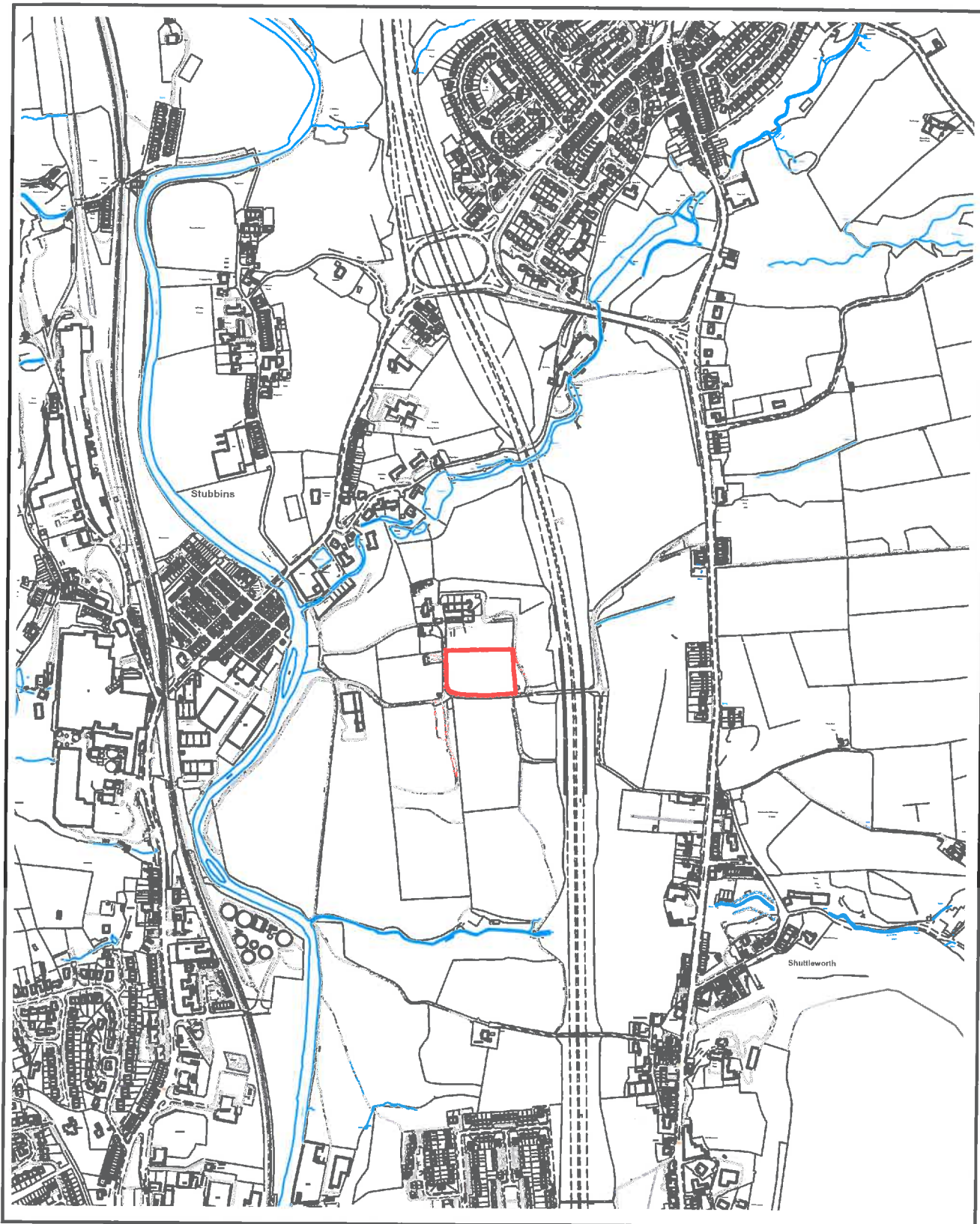


Photo 3



Photo 4





PLANNING APPLICATION LOCATION PLAN

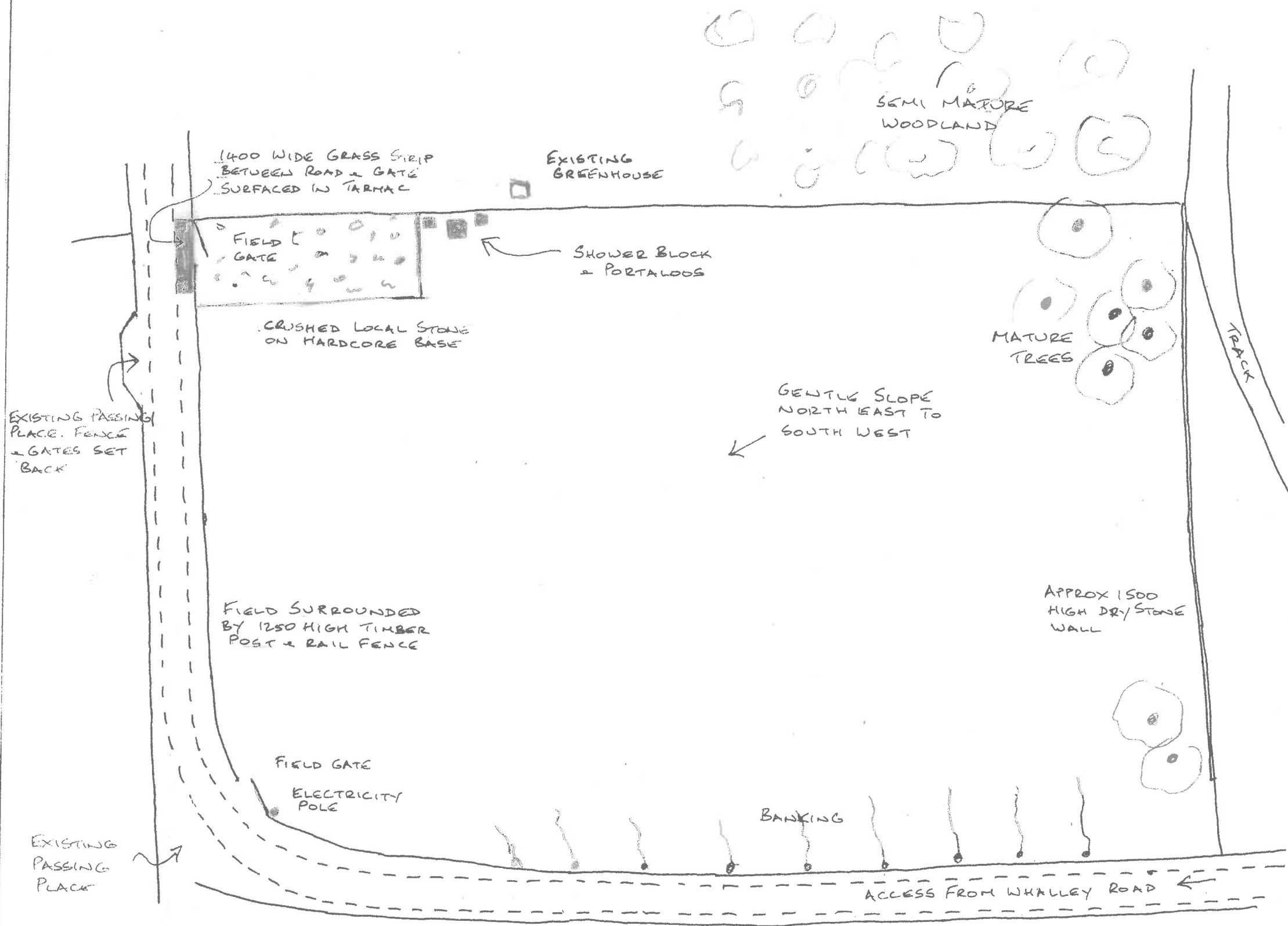
APP. NO 59550

**ADDRESS: The Paddock
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Leaches Road
Planning, Environmental and Regulatory Services
Shuttleworth**



Bury
COUNCIL

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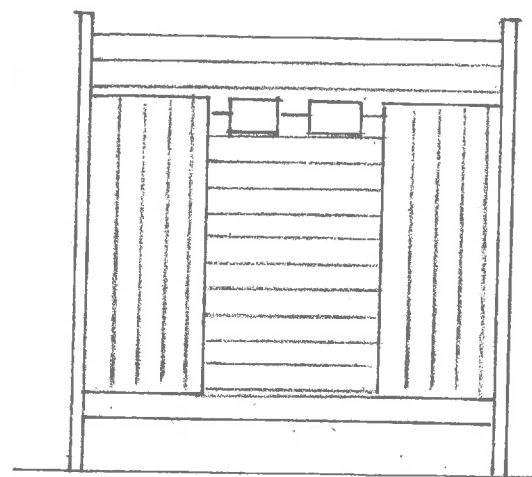
1A LAYOUT PLAN

14/02/16 DETAILS AMENDED
4/12/15

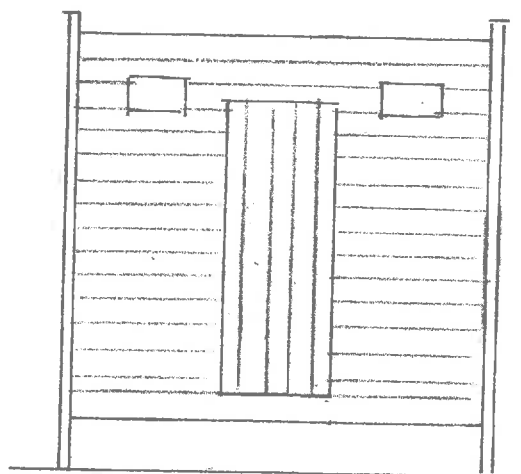
15/188/01A

USE OF FIELD FOR CAMPING
SHEEPHEY FARM, LEACHES ROAD, SHUTTLEWORTH

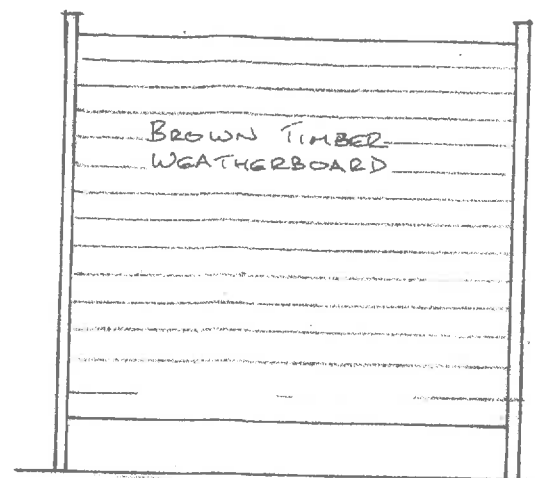
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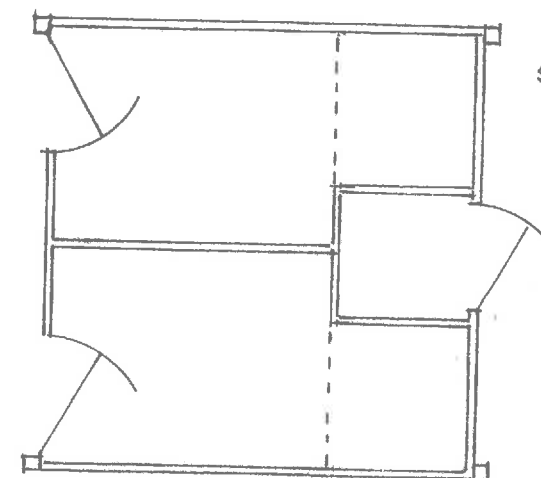
FRONT ELEVATION
SHOWER BLOCK



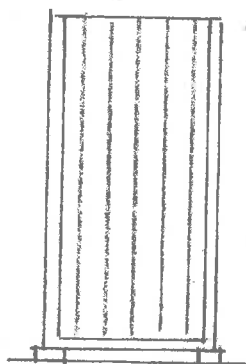
REAR



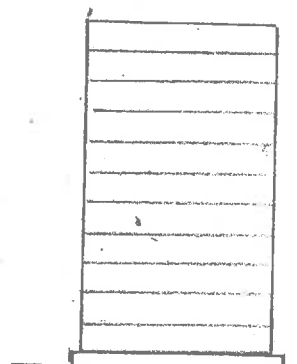
SIDES



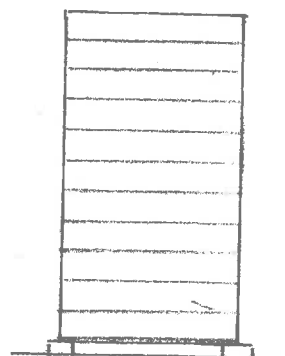
PLAN



FRONT
TOILETS



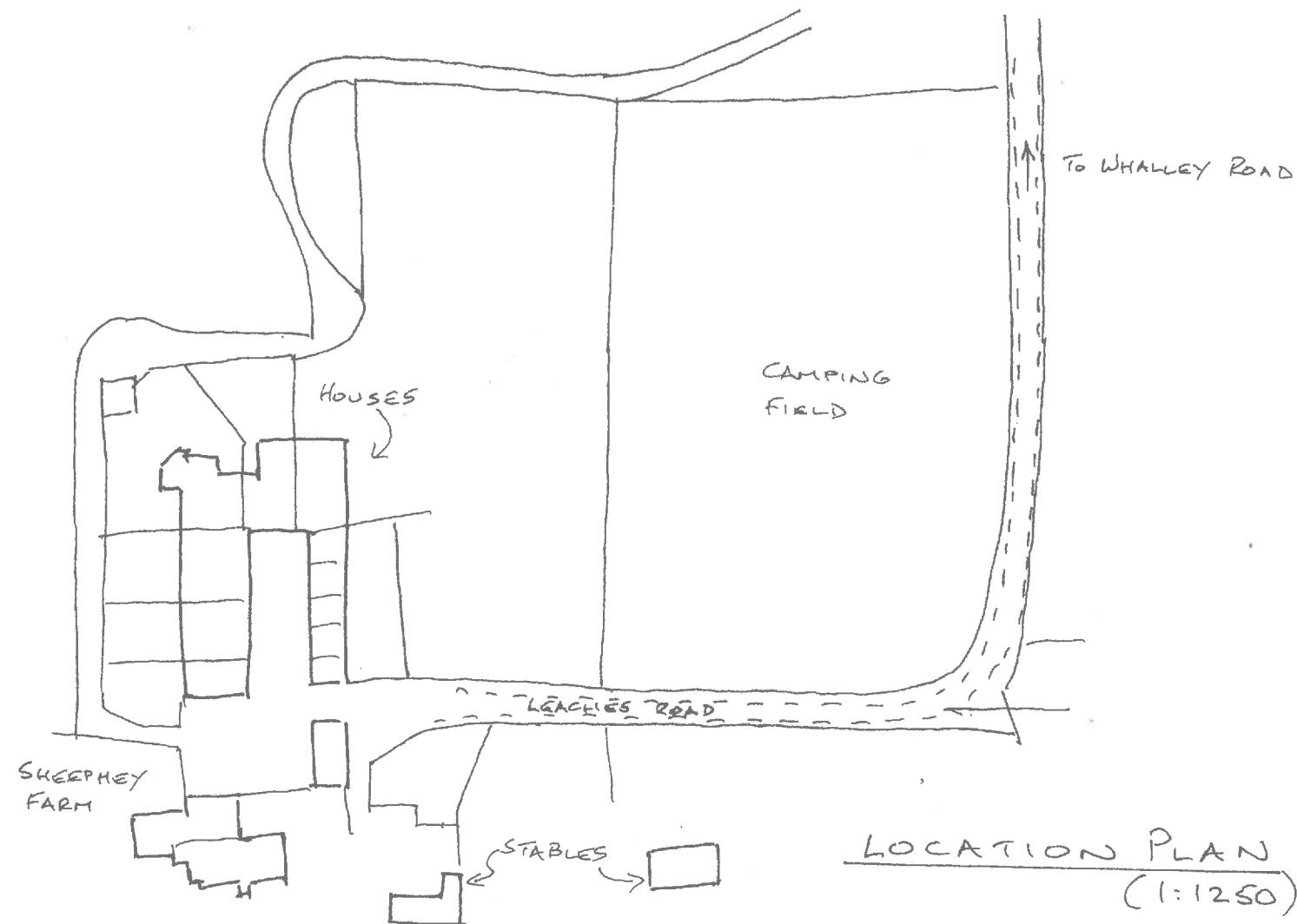
SIDES



REAR

2. PLAN & ELEVATIONS

SCALE 1:50 @ A3



4/12/15

15/188/02

USE OF FIELD FOR CAMPING

SHEEPHEY FARM, LEACHES ROAD, SHUTTLEWORTH

Ward: Prestwich - Sedgley

Item 03

Applicant: Yesoiday Hatorah School

Location: Yesoiday Hatorah School, Bury New Road, Prestwich, Manchester, M25 0JW

Proposal: Construction of gatehouse

Application Ref: 59565/Full

Target Date: 11/03/2016

Recommendation: Approve with Conditions

Description

The application relates to a large Jewish Primary School in the Sedgley Park area. The site is across from the Police Training College and in a residential area on the edge of the commercial area on Bury New Road. The school site is covered by an Area Tree Preservation Order.

The proposal is to construct a single storey gatehouse, adjacent to the main Sedgley Park entrance gates. The new building would have a footprint 7m by 6m and have a pitched roof to a maximum ridge height of 3m. It would be constructed with a brick and render finish. The building would house a security office, a reception and waiting areas for pupils and visitors.

To make way for the proposed gatehouse, seven protected trees are proposed to be felled. The applicant proposes to replant two Turkish Hazel trees within the adjacent nursery playground to the south to compensate.

Relevant Planning History

54060 - Construction of 2 no. first floor classrooms and resource rooms - Approve with Conditions 15/07/2011

54061 - Extension at first and second floor level to provide administrative suite, disabled lift and additional classrooms - Approve with Conditions 10/08/2011

55896 - Single storey extension to northern elevation of assembly hall - Approved 12/02/2013

Publicity

The following neighbours were notified by letter dated 18/01/16.

Woodcliffe Lodge, North Lodge, The Shrubberies The Hilton Suite, 108 and 110 Bury New Road, 2 - 12 (even) Woodhill Drive, 1 Sedgley Park Road, Prestwich Hebrew Congregation, 6 - 18 (even) Crescent Avenue, 2 Chandos Avenue, 16, 18, 39 Breeze Mount.

Four representations received. The concerns of residents at 7 Cranbrook, 7 Woodcliffe Lodge are summarised:

- It is not necessary to remove 7 trees.
- The school is already starting to look like a high security centre and the gatehouse would add to this appearance.
- There are parking problems and there is a need for greater controls at key times.

14 Crescent Avenue states that the proposal would help the security of the children at the school.

Consultations

Traffic Management - No objection.

Environmental Health - No objection.

Greater Manchester Ecology Unit - No objection.

GM Police - No objection.

United Utilities - No objection.

Fire Service - No objection.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
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.

Policy - Essentially there are three main policies that reflect the issues to be considered, the educational/security benefits, design and appearance and the impact on TPO trees.

CF2 - Education land and Buildings indicates that the Council will, where appropriate, consider favourably proposals for the provision, improvement and dual use of educational facilities.

UDP Policy EN1/2 Townscape and Built Design states that the Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to be considered when assessing proposals will include:

- a) the external appearance and design of the proposal in relation to its height, scale, density and layout;
- b) the relationship of the proposal to the surrounding area;
- c) the choice and use of materials;
- d) access and other design features for the mobility impaired;
- e) the design and appearance of access, parking and service provision;
- f) landscaping, including the use of natural landscape features, and open space provision;
- g) the use of lighting.

EN1/5 Crime Prevention. The Council will encourage development proposals which include environmentally sensitive design features aimed at discouraging crime. In assessing development proposals particular attention will be paid to:

- a) use and creation of defensible space;
- b) creation of opportunities for natural surveillance;
- c) location and design of street lighting;
- d) location of footpaths and access points;
- e) location and design of parking facilities;
- f) design of landscaping.

EN8/1 - Tree Preservation Orders. The Council will make Tree Preservation Orders where they are needed to protect trees and woodlands.

Use - The school states that the gatehouse is required to improve the security and entrance/exit arrangements at the school. At present any visitors need to contact the

security guard at the gate who then contacts the main office across the playground by phone/radio, a system that is not ideal. The proposed gatehouse would mean that all the entry/exit arrangements for staff, children and visitors could be carried out at the new entrance building.

Visual amenity - The proposed gatehouse would be set back behind the existing wall/railings and whilst it would be viewed from the road, it would be modest in scale and would not, in itself be incongruous within the streetscape. It is unfortunate that the boundary and entrance gates along this part of Sedgley Park Road appear rather overbearing and create a 'fortress-like' image of the school, however with a suitable tree replanting scheme, the proposed gatehouse would not have a seriously detrimental visual impact and would comply with UDP Policy EN1/2 Townscape and Built Design.

Trees - A tree report from Rowbottom's Trees Services was submitted with the application and states that the trees need to be felled to allow for the development to proceed and on safety grounds - removing the raised uneven area where there are exposed trees roots.

Although the seven trees that are proposed to be removed, in themselves, are generally not of high amenity value, they do contribute to the streetscape along this part of Sedgley Park Road. The proposed replacement trees (Turkish Hazel) would be set behind the boundary wall and would, with a minimum girth of 25cm, be large enough in height to help mitigate the loss of those removed.

An option, initially suggested by the Local Planning Authority, had the gatehouse situated a further 3m into the site to create some space for the replanting of trees on the south side of the gate, where the existing trees are located. However this was rejected by the school on grounds that it would compromise security. As a response, the current revised planting plan was proposed.

Access - The existing access into the school would not be affected by the proposal. On-site parking would be as existing and is not affected by the proposal. Road side parking/drop-off may be improved by what may be a better organised system of deliveries and drop-off/pick-up which would be centred around the gatehouse rather than the main school building.

Residential amenity - Given the scale of the building and its siting, there are no residential amenity issues arising from the development.

Representations/ objections - The issues raised by those making representations have been addressed in the above 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: Approve with Conditions

Conditions/ Reasons

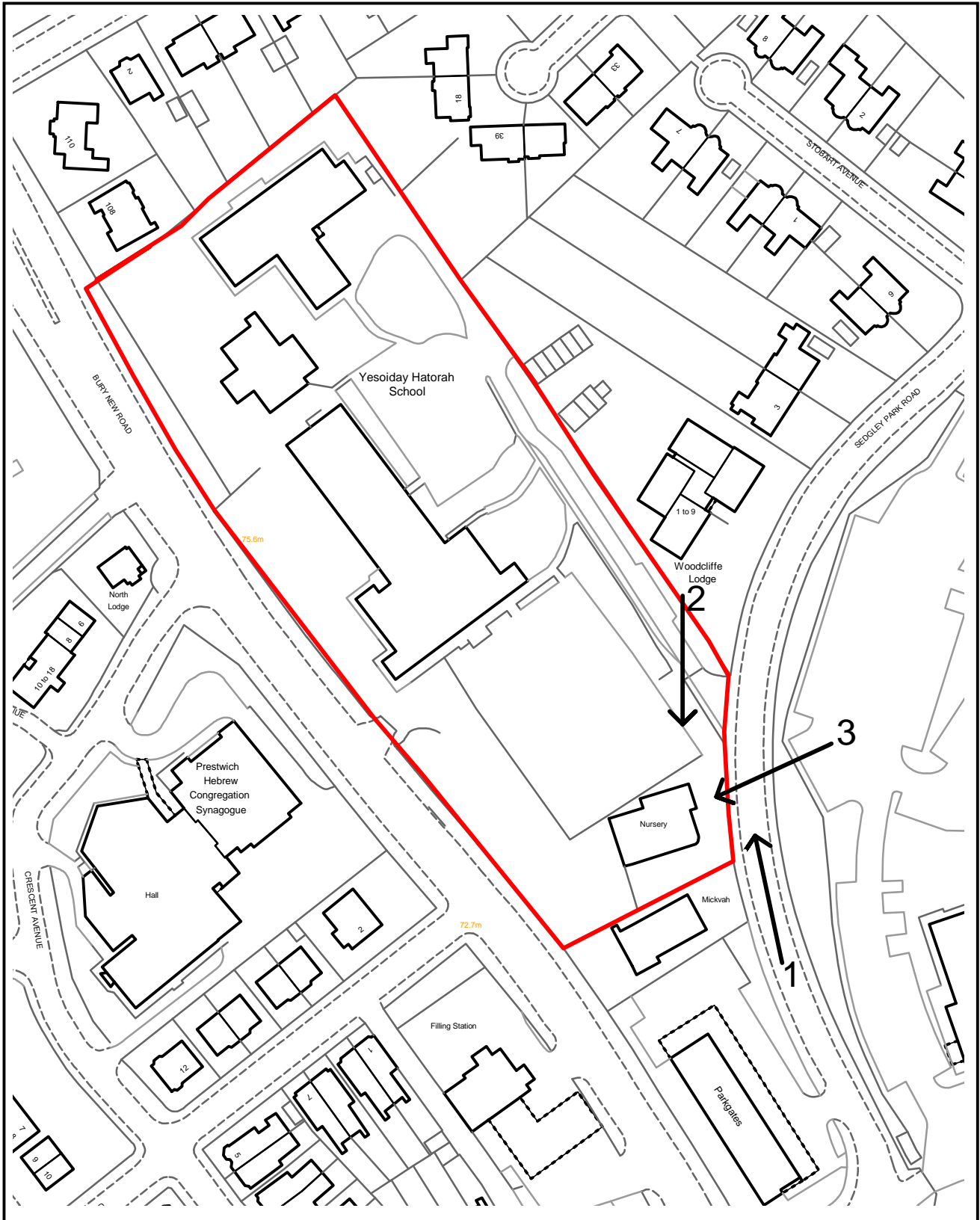
1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act

1990.

2. This decision relates to drawings numbered 01, 02, 10, 12 and revised layout plan with tree planting, received 4th April 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. 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 EN1/2 Townscape and Built Design.
4. A replacement tree planting scheme, detailing the exact location, number, size and species of trees and method of planting and protection, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented within the first planting season, or within the first 12 months, following completion of the gatehouse, whichever is earlier. Any trees removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees 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.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 59565

**ADDRESS: Yesoiday Hatorah School
Bury New Road
Prestwich**

Planning, Environmental and Regulatory Services



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59565

Photo 1



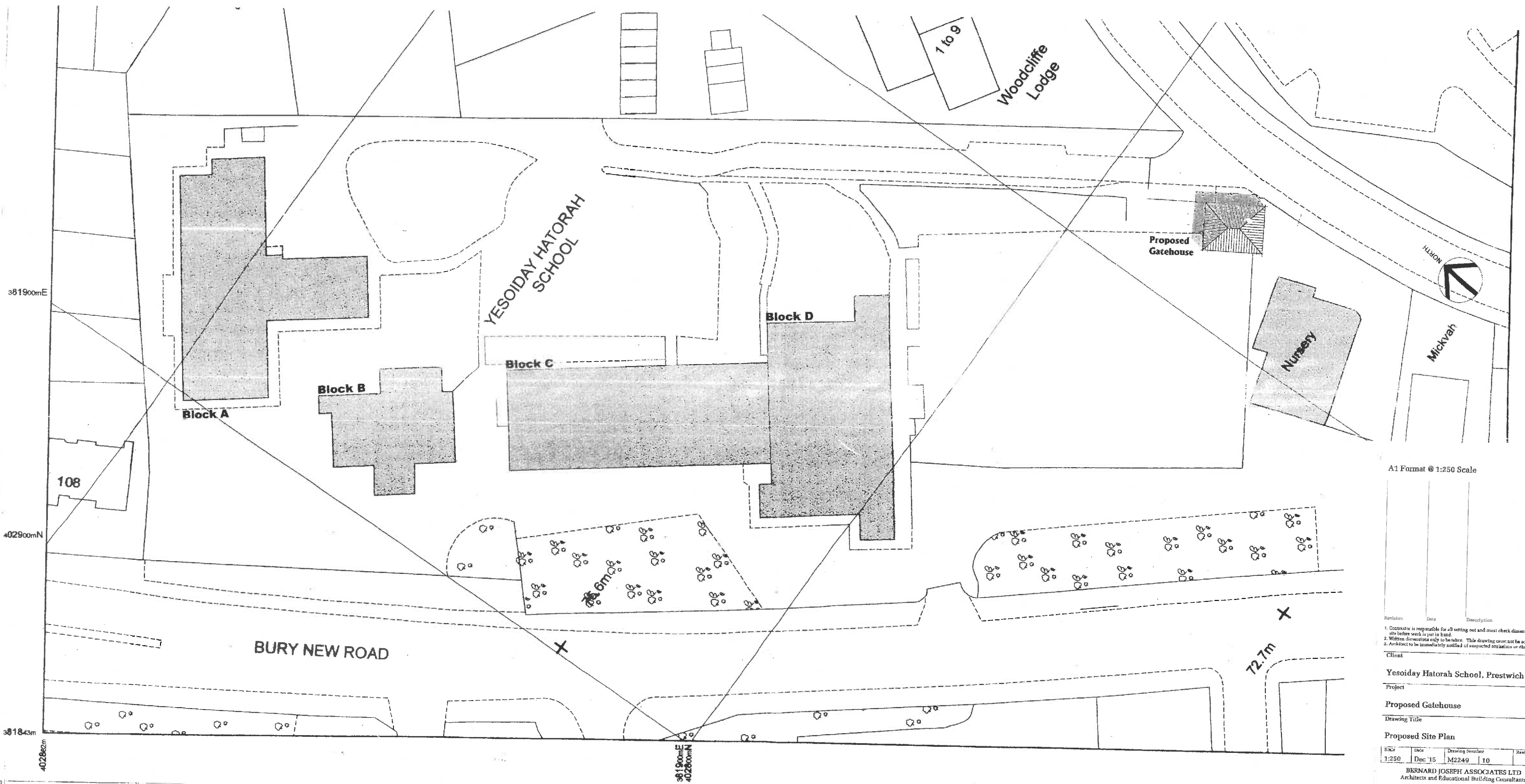
Photo 2



59565

Photo 3





A1 Format @ 1:250 Scale

Revision	Date	Description

1. Contractor is responsible for all setting out and must check dimensions on site before work is put in hand.
 2. Written dimensions only to be taken. This drawing must not be scaled.
 3. Architect to be immediately notified of suspected omissions or discrepancies.

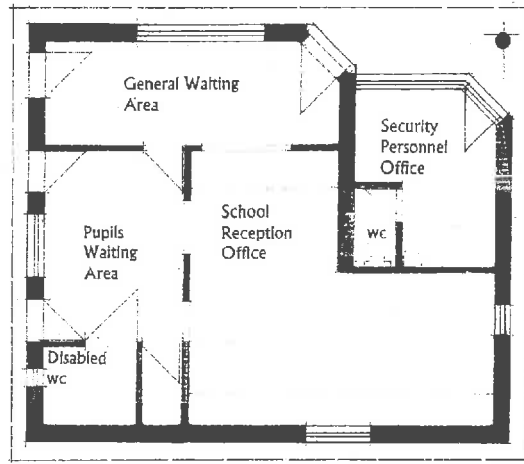
Client
Yesoiday Hatorah School, Prestwich

Project
Proposed Gatehouse

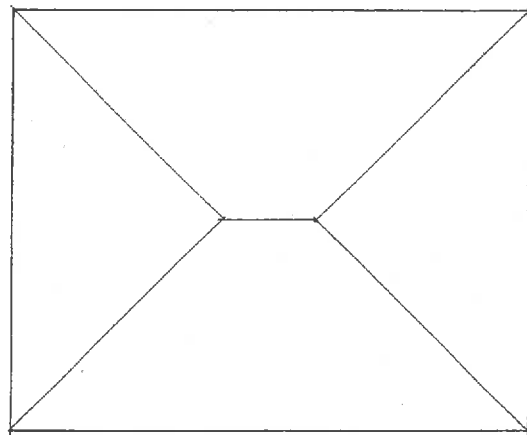
Drawing Title
Proposed Site Plan

Scale	Date	Drawing Number	Revision
1:250	Dec '15	M2249	10

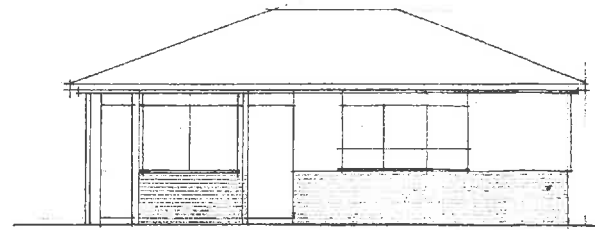
BERNARD JOSEPH ASSOCIATES LTD
 Architects and Educational Building Consultants
 PO Box 383 Salford M8 2DN
 Telephone (0161) 792 7622 Facsimile (0161) 792 7622
 Email architect@berjoseph.com



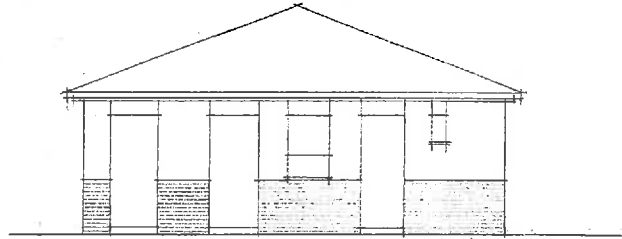
Proposed Plan



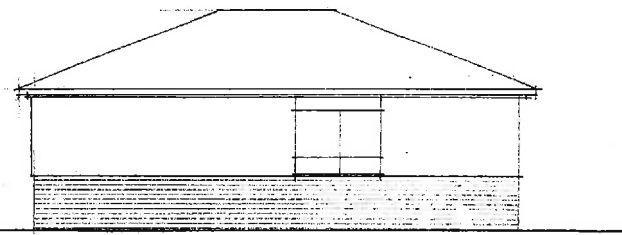
Proposed Roof Plan



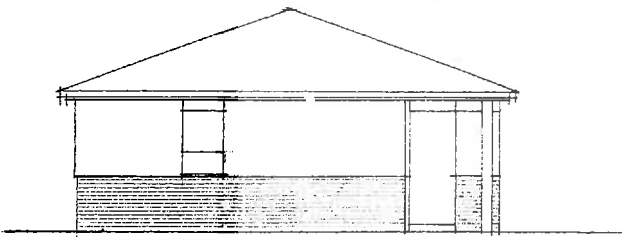
East Elevation



North Elevation



West Elevation



South Elevation

A2 Format @ 1:100 Scale

Revision	Date	Description

1. Contractor is responsible for all setting out and must check dimensions on site before work is put in hand.
2. Written dimensions only to be taken. This drawing must not be scaled.
3. Architect to be immediately notified of suspected omissions or discrepancies.

Client

Yesoiday Hatorah School, Prestwich

Project

Proposed Gatehouse

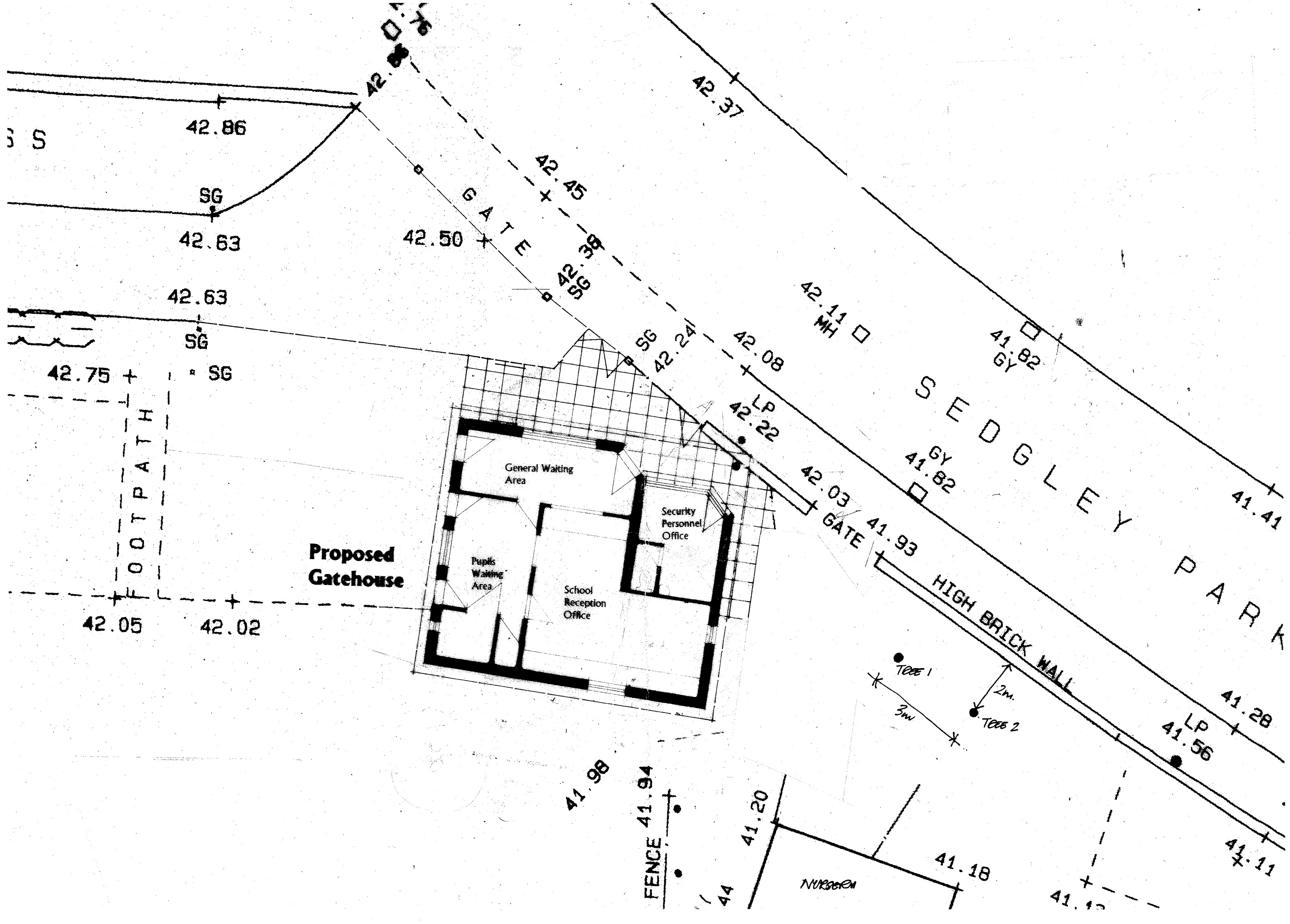
Drawing Title

Proposed Plan and Elevations

Scale	Date	Drawing Number	Revision
1:100	Dec '15	M2249 12	

BERNARD JOSEPH ASSOCIATES LTD
Architects and Educational Building Consultants

PO Box 383 Salford M8 2DN
Telephone (0161) 792 7652 Facsimile (0161) 792 7652
Email architect.joseph@btconnect.com



42.86

SG

42.63

42.63

SG

SG

42.75

FOOTPATH

42.05

42.02

Proposed Gatehouse

General Waiting Area

Pupils Waiting Area

School Reception Office

Security Personnel Office

GATE

42.37

42.45

42.50

SG

42.24

42.08

LP

42.11 MH

41.82 GY

41.82 GY

42.03

GATE

41.93

HIGH BRICK WALL

TEE 1

TEE 2

2m

3m

41.56 LP

41.28

41.98

FENCE 41.94

41.20

41.18

NURSERY

41.11

41.12

Ward: North Manor

Item 04

Applicant: Adullam Homes Housing Association

Location: Masons Arms, 241 Walmersley Old Road, Bury, BL9 6RU

Proposal: Change of use of former public house to a mixed use development comprising offices, training facility, cafe, with conservatory at rear; ancillary parking.

Application Ref: 59592/Full

Target Date: 31/03/2016

Recommendation: Approve with Conditions

Description

The site relates to a former public house with an associated car park which are separated by Walmersley Old Road. The public house is to the north of the road and comprises single/2 storey stone buildings which are in an elevated position to the road and form split level accommodation. There is an existing driveway to the west of the building which can accommodate 3/4 cars and the main pedestrian entrance is via a set of steps at the front of the building from Walmersley Old Road.

The car park is directly opposite the pub to the south, and at a lower level than the road by just over 1m. The car park is level in itself, with a single access point off Walmersley Old Road.

Immediately adjacent to the west of the pub is The Barn, a residential property, and there is a row of terrace cottages directly to the north on Bank Top. To the east across the road is open land bounded by hedging. Directly to the east of the car park is the residential dwelling, No 2 Bentley Lane which is separated by a low fence.

The public house has become an unviable business and as such the owner is seeking alternative uses for the site.

This application seeks a change of use to a mixed development comprising a training facility, cafe and kitchen and office accommodation. It is also proposed to add a conservatory at the side/rear and provide parking in the existing car park.

Background

The applicant is a registered social landlord providing Housing Support and accommodation to vulnerable members of society. They work in partnership with Local Authorities and other registered providers. Operating as a social enterprise, their work involves delivering training to service users in various life skills, in a safe and secure environment.

Proposed uses -

Training - This would be the predominant use of the building where service users would visit the facility to receive training in life skills and be advised on education and employment skills, health and well being initiatives and housing opportunities, for example. The training facility would operate Monday to Friday 9am to 5pm.

Service users would access the facility via public transport or collected from their home. However, the applicant states the majority of interaction would be conducted within their own homes.

Offices - This would form about 25% of the use, and would primarily accommodate staff supporting the social enterprise activities. The office accommodation would be at ground

and first floor for up to 22 staff. Office hours would be 8am to 7pm.

Cafe/tea room - This would be ancillary to the training facility, where it is intended that service users could practice domestic duties and gain experience serving members of the public. It would be non profit making.

Conservatory - This would be located on the western elevation of the building, towards the rear of the site and would be accessed via a new set of steps leading from the existing driveway. It is proposed to use the conservatory as the cafe/tea room. It would be 19 sqm in area and could accommodate up to a maximum of 16 members of the public at one time.

Parking - There would be 2 disabled parking spaces provided in the existing driveway to the west of the building. The main car park could accommodate up to 20 cars, formally laid out and demarcated, across the road.

Relevant Planning History

56276 - Change of use from Public House to dwelling and 4no. new dwellings (Re submission) - Approve with Conditions 03/07/2013

55994 - Change of use of former public house to one dwelling; Erection of 4 no. new dwellings - Withdrawn by Applicant 21/03/2013

Publicity

27 letters sent on 5/2/2016 to properties at Baldingstone, Walmersley Old Road, Bank Top, Bentley Lane.

One letter received from No 177 Walmersley Road:

- The disabled parking bay to the rear of the plot has no vehicular access, the apparent gated access off Walmersley road is privately owned and within the boundary of No 179 Walmersley Old Road - there is no right of way for the Masons;
- The car parking spaces shown on the car park appear to be for micro cars - unlikely that many spaces could be available;
- The 2 spaces shown longitude against the boundary of 179 Walmersley old Road would block access to a side gate, preventing emptying of refuse bins;
- Insufficient parking spaces would lead to on street parking and obstructions of the highway;
- No parking for visitors.

Following the submission of revised plans, deleting the privately accessed disabled space, and providing details of parking layout and car park sizes, the above objection has been withdrawn.

One letter received from No 5 Bank Top which raises the following issues:

- Baldingstone is an ancient hamlet in a rural location near to a conservation area and home to a Grade II Listed Building;
- Whilst currently a business premises, it would be a business with associated daytime comings and goings;
- This can only lead to further de-ruralisation of the area which has suffered from continuing landfill operations at Whitewell Farm, and heavy associated traffic, and quarrying;
- The area is under threat of over use of an inappropriate type.

The respondent's have been informed of the Planning Control Committee meeting.

Consultations

Traffic Section - No objection subject to conditions.

Environmental Health Pollution Control - No response received.

Environmental Health Contaminated Land - No objection subject to condition.

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EC4/1	Small Businesses
EC6/1	New Business, Industrial and Commercial
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury

Issues and Analysis

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

Principle - The application is to convert the former Masons Arms PH into a centre for 'social enterprise' which includes an element of office floorspace and cafe.

The Glossary (Annex 2) of the National Planning Policy Framework (NPPF) defines offices as a Main Town Centre Use. Paragraph 24 of the NPPF specifies that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses 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. Applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale.

The former public house occupies an out-of-centre location. Consequently, and in line with paragraph 24 of the NPPF, the applicant needs to address the requirement for a sequential assessment. This assessment should consider the suitability and availability of alternative in-centre and edge-of-centre sites or buildings.

The applicant has submitted additional information in relation to the sequential assessment. This sets out the specific and unique nature of the work that would be undertaken at the application site and highlights that it would be inappropriate for them to operate this type of business from a location that is within or close to a town centre, as this type of environment would distress service users.

Furthermore, the supporting information highlights that the office element (at 25%) would effectively be ancillary to the main use of the building as a social enterprise. The cafe would also be an ancillary use and as such considered to be acceptable in this location, particularly given the previous use as a public house, which could change use to a restaurant/cafe under permitted development rights.

In light of this, it is accepted that because of the unique nature of the social enterprise business, that the applicant has successfully demonstrated that there would be no suitable sequentially preferable sites. As a result, the proposal is not considered to conflict with paragraph 24 of the NPPF.

Residential amenity - The office and training facility would be operational on weekdays and daytime, when it would generally be expected that people would be at work or carrying out daily activities. Whilst there may be times when activity at the site, from comings and goings would be more concentrated, the nature of the service facility is such that it would operate on an appointment basis, and journeys to and from the site would be staggered.

Much of the training would be provided on a one to one basis, which would limit the numbers of people who could be accommodated at one time.

Support is also provided to service users in their own environment, and as such staff would be away from the office for certain periods of time.

In comparison to the existing use as a public house, which could be open during the day and late into the evening, 7 days a week, it is considered that the impact of the proposed use, in terms of activity, noise and disturbance on local residential amenity, would not be significant, and for all intents and purposes, more likely to result in lesser harm to the area, particularly as it would be a daytime/weekday operation only.

Turning to the cafe element, this would be accommodated in the proposed conservatory and would be an ancillary to the main use of the building. Given it would operate on a relatively small scale, and at 19 sqm in floor area and would comprise limited floor space in any event, it is not anticipated that the business would generate significant numbers of the public visiting at one time. Hours for this element have not been specified, but it would be sensible and reasonable to tie this in with the training facility use, 9am to 5pm daily.

It is considered that the proposed mixed use development would not cause detrimental harm to local residents, and as such the uses are considered to be acceptable in these premises and this location and would comply with EN1/2 - Townscape and Built Design, EC4/1 - Small Businesses and EC6/1 - Assessing New Business, Industrial and Commercial Development.

Visual amenity - In terms of physical alterations to the building, the only addition would be the conservatory proposed to the western elevation of the building. It would be brick built up to 750mm with the remaining elevations and roof glazed. The land towards the rear of the site is significantly higher than the front of the site, and the conservatory would sit at first floor level. It would be no higher than the existing building and as it would be set back into the site, it would not be highly visible from public viewpoints. As such, it is considered to be acceptable in terms of siting and appearance.

Parking - SPD11 does not have standards for such a mixed use development, but for B1 office use, a maximum provision of 1 per 35 sqm is advised. There are no guidelines specifically for training uses, although as a rule of thumb, guidance can be taken from provisions relating to non residential institutions, such as higher or further education, which are assessed on numbers of staff (1 space per 2 full time).

A total of 22 parking spaces are proposed, 2 disabled spaces adjacent to the building and 20 located in the existing car park opposite.

The applicant states that 25% of the use would be for B1 offices, a total of 107 sqm, which would equate to 3 parking spaces.

Taking the numbers of staff proposed as a maximum of 22, this would equate to 11 spaces.

The cafe is considered to be an ancillary use, not anticipated to draw members of the public in by car, but to cater for passers by and walkers, and as such it is considered that parking provision required for patrons would be minimal, if anything.

In terms of access by service users, the applicant has submitted a supporting statement to clarify how the premises would be accessed by users.

To ensure that service users meet their training or attendance obligations, they are usually collected from their homes. Alternatively there is a welfare fund and contract taxis in place for them to use. There are also bus services which stop directly outside the Masons Arms, and frequent bus services along Walmersley Road.

However, the majority of interaction between the applicant and service users is met within

their own homes, with daily interaction conducted in the resident's homes, to offer "floating support" . However, should the need arise to hold training sessions or interviews, this would be held within the office.

The service would operate on a scheduled appointment system, rather than as a 'drop in' centre, as the specific needs of each individual service user would need to be catered for, and numbers attending the premises at one time would be controlled.

As such, it is considered parking would be adequately provided and would be in compliance with UDP Policies HT2/4 - Car Parking and New Development and SPD11.

Response to objector -

- The premises are located nearby half a mile from the conservation area and more than 100m from the nearest Listed Building, and as such the development is considered to have no impact on local heritage.
- The use would be a daytime use, and likely to have less of an impact in terms of noise and disturbance and activity to the area than that associated with a public house, which could operate day and night time, 7 days a week, and generate significantly more activity and traffic to the area.
- The use has been considered in planning policy terms (see above) and assessed as appropriate for the location.

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

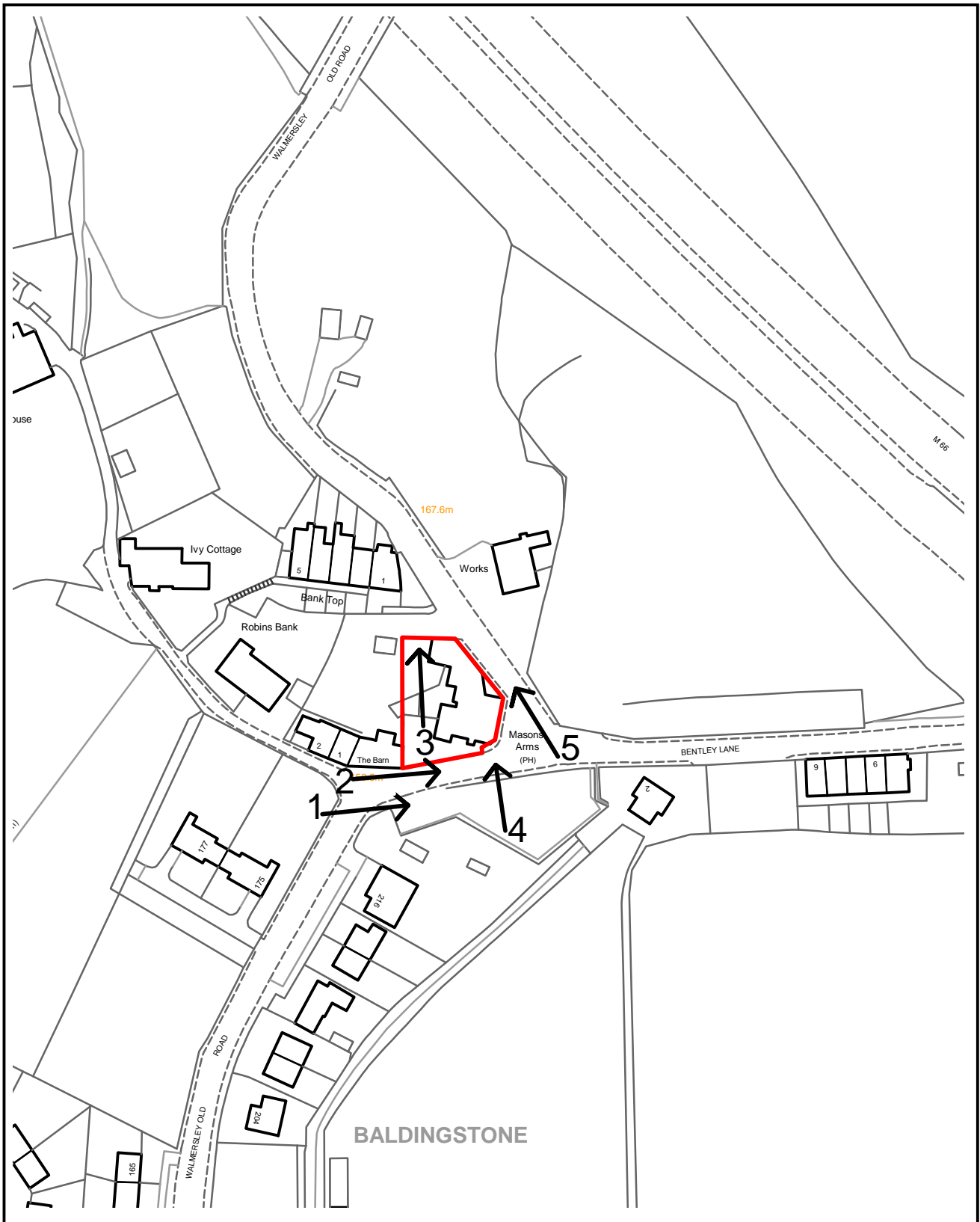
Conditions/ Reasons

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 Revised red edge received 16/2/16; 23061 L(2-) 01 revision P2; 23061 L (2-) 06 revision P2; 23061 L(2-) 02 revision P1; 23061 L(2-) 07 revision P1; 23061L(2-) 03 revision P1; 23061 L(2-) 04 revision P1; 23061L(2-) 09 revision P1; 23061L(2-) 08 revision P2; 23061L(2-) 10 revision P1 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 training use and cafe hereby approved shall only operate between 9am and 5pm weekdays.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC4/1 – Small Businesses, EC6/1 – Assessing New Business, Industrial and Commercial Development and EN1/2 - Townscape and Built Design.

4. The office use hereby approved shall only be occupied between the hours of 8am to 7pm.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC4/1 – Small Businesses, EC6/1 – Assessing New Business, Industrial and Commercial Development and EN1/2 - Townscape and Built Design.
5. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing 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.
6. The turning facilities indicated on the approved plans shall be provided prior to the use hereby approved commencing and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Bury Unitary Development Plan Policies HT6/2 - Pedestrian/Vehicular Conflict and EC6/1 - Assessing New Business, Industrial and Commercial Development.
7. A comprehensive construction design shall be incorporated into the proposed building to prevent the ingress of landfill gas or ground gas, to be agreed in writing with the Local Planning Authority before work commences, and;
A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
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.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 59592

**ADDRESS: Masons Arms
241 Walmersley Old Road
Bury**

Planning, Environmental and Regulatory Services



Bury
COUNCIL

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59592

Photo 1



Photo 2



59592

Photo 3



Photo 4

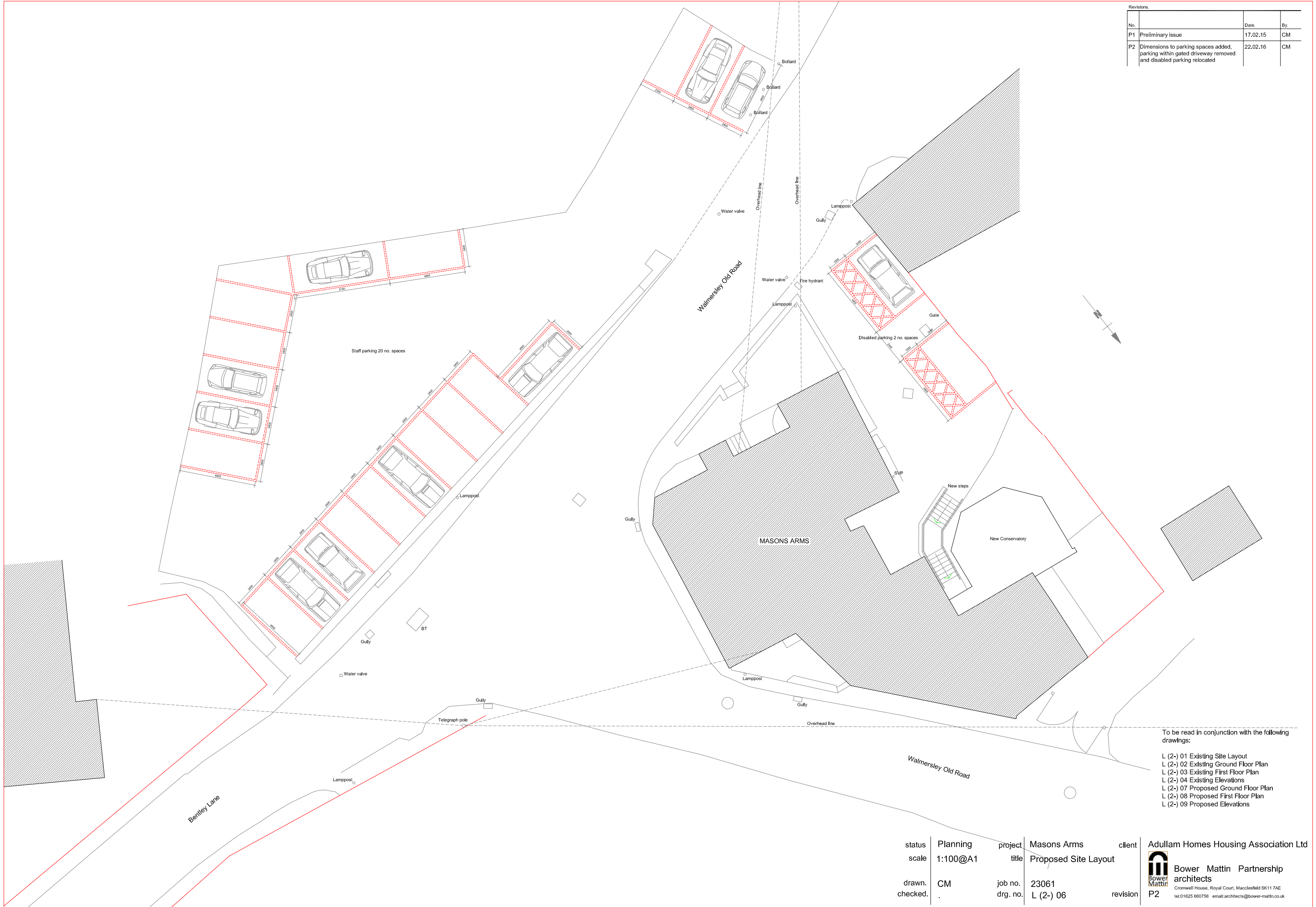


59592

Photo 5



Revisions			
No.		Date.	By.
P1	Preliminary issue	17.02.15	CM
P2	Dimensions to parking spaces added, parking within gated driveway removed and disabled parking relocated	22.02.16	CM

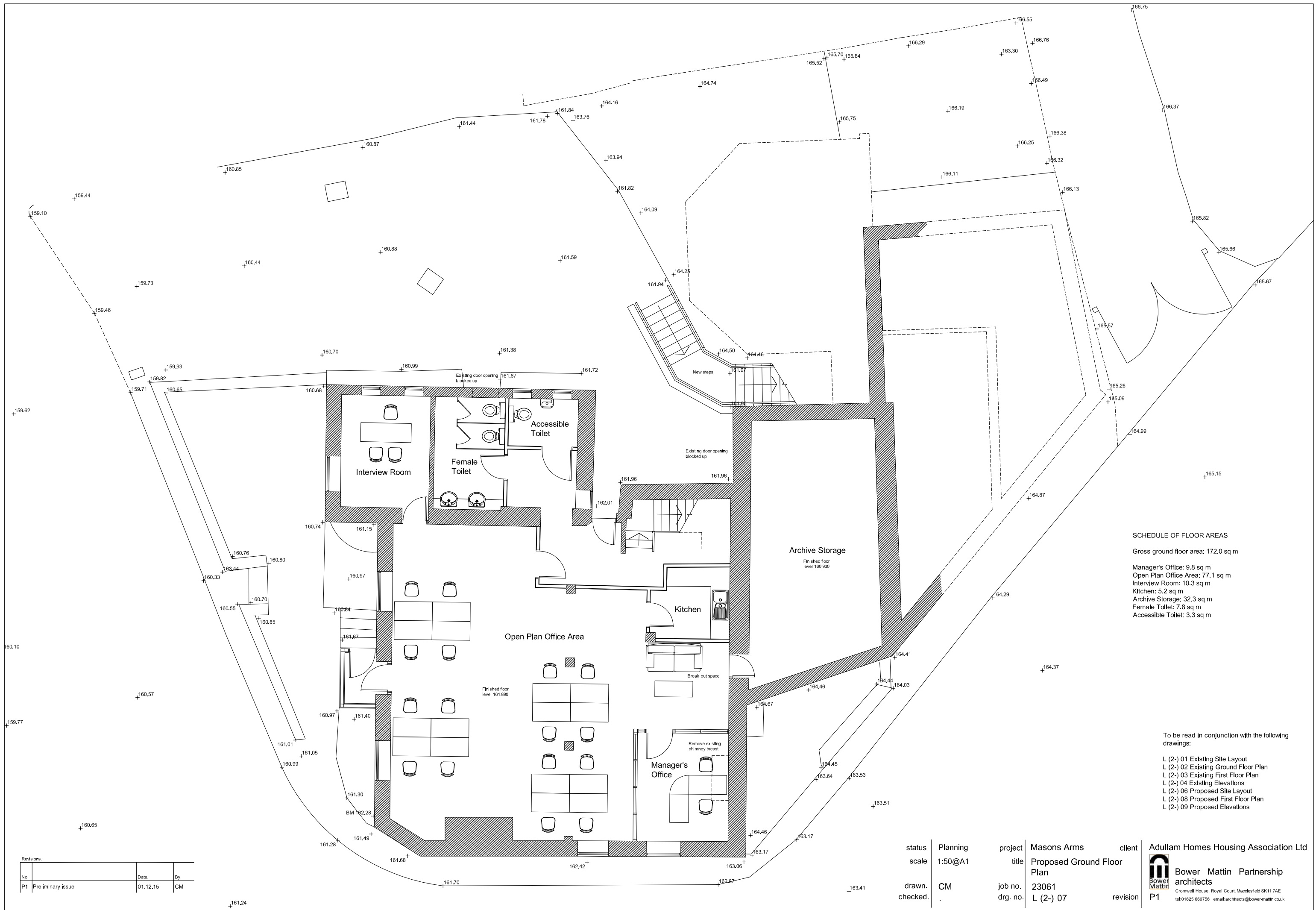


To be read in conjunction with the following drawings:

- L (2-) 01 Existing Site Layout
- L (2-) 02 Existing Ground Floor Plan
- L (2-) 03 Existing First Floor Plan
- L (2-) 04 Existing Elevations
- L (2-) 07 Proposed Ground Floor Plan
- L (2-) 08 Proposed First Floor Plan
- L (2-) 09 Proposed Elevations

status	Planning	project	Masons Arms	client	Adullam Homes Housing Association Ltd
scale	1:100@A1	title	Proposed Site Layout		
drawn.	CM	job no.	23061		
checked.	.	drg. no.	L (2-) 06	revision	P2

Bower Mattin Partnership architects
 Cromwell House, Royal Court, Macclesfield SK11 7AE
 tel:01625 660756 email:architects@bower-mattin.co.uk



SCHEDULE OF FLOOR AREAS

Gross ground floor area: 172.0 sq m

- Manager's Office: 9.8 sq m
- Open Plan Office Area: 77.1 sq m
- Interview Room: 10.3 sq m
- Kitchen: 5.2 sq m
- Archive Storage: 32.3 sq m
- Female Toilet: 7.8 sq m
- Accessible Toilet: 3.3 sq m

To be read in conjunction with the following drawings:

- L (2-) 01 Existing Site Layout
- L (2-) 02 Existing Ground Floor Plan
- L (2-) 03 Existing First Floor Plan
- L (2-) 04 Existing Elevations
- L (2-) 06 Proposed Site Layout
- L (2-) 08 Proposed First Floor Plan
- L (2-) 09 Proposed Elevations

Revisions			
No.		Date	By.
P1	Preliminary issue	01.12.15	CM

status	Planning	project	Masons Arms	client	Adullam Homes Housing Association Ltd
scale	1:50@A1	title	Proposed Ground Floor Plan		
drawn.	CM	job no.	23061		
checked.		drg. no.	L (2-) 07	revision	P1





SCHEDULE OF FLOOR AREAS

Gross first floor area: 229.7 sq m

- Office 1: 17.5 sq m
- Office 2: 28.9 sq m
- Office 3: 19.5 sq m
- Office 4: 17.8 sq m
- Reception: 10.4 sq m
- Training Room: 50.4 sq m
- Kitchen: 24.6 sq m
- Male Toilet: 5.7 sq m
- Accessible Toilet: 3.6 sq m

Conservatory (new build): 29.4 sq m

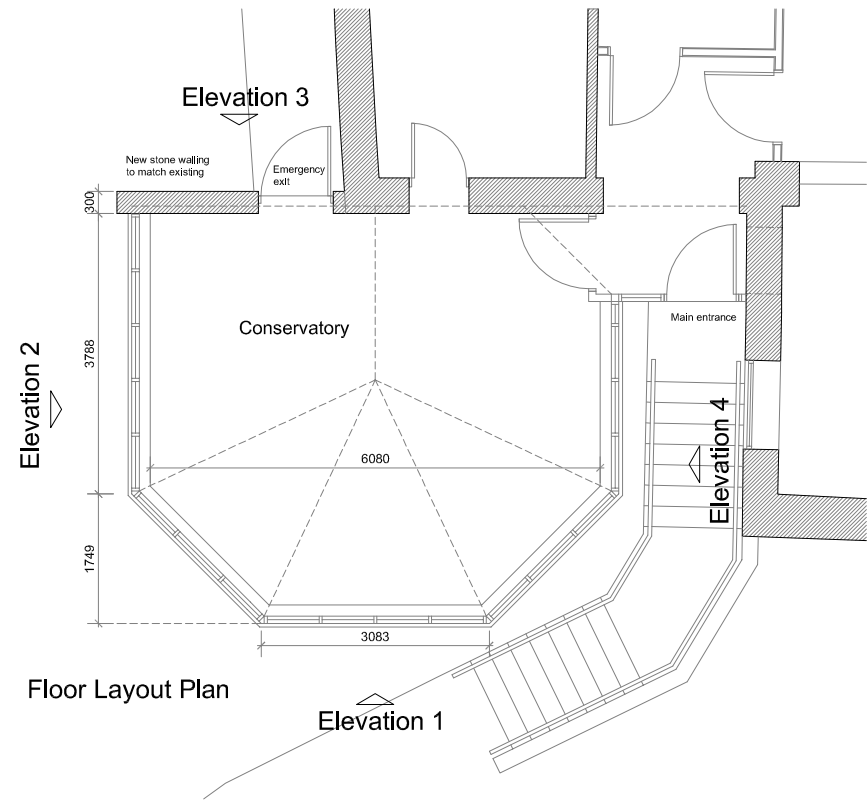
To be read in conjunction with the following drawings:

- L (2-) 01 Existing Site Layout
- L (2-) 02 Existing Ground Floor Plan
- L (2-) 03 Existing First Floor Plan
- L (2-) 04 Existing Elevations
- L (2-) 06 Proposed Site Layout
- L (2-) 07 Proposed Ground Floor Plan
- L (2-) 09 Proposed Elevations

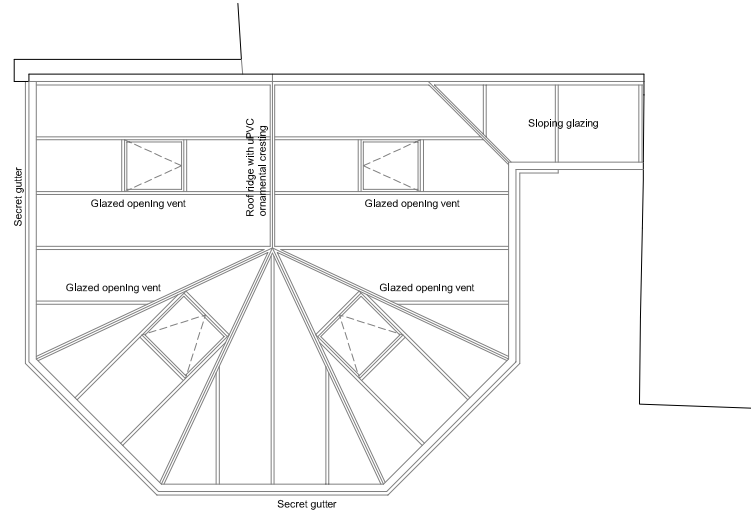
Revisions			
No.		Date	By
P1	Preliminary issue	01.12.15	CM
P2	Disabled person's parking removed	29.02.16	CM

status	Planning	project	Masons Arms	client	Adullam Homes Housing Association Ltd
scale	1:50@A1	title	Proposed First Floor Plan		
drawn.	CM	job no.	23061	revision	P2
checked.	.	drg. no.	L (2-) 08		

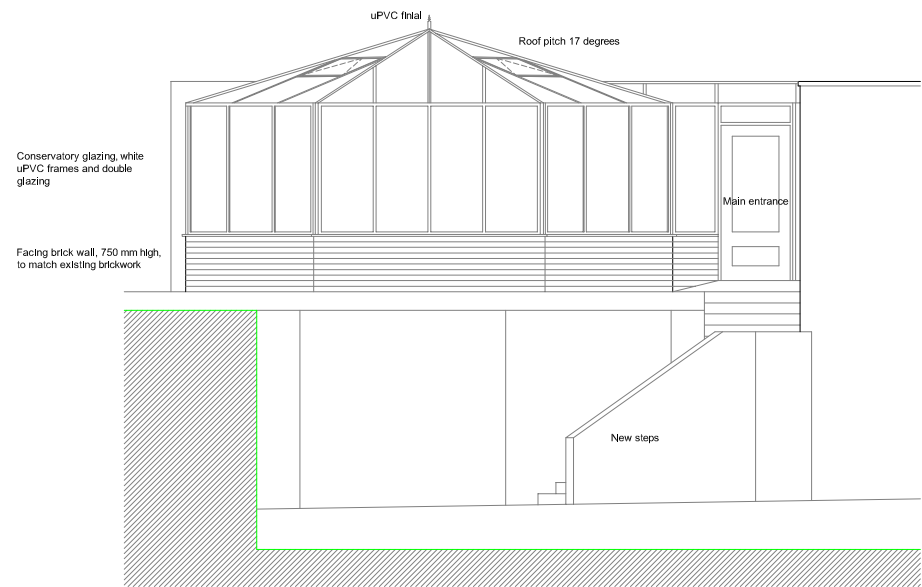
Bower Mattin Partnership architects
 Cromwell House, Royal Court, Macclesfield SK11 7AE
 tel: 01625 660756 email: architects@bower-mattin.co.uk



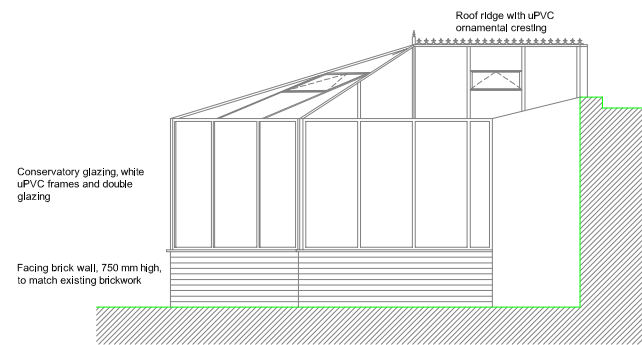
Floor Layout Plan



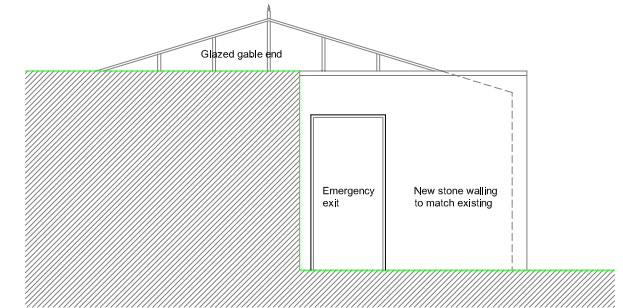
Roof Plan



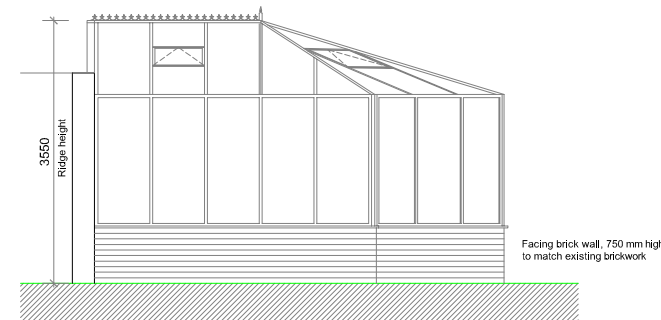
Elevation 1



Elevation 4



Elevation 3



Elevation 2

To be read in conjunction with the following drawings:

- L (2-) 01 Existing Site Layout
- L (2-) 02 Existing Ground Floor Plan
- L (2-) 03 Existing First Floor Plan
- L (2-) 04 Existing Elevations
- L (2-) 06 Proposed Site Layout
- L (2-) 07 Proposed Ground Floor Plan
- L (2-) 08 Proposed First Floor Plan
- L (2-) 09 Proposed Elevations

Revisions			
No.	Date	By	
P1	21.01.16	CM	Preliminary issue

status	Planning	project	Masons Arms	client	Adullam Homes Housing Association Ltd
scale	1:50@A1	title	Proposed Conservatory, Plans and Elevations		
drawn.	CM	job no.	23061		
checked.	.	drg. no.	L (2-) 10	revision	P1

Bower Mattin Partnership architects
 Cromwell House, Royal Court, Macclesfield SK11 7AE
 tel: 01625 660756 email: architects@bower-mattin.co.uk

Ward: Bury West - Church

Item 05

Applicant: Ainsworth Road Dental Practice

Location: 110 Ainsworth Road, Bury, BL8 2RS

Proposal: Change of use from office (Class B1) to dental surgery (Class D1)

Application Ref: 59616/Full

Target Date: 10/05/2016

Recommendation: Approve with Conditions

Description

The application site is an end of terrace two storey brick and slate building. It has a two storey outrigger at the rear and a detached single garage at the bottom of the yard area accessed off Ramsey Grove. There are terraced properties opposite and behind and semi-detached properties to the side across Ramsey Grove. There is on street parking available on Ainsworth Road, Ramsey Grove and the nearby side streets. The building is within Neighbourhood Centre NC12 (Ainsworth Road, Bury) and is on a bus route.

The property appears to be vacant and was last in use as an office under Class B1 of the Use Classes Order 1987. It was given consent for a change of use from a butchers shop (Class A1) to the office use under planning permission 44443 approved conditionally on 31/5/2005 which was implemented.

This application is for a proposed change of use from an office to a dental surgery (Class D1). There would be one consulting room, reception and staff area on the ground floor with office, kitchen and bathroom facilities on the first floor. There would be three full time staff. The gross internal floor space would be approximately 130 square metres. There are no external alterations proposed. The proposed hours of operation are 09:00 to 17:30 Monday to Saturday and closed Sundays and Bank Holidays. It is proposed that the clinical waste produced will be stored in a designated store room and collected weekly by a specialist clinical waste collection services.

Relevant Planning History

44443 - CHANGE OF USE FROM SHOP TO OFFICE (CLASS B1) - Approve with Conditions 31/05/2005.

Publicity

Notification letters were sent on 15/3/16 to 1, 2, 3, 4, 6 and 8 Ramsey Grove; 92 to 118 (evens) and 151 to 169 (odds) Ainsworth Road.

One letter of objection has been received from an address on Ainsworth Road and can be summarised as follows:-

- Extremely busy route.
- Serious possibility of cars having to park on both sides of the road.
- A number of elderly neighbours who already struggle negotiating crossing this busy road.
- If this development goes ahead can the Council ensure a) resident only parking permits with marked out parking areas and b) and/or grants made available for residents to consider off street parking at the rear of their properties.
- Object strongly to any late night opening.

Two letters of support of have been received from addresses at Stephen Street and

Ainsworth Road and can be summarised as follow:-

- Will help elderly residents who have to travel distances to visit dental surgeries.
- Lived in area for a number of years and have never experienced any difficulties parking.
- Would not substantially increase number of vehicle trips so as to cause further hazards.
- Can park on adjacent side streets.
- Would serve local community.

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

Consultations

Traffic Management - No objections.

Environmental Health Pollution Control - No comments received.

Environmental Health Commercial Section - No objections.

Unitary Development Plan and Policies

H3/1	Assessing Non-Conforming Uses
HT2/4	Car Parking and New Development
CF4	Healthcare Facilities
S1/5	Neighbourhood Centres and Local Shops
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 - Although located in Neighbourhood Centre NC12, the proposed change of use from an office use under Class B1 of the Use Classes Order to a dental surgery will not result on the loss of a retail use under Class A1. As such the proposal would not conflict with adopted UDP policy S1/5 - Neighbourhood Centres and Local Shops, which seeks to retain retail as the predominant use. As such the proposal would be acceptable in principle.

Policy - Adopted UDP policy H3/1 - Assessing Non-Conforming Uses states the Council will assess proposals for the development of non-conforming uses in primarily residential areas and will not permit proposals considered to be incompatible. Factors which will be taken into account when assessing such proposals will include noise, vibration, smell, fumes, smoke, soot, ash, grit, dust, visual intrusion, traffic generation and parking arrangements, and hours of operation.

Policy CF4 - Healthcare Facilities states that improvements to existing, and proposals for new healthcare facilities will generally be looked on favourably by the Council.

Use - The proposal would not lead to the loss of an A1 use within a neighbourhood centre and as such it would not conflict with policy S1/5.

The proposed change of use would constitute a non-conforming use within a predominantly residential area. The nature and scale of the proposed use comprising of a consulting room and three members of staff would not cause any more noise, disturbance, fumes or smells that would be of detriment to the residential amenity of adjacent and nearby occupiers than might have existed with the previous use of the site. As such the proposed

change of use would comply with adopted UDP policy H3/1 - Assessing Non-Conforming Uses.

The proposed change of use to a dental surgery would bring an empty building back into use providing a dental surgery in a neighbourhood centre that would serve the local community and as such would comply with adopted UDP policy CF4 - Healthcare Facilities.

Residential Amenity - The size, scale and proposed operational hours for the proposed change of use would not cause detriment to the residential amenity of the adjacent and nearby occupiers. To protect the residential amenity of adjacent and nearby occupiers it is recommended to control the hours of operation by way of condition to between the hours of 09:00 to 17:30 hours Monday to Saturday and closed Sundays and Bank Holidays. As such the proposal would comply with adopted UDP policy H3/1 - Assessing Non-Conforming Uses.

Parking - Adopted Supplementary Planning Document 11 - Parking Standards in Bury assesses that a healthcare facility use should provide 1 parking space per 2 full time staff and 3 per consulting room. The proposal would have 3 full time staff and 1 consulting room. On this basis the proposal would require 5 off street parking places. The proposal provides 1 off-street parking space. As such the proposal requires a further 4 off street parking spaces. There is parking available on Ainsworth Road, Ramsey Grove and nearby side streets without parking restriction and the application site is on a bus route and it is considered that not all visitors would arrive by private car. As such this would comply with Objective A of SPD 11 to encourage the use of more environmentally friendly and sustainable modes of transport as well as being a development catering for local needs. The proposal therefore complies with UDP Policy HT2/4 - Parking and New Development and Supplementary Guidance Note 11 relating to parking.

Bin Storage and Servicing - The proposed change of use would be serviced the same as the existing use with respect to general waste recycling as it would be collected by the Councils' waste collection service. Clinical waste will be stored in designated area and would be collected on weekly basis by a specialist in clinical waste services. The applicant states the company is *Initial - Expert Dental Waste Services*. As such, it is considered that the proposed waste control would be sufficient to comply with the requirements of adopted UDP policies H3/1 - Assessing Non-Conforming Uses.

Response to objection

- Bullet points 1, 2 and 3 of the summarised objection are not material planning objections.
- The change of use would not lead to a loss of designated car parking spaces and as such does not require a replacement parking or residents parking scheme.
- With respect to late night opening, the change of use would not operate beyond 17:30 hours and a condition restricting the hours of operation would be added to protect residential amenity.

The other issues have been addressed in the main report above.

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.

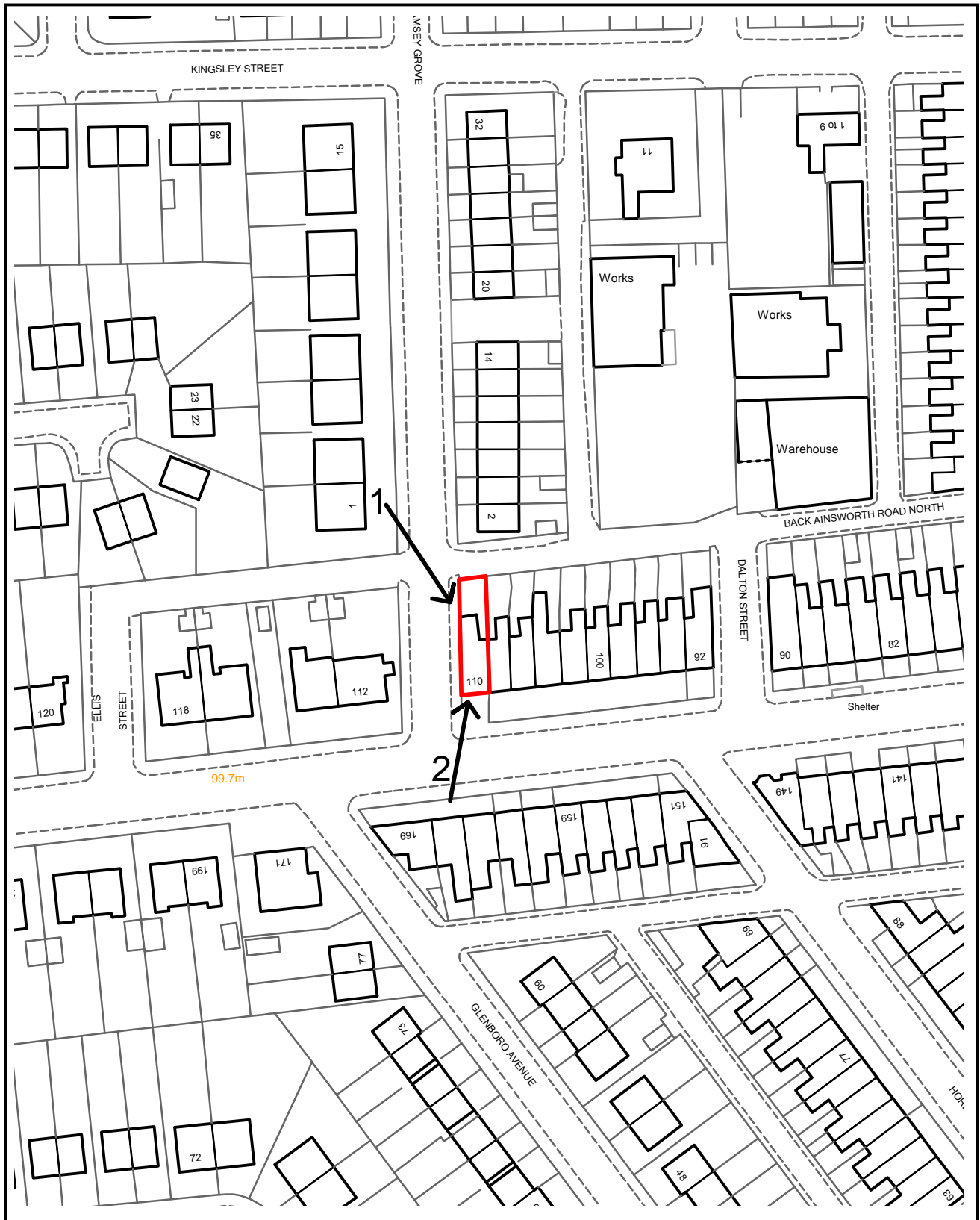
Recommendation: Approve with Conditions

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. The use hereby permitted shall not be open to customers outside the following times: 09:00 to 17:30 Monday to Saturday and Closed Sundays and Bank Holidays.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy H3/1 - Assessing Non-Conforming Uses of the Bury Unitary Development Plan.

For further information on the application please contact **Mark Kilby** on **0161 253 7639**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 59616

ADDRESS: 110 Ainsworth Road
Bury

Planning, Environmental and Regulatory Services

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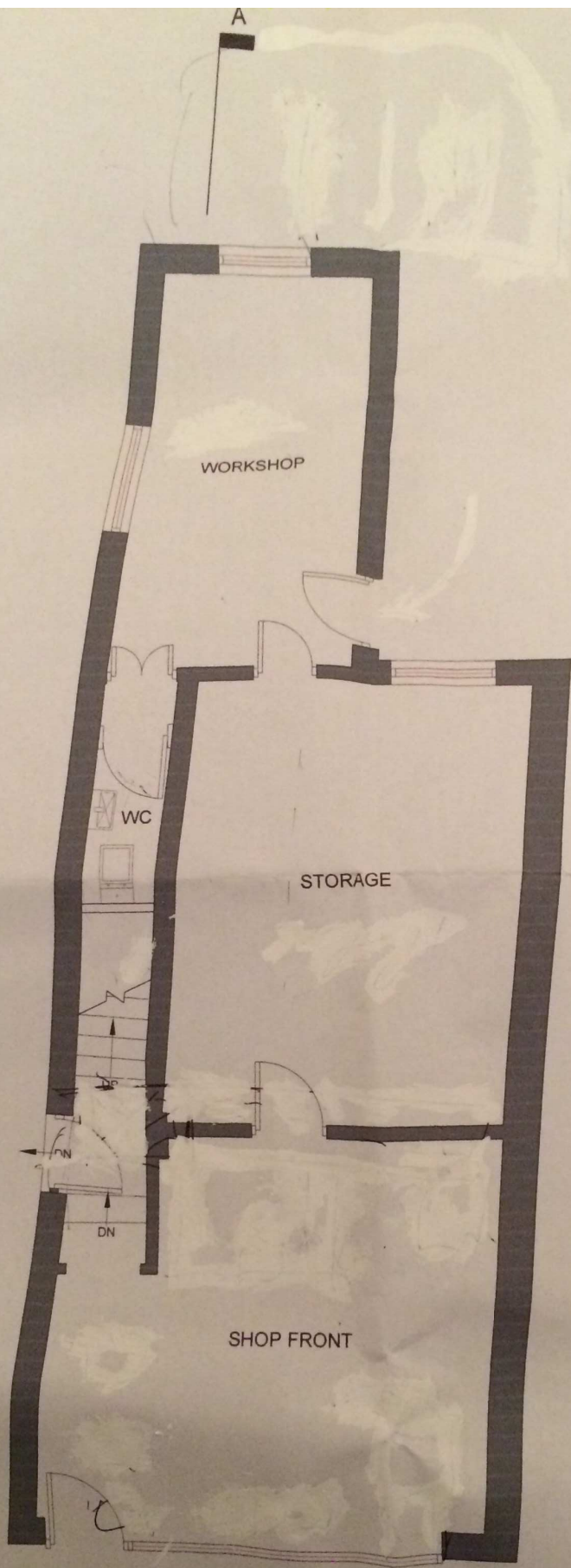
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Photo 1



Photo 2





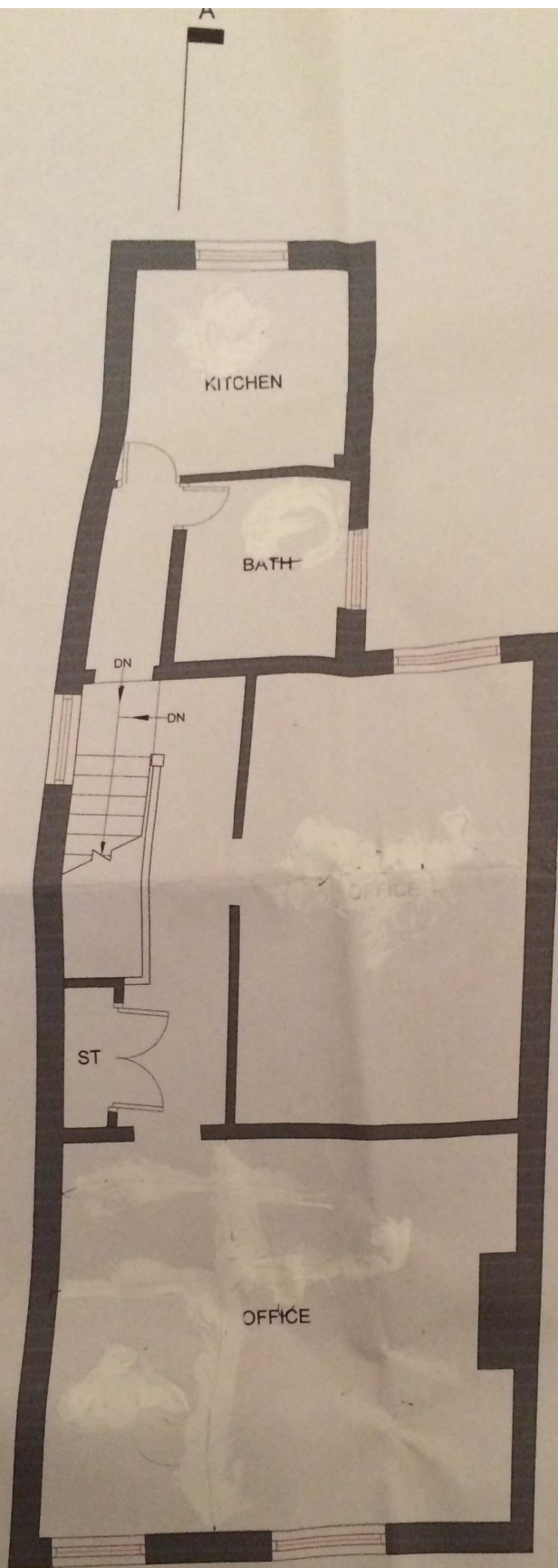
GROUND FLOOR PLAN

REV	DESCRIPTION
EXISTING GROUND FLOOR PLAN	
PROPOSED INTERNAL ALTERATIONS	
110 AINSWORTH ROAD, BURY, BL8 2RS	
CLIENT:	IMRAN UDDIN
DWG NO:	P57701
SCALE:	1/50 @ A3
DRAWN BY:	D.D.
DATE:	2001/16
REV:	



neil pike
architects

MORGAN HOUSE, 17-19 CHORLEY NEW ROAD, SOLTON, BL1 4ZR
TEL: 01204 282273 FAX: 01204 282285
WWW.NEILPIKEARCHITECTURE.CO.UK EMAIL: info@neilpikearchitecture.co.uk



FIRST FLOOR PLAN

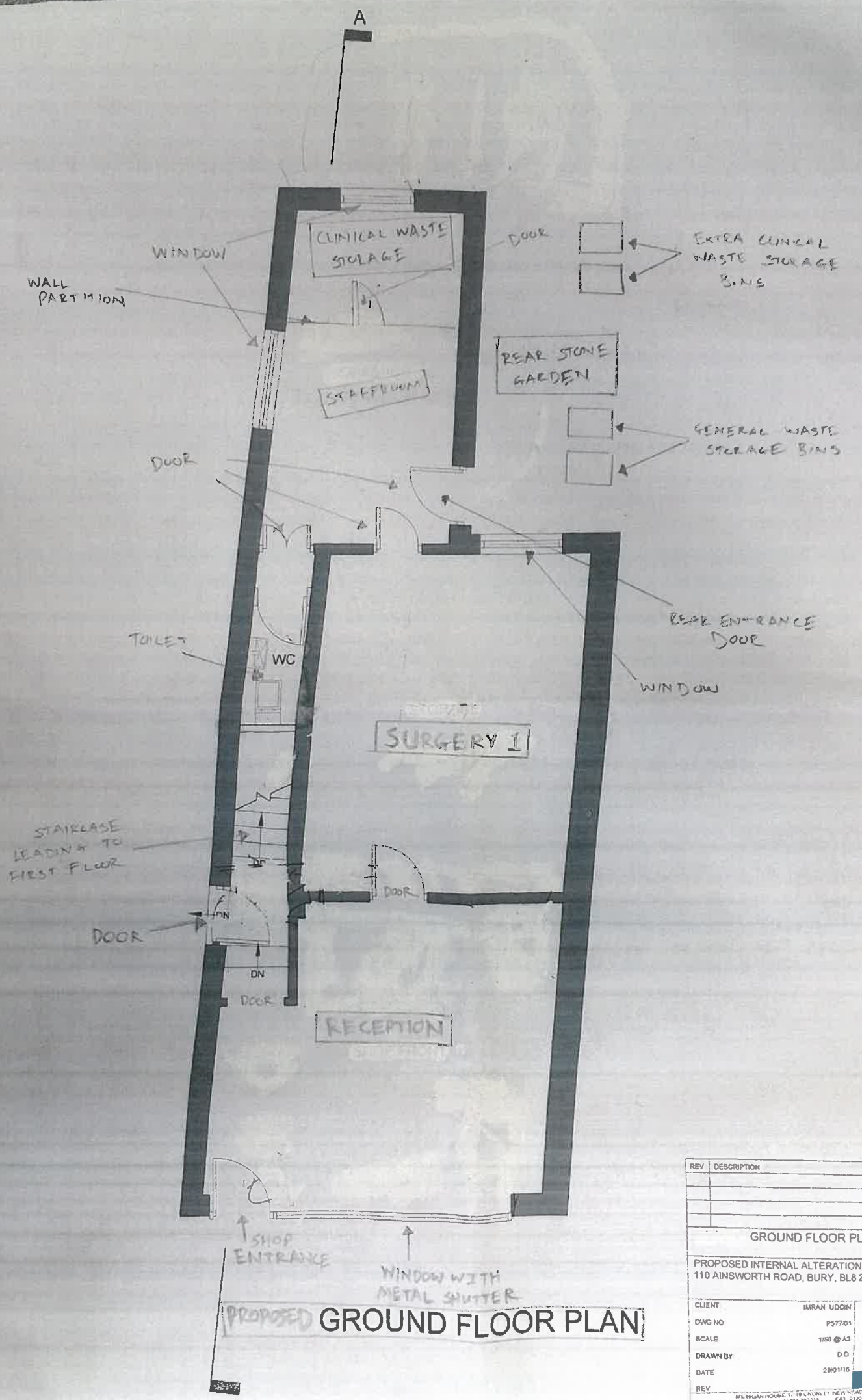
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REV	DESCRIPTION
EXISTING FIRST FLOOR PLAN	
PROPOSED INTERNAL ALTERATIONS 110 AINSWORTH ROAD, BURY, BL8 2RS	
CLIENT:	IMRAN UDDIN
DWG NO.:	P577/02
SCALE:	1/50 @ A3
DRAWN BY:	D.D.
DATE:	20/01/16
REV:	

MICHIGAN HOUSE 17-19 CHORLEY NEW ROAD, BOLTON, BL1 4
 TEL: 01204 392293 FAX: 01204 828605
 WWW.NEILPEARCEARCHITECTURE.CO.UK EMAIL: INFO@NEILPEARCEARCHITECTURE.CO.UK



A



PROPOSED GROUND FLOOR PLAN

REV	DESCRIPTION
GROUND FLOOR PLAN	
PROPOSED INTERNAL ALTERATIONS 110 AINSWORTH ROAD, BURY, BL8 2RS	
CLIENT	IMRAN UDDIN
DWG NO	P57701
SCALE	1/50 @ A3
DRAWN BY	D D
DATE	2001/16
REV	



Ward: Bury West - Elton

Item 06

Applicant: Persimmon Homes

Location: Site of Olives Paper Mill, Tottington Road, Bury, BL8 1RU

Proposal: Application to remove planning obligation under Section 106A of the Town and Country Planning Act 1990 to provide a bridge link across the Kirklees Brook

Application Ref: 59693/Full

Target Date: 12/02/2016

Recommendation: Refuse

Description

The application site is located to the north of Tottington Road and was previously occupied by a former paper mill. The mill was demolished as part of a residential development. The site is on a marked slope and the difference in levels between Tottington Road and the whole site varies from 3 metres to 8 metres. The site continues to Kirklees Brook to the east, which is at a lower level.

There are residential properties to the south east, which front onto Tottington Road. These properties are approximately 7 metres higher than the proposed site. There is a pub and a car park immediately to the south and further residential dwellings to the west. Kirklees Brook is located to the north of the site.

The application is for the discharge and therefore, the removal of planning obligations at paragraphs numbered 9 and 10 of the Second Schedule of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (which relates originally to planning permission reference 49667) to provide a footbridge across the Kirklees Brook opposite No. 6 Valley Close (plot 79).

Paragraph number 9 of the Second Schedule of the legal agreement ('obligation 9') states: "From the second request date the Owner shall construct a parapet upon the slab comprising the existing Brook Link and shall use all reasonable endeavours to ensure that such route (as may be varied to amended from time to time) is and continues to be available for use by pedestrians, cyclists and vehicles at all times provided that the vehicular right to use the Brook Link shall be for access by maintenance vehicles only and there shall be no right to park or otherwise obstruct the Brook Link."

Paragraph number 10 of the Second Schedule of the legal agreement ('obligation 10') states:

"From the Second Request Date the Owner shall pay to the Council the sum of Twenty Five Thousand Pounds (£25,000) ('Brook Link Contribution') towards the cost of the Council carrying out appropriate works to the Brook Link."

By making this application, the applicant seeks discharge of the obligations on the basis that the obligations no longer serve a useful purpose and seeks permission for the Section 106 agreement to be varied to remove obligation 9 and obligation 10 as is allowed to be applied for under Section 106A of the Town and Country Planning Act 1990 after a period of five years. The basis of the application before the Council and the test in determining the application is whether the application no longer serves a useful purpose.

Relevant Planning History

49667 - Development of 76 residential units including landscaping at Olives Paper Mill, Tottington Road, Bury. Approved with conditions - 13 November 2008.

54802 - Substitution of house types to 14 plots (Nos 77 - 90) at Former Olives Paper Mill, Tottington Road, Bury. Approved with conditions - 26 April 2012.

Adjacent site

54738 - Outline - residential development (18 flats and 39 houses) with details of the means of access to the site at land adjacent to
Approved with conditions - 11 June 2012

58416 - Reserved matters application following outline approval (54738) for construction of 39 houses and 18 flats, junction improvements, new access road and associated landscaping at land to the west of 149 Brandlesholme Road, Bury. Approved with conditions - 15 January 2016.

Publicity

It is a legal requirement that this type of application is publicised by the Council.

The neighbouring properties were notified by means of a letter on 28 January 2016 and a press notice was published in the Bury Times on 4 February. Site notices were posted on 1 February 2016.

10 letters have been received from the occupiers of 2, 4, 8, 10, 12, 14, 16, 22, 26 Valley Close in support of the proposal, which have raised the following issues:

- We were aware of the bridge on the plans but was told it would be a footbridge.
- We have since been informed by the Council that the bridge would have vehicle access making it significantly bigger than initially planned and meaning that vehicles would have access to our estate from the lines.
- We have witnessed lots of anti-social behaviour in the woods and building the bridge would bring this trouble closer.
- The money would be better spent on the bridge that already exists that isn't directly opposite our houses.
- We hear anti-social behaviour in the woods.
- There are a lot of children that play on the close that would not benefit from the bridge - health and safety.
- The bridge would disrupt the quality of life for the animals that live in the woods.
- Our houses will be reduced in value by the security problems.
- It is easy to get on the lines further up Tottington Road.
- Prefer the work to be completed on Valley Close so that we will no longer live in a building site.
- Do not force Persimmon to build the bridge.
- I have regularly dealt with criminal behaviour - had my home invaded by people walking their dogs, a man wielding a machete was subdued by police officers, anti-social teenagers walking dogs, travellers have set up camp in the trees, illegal dog breeding taking place in the trees.
- The advice from the police is to do everything possible to stop a bridge across the stream towards Brandlesholme.
- There is a high level of crime in the area and most use the Kirklees Trail to make their escape.
- The proposed bridge would put homes at risk.
- When i brought my property the bridge was categorically not on the plans. If it had been I would not have decided to purchase as i would not deem the estate a safe environment in which to raise my family.
- We were never informed by Persimmon of the bridge and it is not on any of the plans we agreed to.
- Valley Close and Valley View would then become the most direct route for foot traffic from Brandlesholme Road to Tottington Road. Not forgetting that approval was recently given to construct housing towards the end of the lines as well.
- Persimmons in fact hid this on the plans when we chose our plot and our solicitor did not

site this on purchase as it was marked as being removed on our land registry plans.

- I fully support the removal of the planning application as this bridge was only original in place when the site was used a commercial factory location.

28 letters have been received from the occupiers of 1, 2, 4, 5, 12, 21, 23, 25, 28, 35, 37, 39, 48, 50, 53, 56, 57, 62, 68 Valley View; 3 Valley Close; 1, 2, 4, 5, 7 Valley Court, which have raised the following issues:

- Object as the only bridge providing access to the lines has been condemned and should not be used.
- We have young children and access is required to allow use of the footpath and cycling path on the lines.
- Many residents welcomed the provision of the bridge when purchasing their homes of plan and this was one of the selling points to purchasing our plot.
- Persimmon Homes should not be allowed to remove items on their original plans and the bridge should remain.
- We have lived in front of the footpath that leads to the fishing lodges for 4.5 years and we have had no issues and see no issues with the bridge being constructed further down.
- The existing bridge does not attract any criminal or anti-social behaviour
- The new bridge would create a safer route for all residents.
- It looks like Persimmon have been given further reason to delay completion of the estate as they were approached by residents who live adjacent to the proposed bridge. This was done without openly consulting with the remaining residents to find out their opinions.
- Persimmon should pay for it as planned.
- Object to the removal of the obligation to build a bridge as we doubt that Persimmon will repair the existing bridge.
- Bury Council should step in and make sure Persimmon complete the estate as planned.
- If the bridge is removed, people will use the current bridge, which has been condemned and will inevitably result in an avoidable accident.
- Persimmon should build the new bridge or replace the existing bridge.
- I would like to know why Persimmon no longer wish to build the bridge (£££££).
- Fed up of living on a building site.
- The bridge is required to provide recreational access to the Kirklees Valley trail.
- The bridge was clearly shown on plans when I purchased my property and on plans for the recent Champale development.
- I live in front of the existing unlit, untarmaced path to the trail and have never had any crime or anti-social behaviour.
- The existing path is unusable by a pram, buggy or bike after rainfall.
- The report by designbysecurity is nonsense and nothing but quotes from other studies.
- We require a new, modern, safe bridge to be installed.
- The two nearest accesses to the Kirklees Trail area at Darlington Close and Brandlesholme Road - both 0.7 miles away.
- The police website states that in the whole of 2015 there were 2 offences relating to anti-social behaviour. There is no indication these were attributable to the presence of a direct link to Kirklees Trail and no evidence that the more secluded bridge or the access point at Darlington Close have been used as a criminal escape route.
- This was on the plans 8 years ago when I purchased my house. I still have no street lights or street sign after 8 years.
- Its naive to think criminals need a bridge. The wood is the problem - should the trees be cut down?
- I appreciate the concerns of the residents directly opposite the bridge and consider the location to be incorrect. Why not use the funds to adopt and repair the current bridge, which is already heavily used by residents to access the kirklees trail?
- The final point of the report from designbysecurity advises that the only failing of the bridge is that it is unlit - this could be addressed by providing a light.

All those who have commented on the application have been notified of the Planning

Control Committee meeting.

Consultations

Environmental Projects - Object to the removal of the obligation as it would help to meet the

Design for security - Support the omission of the footpath as it has the potential to generate criminal and anti-social behaviour. However, would not go as far as saying that the footbridge should be removed, because if the correct measures are taken, a safe route can be created and misuse could be discouraged. Aware that there is another footbridge in close proximity to the location of the proposed footbridge, which could be improved to provide a suitable link to the Kirklees Trail. A pragmatic solution would be to upgrade the existing link and incorporate features such as lighting and reduce the permeability of the housing development.

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
RT2/2	Recreation Provision in New Housing Development
RT3/3	Access to the Countryside
SPD1	Open Space, Sport and Recreation Provision
NPPF	National Planning Policy Framework

Issues and Analysis

The legal test for the determination of an application of this type is different to that of a normal planning application. However, in order to ascertain whether or not the obligations continue to serve a useful purpose, it is appropriate to consider up to date planning policies against those which were in place at the time of the original application and thereby informed the compilation of the original legal agreement.

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.

In assessing whether to discharge and effectively remove the obligation, the test is whether the obligation no longer serves a useful purpose.

The proposed development involves the removal of obligation 9 and obligation 10 to provide access over the Kirklees Brook and a contribution which would be spent on improving the bridge to allow for public access. The obligations formed part of a Section 106 agreement, which included a package of measures to meet the recreation needs of the residents of this residential development pursuant to Policy RT2/2 of the Bury Unitary Development Plan and the associated Supplementary Planning Guidance 1 (SPG1).

The purpose of obligation 9 and obligation 10 were to provide access to the Kirklees Valley Local Nature reserve via the Kirklees Trail, part of which was constructed with another Section 106 obligation. The link to the Kirklees Trail would involve crossing land owned by Champale Limited. A separate Section 106 agreement was recently concluded with Champale Limited in relation to that land to the other side of the Kirklees Brook, which facilitates connectivity and access across land owned by Champale Limited to the Kirklees Trail recreational routes and also with the Brandleholme area. The more recently concluded Section 106 Agreement with Champale Limited referenced UDP Policy RT2/2 and the more up to date (than SPG1) Supplementary Planning Document 1 (SPD1).

Obligation 10 requires the applicant to pay £25,000 to the Council, which would be used to carry out works to the Brook Link slab bridge to ensure it was safe for use. The existing concrete slab structure was demolished without notification or authorisation and this remains the current position.

After due consideration and reference to the planning policy position, both the saved policies of the UDP and where applicable the NPPF, the Council finds there is no reason to consider or conclude that the obligations do not continue to serve a useful purpose.

The removal of the obligations would make it difficult for residents of the development to access the related recreation provision and would effectively permanently sever the pedestrian connectivity between the Olives Mill site and Brandlesholme. Design for Security support the omission of the footpath, but would not insist on the removal of the footbridge. The reason given is that with the correct measures, a safe route could be created and misuse discouraged. Safer Places - The Planning System and Crime Prevention states that crime and anti-social behaviour are more likely to occur if:

- pedestrian routes are poorly lit, indirect and away from traffic;
- streets, footpaths and alleyways provide access to the rear of buildings;
- there are several ways into and out of an area - providing potential escape routes for criminal activity;
- it is easy for people to become disorientated;
- streets and spaces are unwelcoming or underused by capable guardians.

Although not directly relevant to an application of this type, case law has found that a fear or crime can be a material planning consideration in the determination of a more usual planning application. However, such fear and concern has to have some reasonable basis and the object of the fear and concern must be real and has to relate to the use of the land in question. There must be some reasonable basis for the fear and concern in order that it could be a material consideration for the determination of a more usual planning application.

More generally, the Council, as a relevant public authority, has a duty to consider the exercise of its various functions (including planning) with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonable can to prevent crime and disorder in its area. The representations from members of the public and from Design from Security (representing the Greater Manchester Police) are clearly noted and considered.

The proposed Brook Link would provide a direct straight route to the Kirklees Trail and would be accessible by foot or by cycle and would benefit from natural surveillance from the dwellings opposite. There would be 1 vehicular access into the estate and two footpaths - adjacent to No. 64 Valley View and opposite No. 6 Valley Close. As such, there would not be several ways into and out of an area and people would not become disorientated. As there have been no recorded incidents of crime on Valley View or Valley Close within the last 12 months and the compliance with the design by security criteria, it is considered that the provision of the proposed Brook Link would provide a safe route for pedestrians to access the Kirklees Trail.

The objectors and Design for Security are aware of an existing bridge to the north of the site of the proposed Brook Link. Design for Security have put forward a solution to improve this bridge to provide a link to the Kirklees Trail and to reduce the permeability of this housing development. However, this bridge is in a poor state of disrepair and may not be safe for continued use. In addition, the existing bridge is not overlooked by any of the residential properties and would not comply with the secure by design criteria above. Therefore, it is considered that obligations 9 and 10 would create an important recreation link to the Kirklees Trail and there is a clear continuing useful planning purpose.

Although there is anecdotal evidence in the representations made in relation to the fear of crime in the application before the Council and such concerns are never to be taken lightly, there is nothing direct and conclusive in the case of the application before the Council, which would lead to a conclusion that the result should be that obligation 9 and obligation 10 should be discharged as a result. Consequently, there is nothing to suggest that the Council would, in refusing the application to discharge the obligations, not be discharging its legal duty in relation to doing all that it reasonable can to prevent crime and disorder in the area.

Based on what is before the Council as part of this application, there is nothing that would lead the Council to detract from its position for an application under Section 106A to consider whether or not the obligations continue to serve a useful purpose.

Despite the suggestion from Design by Security and an objector that the sum of money for obligation 10 could be spent on improving the existing footbridge to the north, this is not possible under the current application as the Local Planning Authority has to consider the proposal before it, which is to discharge (not modify) and thereby remove obligation 9 and obligation 10 completely.

An objector has stated that there are several access points to the Kirklees Trail. The existing access points are at Stockton Drive, Darlington Close, Brandle Avenue and Brandlesholme Road. These access points are between 0.6 and 0.8 miles from Valley View, are not subject to this application or this particular development site, which would not provide the direct recreational link for use by the residents of the development envisaged by the planning consent and associated obligation.

The issue of whether the bridge was or was not on the plans when properties were purchased and the completion of the estate, as well as information on what was intended with the slab/bridge, are not material to the application before the Council and are private legal matters.

When considering that the original intention of the planning obligations was appropriate future connectivity, which was more specifically connection to the land on the other side of the Kirklees Brook, it must follow that the application continues to serve a useful planning purpose. This is particularly pertinent more recently, given that this is now a reality since the recent grant of planning permission on that land across the other side of the Kirklees Brook, which was granted to Champale Limited with an associated planning obligation assuring such connectivity and access to the Kirklees Trail. As a result, there is now a clear opportunity to establish a recreational link as was clearly envisaged from the outset when the original Section 106 Agreement was entered into in November 2008.

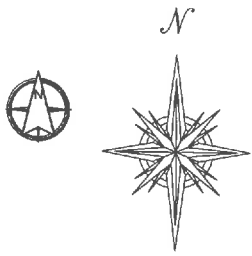
The obligations (obligation 9 and obligation 10) therefore, continue to serve a useful planning purpose. As such, the planning obligations shall continue to have effect without modification. Therefore, the application to remove the obligations is recommended for refusal.

Recommendation: Refuse

Conditions/ Reasons

1. The planning obligations (at paragraph numbers 9 and 10 in the Second Schedule to the Section 106 agreement dated 13 November 2008, which is related to originally planning permission 49667) would provide a recreational link to the Kirklees Trail for the residents of the development and as such, do continue to serve a useful planning purpose. Therefore, the relevant planning obligations shall continue to have effect and will not be discharged.

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



———— 1st High Class (General) Access Point (Hatched)
 ———— 2nd & 3rd Class (Hatched)
 ———— 4th Class (Hatched)

ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED

REV	DESCRIPTION	DATE
A	SEE CONC. APPROVED TO DEVELOP LOT 106.8m	04/01/2011
B	SEE CONC. APPROVED TO DEVELOP LOT 105.2m	04/01/2011
C	SEE CONC. APPROVED TO DEVELOP LOT 107.8m	04/01/2011

PERSIMMON
 Persimmon Homes (North West)
 30-34 Crofters Barn Road
 Urmston
 Manchester
 M41 8JH
 Tel: 0161 746 3737 Fax: 0161 746 3272

SITE: OLIVES PAPER MILL

BURY

PLAN SHOWING AREA
 BRIDGE LINK

SCALE: 1:500 @ A0	DATE: 04/01/2011
DRAWN: OP4/197/05	REVISION: C

Ward: Whitefield + Unsworth - Unsworth

Item 07

Applicant: Mr Daniel Robinson

Location: 142 Hollins Lane, Bury, BL9 8AW

Proposal: Outline application for the erection of 1 no. detached dwelling

Application Ref: 59725/Outline Planning
Permission

Target Date: 08/04/2016

Recommendation: Approve with Conditions

Description

The application site forms part of the garden area associated with No. 142 Hollins Lane, which is the end dwelling in a terraced row. The existing dwelling is rendered with a tile roof and access to the site is taken from Hollins lane. There are 5 trees located within the garden area and include conifers and cherry trees.

The site is surrounded by residential properties to all boundaries.

The applicant seeks outline consent for the erection of a single detached dwelling with all matters reserved. The proposed dwelling would be located adjacent to the existing dwelling (142 Hollins Lane) and the indicative site plan shows that the proposed dwelling would be accessed from a new access off Hollins Lane.

Relevant Planning History

55055 - Erection of 1 no. dwelling on land adjacent to 142 Hollins Lane, Bury. Refused - 22 August 2012.

This application was refused as the proposed development would fail to meet the recreational needs of prospective residents and there was insufficient information in relation to the culvert passing through the site.

Adjacent site

55346 - Erection of new detached dwelling at land adjacent The Mount, 150 Hollins Lane, Bury. Approved with conditions - 8 October 2012

56239 - Variation of condition 2 of planning permission 55346 for addition of an obscure glazed window in each gable at land adjacent to The Mount, Hollins Lane, Bury. Approved with conditions - 18 June 2013.

Publicity

The neighbouring properties were notified by means of a letter on 12 February 2-016.

2 letters have been received from the occupiers of 55 and 59 Church Meadow, which have raised the following issues:

- The proposed driveway would impinge on my land by at least 2 ft, due to a void between my boundary fence and the applicant.
- The proposed dwelling by reason of size and siting would have an adverse impact upon the existing cottages (124 - 142 Hollins Lane).
- Additional traffic generated would impact on vehicles exiting onto a narrow busy lane.
- The mass, bulk and side elevation would present an overbearing and intrusive element to existing neighbours that overlook the proposed development, especially if trees and hedges are removed.
- The proposed development would affect the ecological area.

- The loss of established trees and hedging would impact upon drainage.
- The layout and siting is inappropriate and unsympathetic to the adjacent dwellings.
- Bury Council is a partner of the Red Rose Forest initiative which aims to substantially increase tree cover over a 40 year period. Bury's ancient woodland is being replaced in new development areas and would contravene these policies.
- I question the Council's judgement from the applicant's first submission (55055) when you refused the application in August 2012. At the meeting we attended, no mention was made until the planing appeal letter was sent. Item 2: Mr Robinson was informed that the planning department would be supporting him in recommended approval. Is this a foregone conclusion that planning approval is going to be granted?
- My garden, the kitchen and the rear room of the house will lose some and most times, all of its natural light.

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

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to vehicular access, visibility, 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.

Waste Management - No objections.

United Utilities - No objections.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
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 is located within the urban boundary and there are residential properties to all boundaries. The proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Design and layout - Policy H2/1 states that all new residential development should make a positive contribution to the surrounding area and should have regard to the heights and roof types of adjacent buildings, the position and proximity of neighbouring dwellings and the density and character of the area.

Policy H2/2 states that the new residential development should demonstrate acceptable standards of layout including adequate parking available, suitable landscaping and open space.

The indicative site plan indicates that the proposed dwelling would be located adjacent to the existing dwelling, although set back by some 8 metres. This would allow an area at the front of the dwelling for car parking and manoeuvring.

The proposed development would result in the removal of 3 trees as part of the proposal and 2 trees and leylandii hedge would be retained. None of the trees are protected and the applicant has indicated 2 areas on the proposed site plan for re-planting. The provision of a landscaping plan would be conditioned as part of the reserved matters application. Therefore, the proposed development, subject to conditions, would not have an adverse impact upon the character of the area and would be in accordance with Policies H2/1, H2/2 and EN8/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case.

The indicative site plan shows that the proposed dwelling would not impact upon light to No. 142 Hollins Lane or the terrace of dwellings due to its position. There would be over 40 metres from the proposed dwelling to No. 127 Hollins Lane and there would be at least 21.8 metres to the dwellings at the rear (No. 53 & 55 Church Meadows). There would be at least 16.9 metres to the dwellings to the north west (Nos 59, 61 & 63 Church Meadows). The proposed development would be well in excess of the aspect standards in SPD6 and as such, would not have an adverse impact upon the amenity of the neighbouring properties.

Highways issues - The proposed development would create a second vehicular access adjacent to the access to the existing dwelling. Turning facilities would be provided for both properties and would enable a vehicle to enter and leave in a forward gear. The proposed access would be located on the outside of the bend off Hollins Lane and as such, appropriate visibility splays would be provided. The Traffic Section has no objections, subject to the inclusion of conditions relating to vehicular access, visibility, turning facilities and car parking. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2 and H2/2 of the Bury Unitary

Development Plan.

Parking - As all matters are reserved, it is not known how many bedrooms the proposed dwelling would contain. However, given the footprint of the proposed dwelling on the site plan, it is reasonable to assume that the proposed dwelling would have no more than 3 bedrooms. SPD11 states that the maximum parking standards for a three bedroom dwelling is 2 spaces.

The proposed development would provide 2 spaces for the proposed dwelling and 2 spaces for the existing dwelling. Therefore, the proposed development would comply with the maximum parking standards and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Response to objectors

- The applicant has provided title documents, which indicate that the proposed development would be built on land in his ownership.
- The issues relating to residential amenity, traffic, loss of trees and loss of light have been addressed in the main report above.
- The issues relating to the mass and bulk of the side elevation would be addressed in the reserved matters application, when the scale, siting and appearance of the proposed dwelling would be determined.
- The reasons for refusal for application 55055 are given above. Each application is assessed on its own merits and against the relevant planning policy.

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. 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, access thereto and the landscaping of the site.
Reason. To ensure the satisfactory development of the site and because this application is in outline only.
3. This decision relates to drawings numbered 1036-01, 1036-02 and the development shall not be carried out except in accordance with the drawings

hereby approved.

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

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. 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.
7. The proposed vehicular access arrangements indicated on approved plan reference 1036-02, incorporating the extension of the existing access to No. 142 Hollins Lane, construction of a vehicular access to serve the new dwelling and all associated highway remedial works, shall be implemented to an agreed specification prior to the dwelling hereby approved being occupied.

Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Policy of the Bury Unitary Development Plan.
8. The improvements to visibility indicated on approved plan reference 1036-02 shall be implemented prior to the dwelling hereby approved being occupied and subsequently maintained free of obstruction above the height of 0.9m.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Policies of the Bury Unitary Development Plan.
9. The turning facilities on approved plan reference 1036-02 shall be provided prior to the dwelling hereby approved being occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all

times.

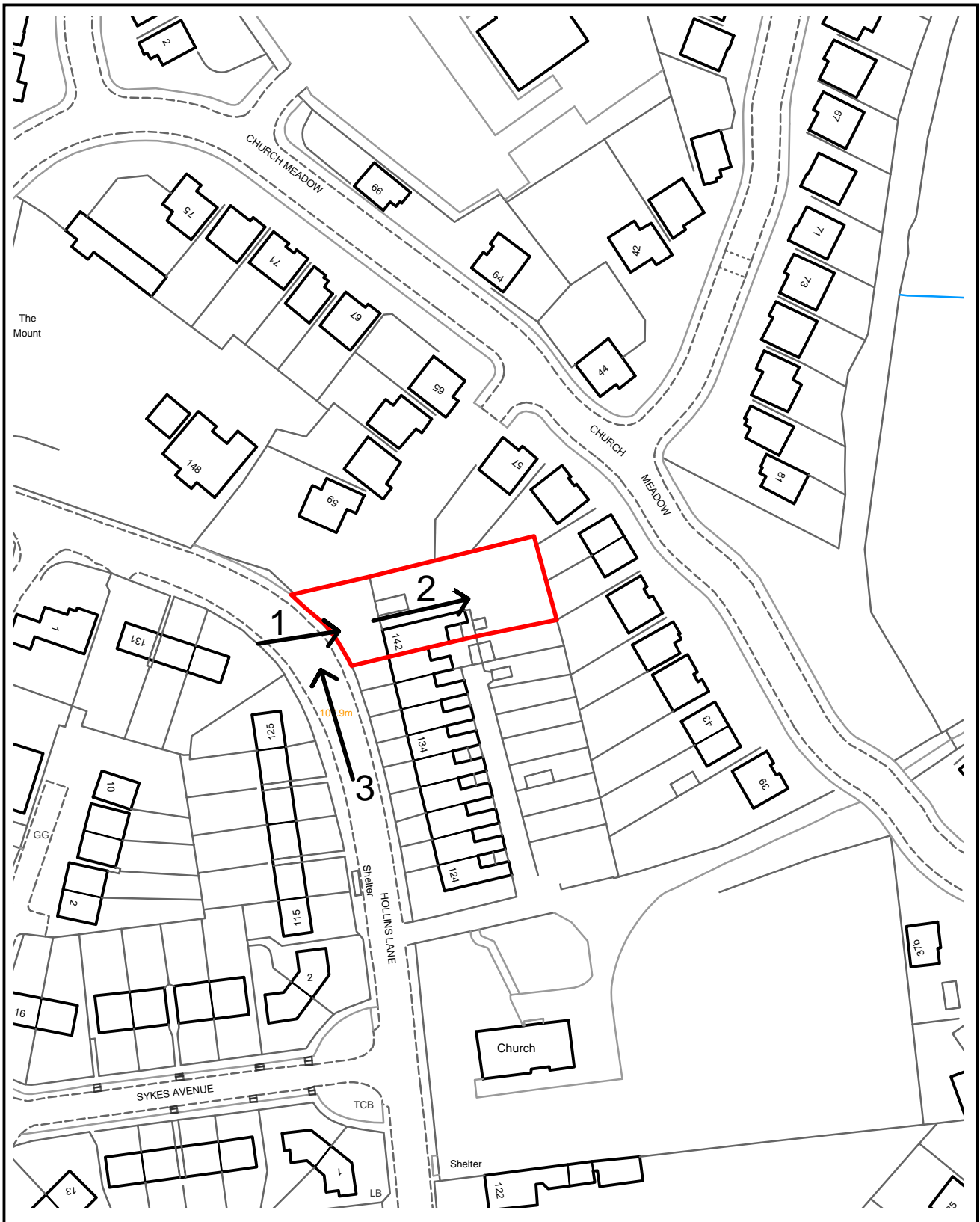
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policy of the Bury Unitary Development Plan.

10. The car parking indicated on approved plan reference 1036-02 shall be surfaced and made available for use prior to the dwelling 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.

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

Viewpoints



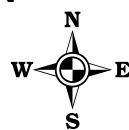
PLANNING APPLICATION LOCATION PLAN

APP. NO 59725

ADDRESS: 142 Hollins Lane
Bury

Planning, Environmental and Regulatory Services

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59725

Photo 1



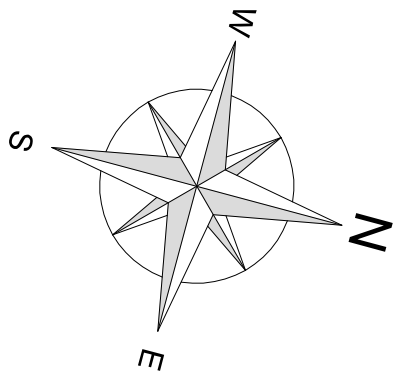
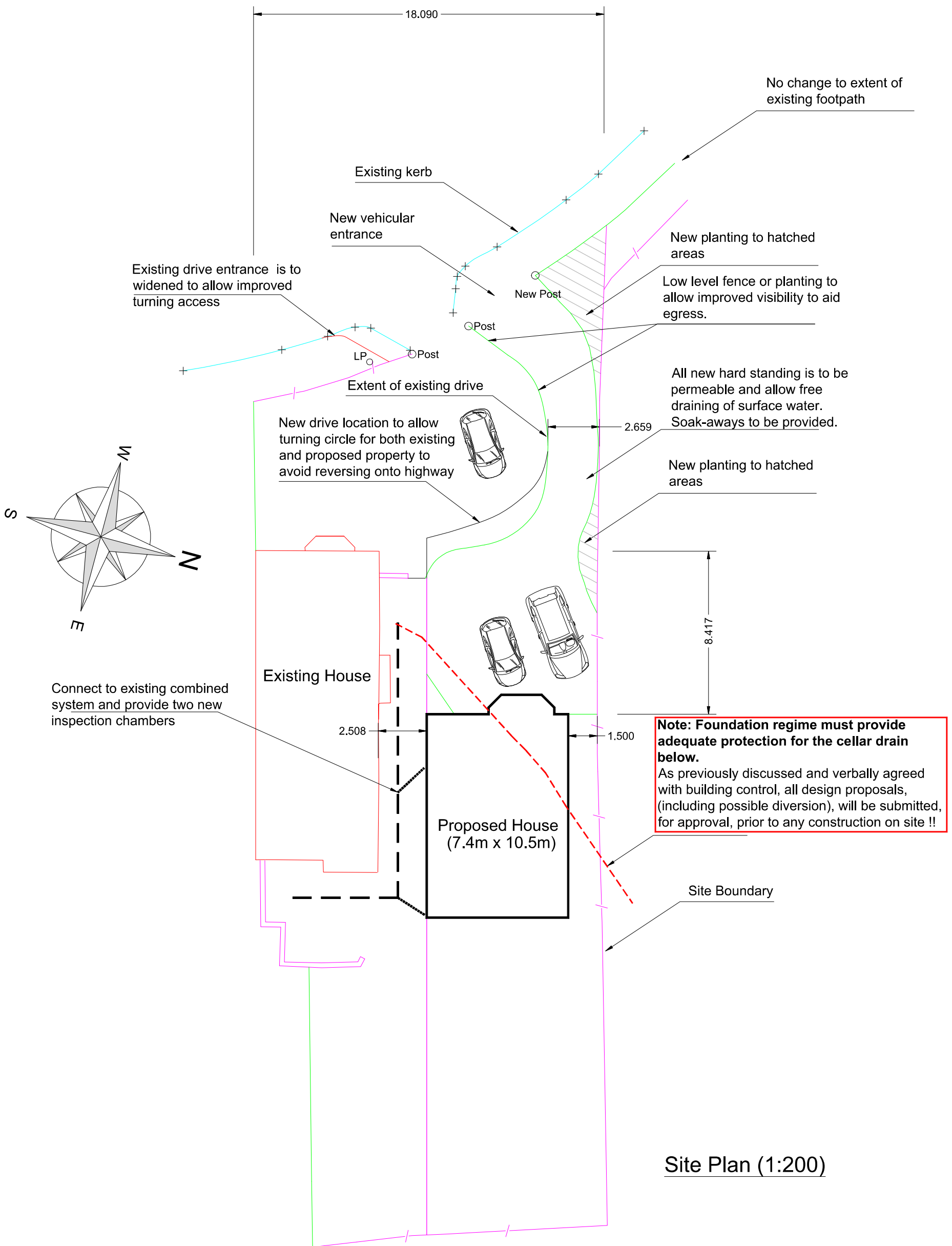
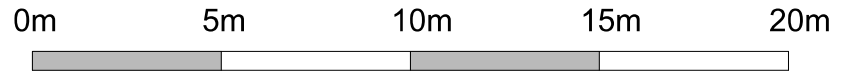
Photo 2



59725

Photo 3





Site Plan (1:200)



Project
Proposed New Build
142 Hollins Lane
Bury
BL9 8AW

Drawing Title
Site Plan

Scale: 1-200
Date: 01-02-2016
Status: Planning
Drawn By: GB
Dwg No 1036-02

Ward: Bury West - Church

Item 08

Applicant: Owzat Cricket Academy

Location: New Victoria Mills, Wellington Street, Bury, BL8 2AL

Proposal: Change of use of third floor from storage area (Class B8) to indoor cricket nets/practice area (Class D2)

Application Ref: 59749/Full

Target Date: 06/04/2016

Recommendation: Approve with Conditions

Description

The application relates a four storey industrial building with basement within Wellington Street Employment Generating Area. The ground floor has a foam manufacturing business, the first floor has furniture showrooms and offices. The second/third floors are used by the furniture business for manufacture and storage.

The property is situated on the east side of Wellington Street and is surrounded on all sides by industrial/commercial uses. There are single yellow lines along both side of the road along this part of Wellington Street restricting on street parking between 8am and 6pm Monday to Friday.

The furniture business proposes to rationalise its business and use only the first and second floors. The third floor is proposed to be converted to an area for indoor cricket practice, providing a practice facility for 'year round' use. Of the total floor area of 760sqm, 400sqm of the space would be used for the practice area and nets. There would also be a viewing area and incidental storage space. The main entrance from Wellington Street would be as existing.

The existing 25 space car park on the south side of the building would be used for staff and customers and shared by the other businesses in the building. Proposed hours of opening would be:

Mon - Fri 4pm to 10pm

Sat/Sun - 10am - 6pm

These hours of opening are intended to reduce the pressure of the existing car park during the day.

The application states there is a lack of indoor cricket facilities locally and the facility would be open to the general public and be available for to cricket clubs and schools. Similar examples of this type of development have taken place in mills in Openshaw and Ashton and have proved popular.

Relevant Planning History

None relevant.

Publicity

Site notice posted on site and the following addresses were notified by letter dated 17/02/16.

Post Office, 7, 20, Wellington Mill, Bridge Works, New Victoria Mills, Castle House, Elton Garages Ltd, Wellington Street, 1 Buxton Street, 146 Bolton Road

One representation from a local business at Wellington Mill highlighted concerns about

traffic and parking and the possibility of customers parking up on the road to the detriment of existing businesses.

The objector has been notified of the Planning Control Committee.

Consultations

Traffic Section. No objection.

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
EC4/1	Small Businesses
RT2	New Provision for Recreation in the Urban Area
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
SPD1	Open Space, Sport and Recreation Provision
SPD14	Employment Land and Premises
EC6/1	New Business, Industrial and Commercial
NPPF	National Planning Policy Framework
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.

Policy - The site within an existing Employment Generating Area (EGA) and as such UDP Policy EC2/1 is relevant. This policy states that within EGA's only B1, B2 and B8 uses will be allowed. Other uses will only be permitted where they constitute limited development or do not detract from the area's value as an Employment Generating Area.

Policy EC4/1 Small Businesses indicates that proposals for small businesses will be acceptable where the development is appropriate and complies with other policies.

Policies RT2 and RT2/1 encourages provision of additional facilities for recreation in the urban area.

Use – New Victoria Mill is a fairly substantial building and the change of use could not be considered to be limited in scale. However, it is clear that the demand for upper floor accommodation for employment uses is extremely limited and the applicant has stated that there has been little interest shown by prospective businesses when marketing this part of the Mill due to its condition, upper floor location and parking limitations during the day. As a result, it is accepted that the proposed change of use would not substantially detract from the area's value as an Employment Generating Area and that the principle is not, therefore, in conflict with UDP Policy EC2/1.

Visual amenity - The proposed facility is indoor and there are no external alterations to the building. There is likely to be some signage but this would be done under a separate advertisement application and would be assessed on its own merits. There are no visual amenity issues arising from the proposal.

Residential amenity - As there are no residential properties in the immediate vicinity, there are no residential amenity issues arising from the proposal.

Noise and disturbance - There would be a certain amount of noise from the proposed activities on the third floor of the building and it is considered appropriate to attach a condition requiring there to be suitable insulation between the practice floor and ceiling below if necessary. Given the nature of the use, its scale and its location within the EGA, there would not be any significant impact in terms of noise and disturbance.

Traffic and access - The use of the existing relatively large car park (approx 25 spaces) during the opening hours would be appropriate and reduce the need for customers to park on the road. The hours of opening, from 4pm onwards on weekdays, means that the existing businesses would be able to utilise the car park for most of the day as they do at present. There would be some cross-over between 4pm and 6pm but, given the size of the car park, this would not be so significant as to cause a particular traffic problem in the immediate area at this time. With the existing car park and the on-street parking restrictions, parking on the road should be kept to a minimum and as such the impact on surrounding businesses should not be so serious as to warrant refusal.

The proposal would be acceptable and comply with UDP Policies EC4/1 Small Businesses and HT2/4 Car Parking and New Development.

Objection. The parking concerns of the occupier at Wellington Mill have been addressed in the above 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: Approve with Conditions

Conditions/ Reasons

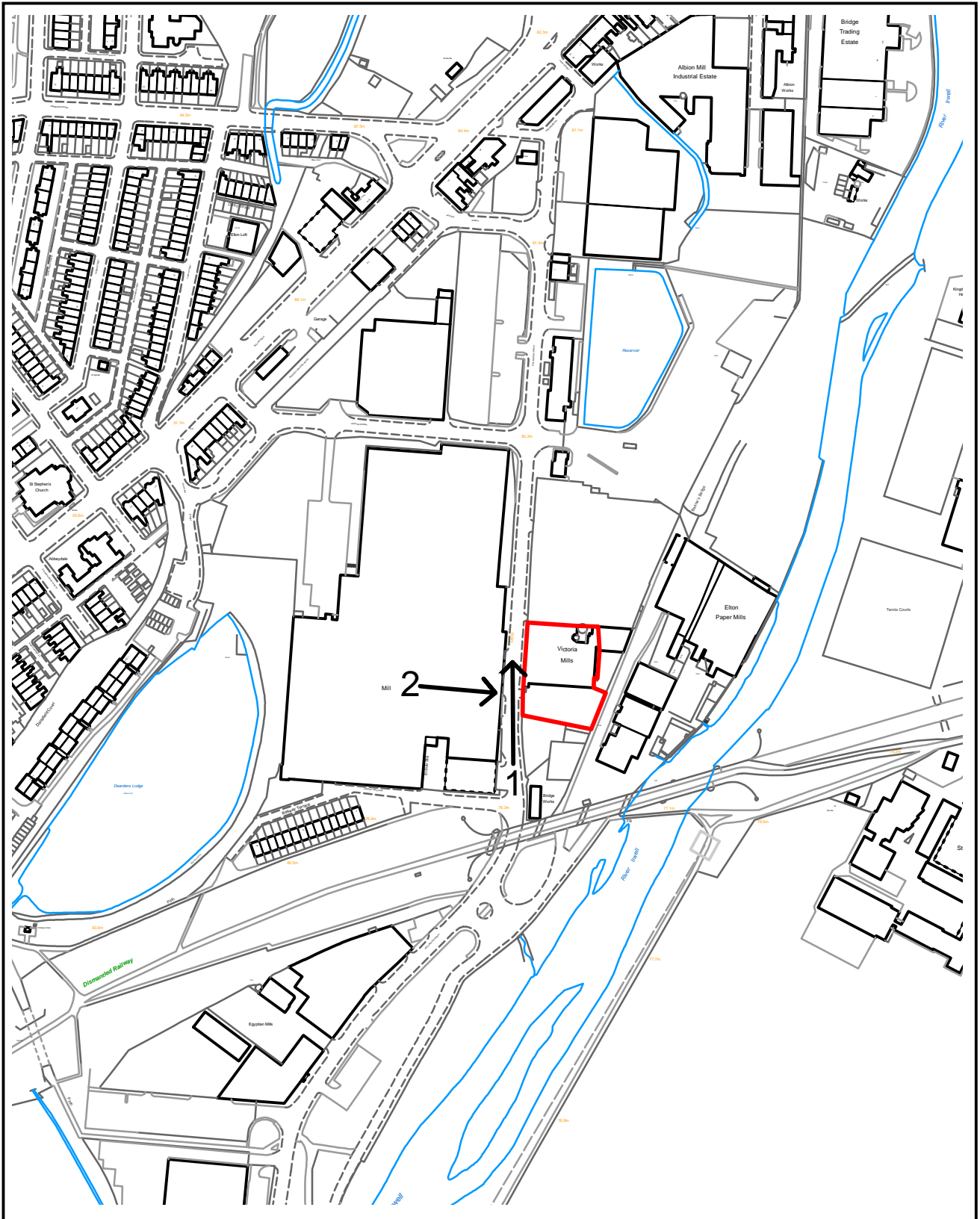
1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 1/1, 1/2 and 2 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. The proposed use shall not be open to customers outside the following hours:-
1600 hrs to 2200 hrs, Monday to Friday
1000 hrs to 1800 hrs Saturday and Sundays.
Reason. To reduce the need for on-street parking and conflict with neighbouring businesses pursuant to HT2/4 Car Parking and New Development, EC4/1 – Small Businesses, EC6/1 – Assessing New Business, Industrial and Commercial Development.
4. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the 3rd and 2nd floors of the building has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use and

maintained thereafter.

Reason. To protect the amenities of businesses on the floor below pursuant to UDP Policy EN7/2 Noise Pollution.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 59749

ADDRESS: New Victoria Mills, Wellington Street
Bury

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

59749

Photo 1



Photo 2





New Victoria Mills
Wellington Street
Bury
BL8 2AL

OS MasterMap 1250/2500/10000 scale
28 January 2016, ID: MDP-00497379
www.malcolmhughes.co.uk

1:1250 scale print at A4, Centre: 379537 E, 410442 N

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MALCOLM HUGHES
LAND SURVEYORS

Chartered Land Surveyors

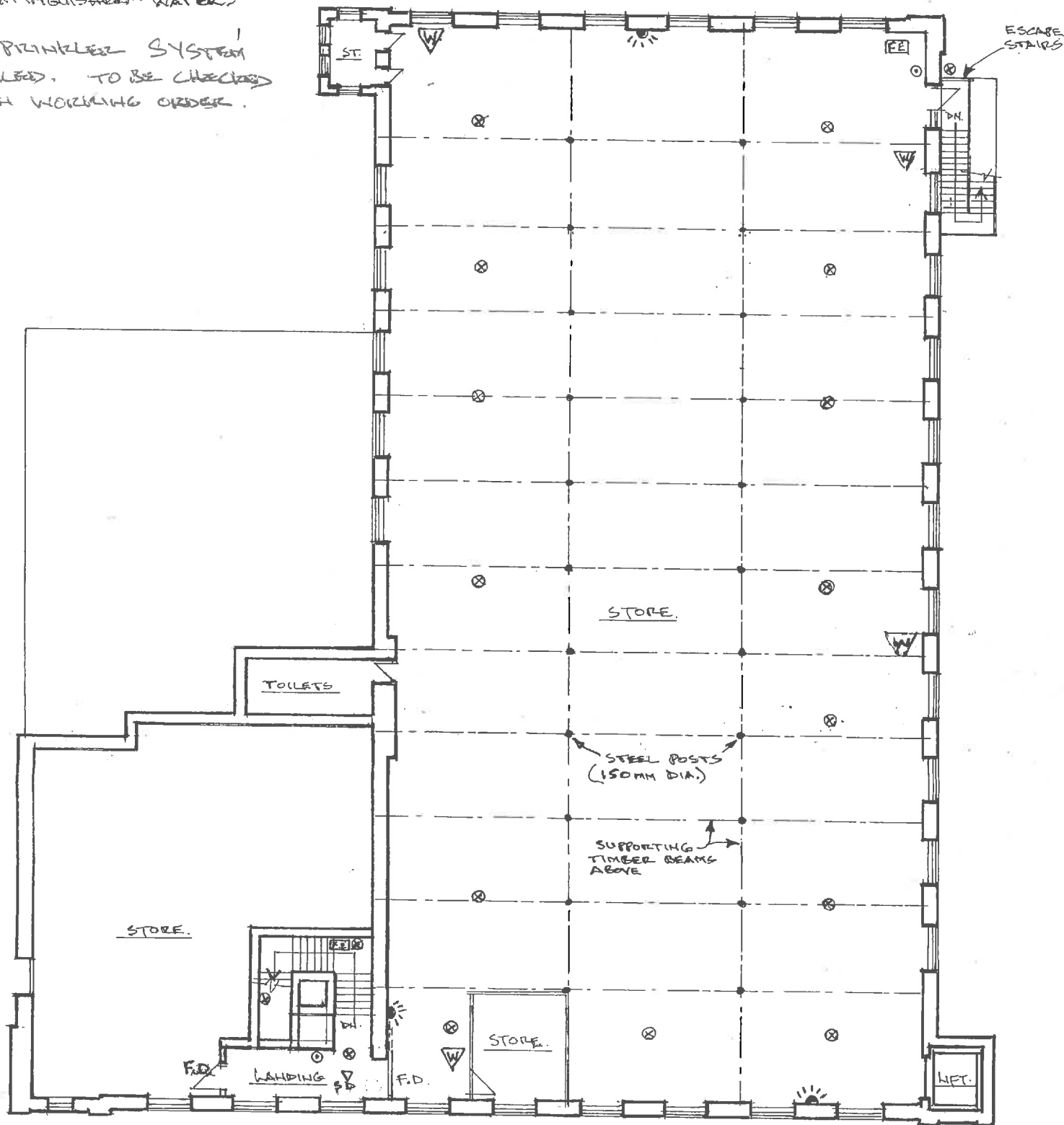


Tel: 0161 926 0650

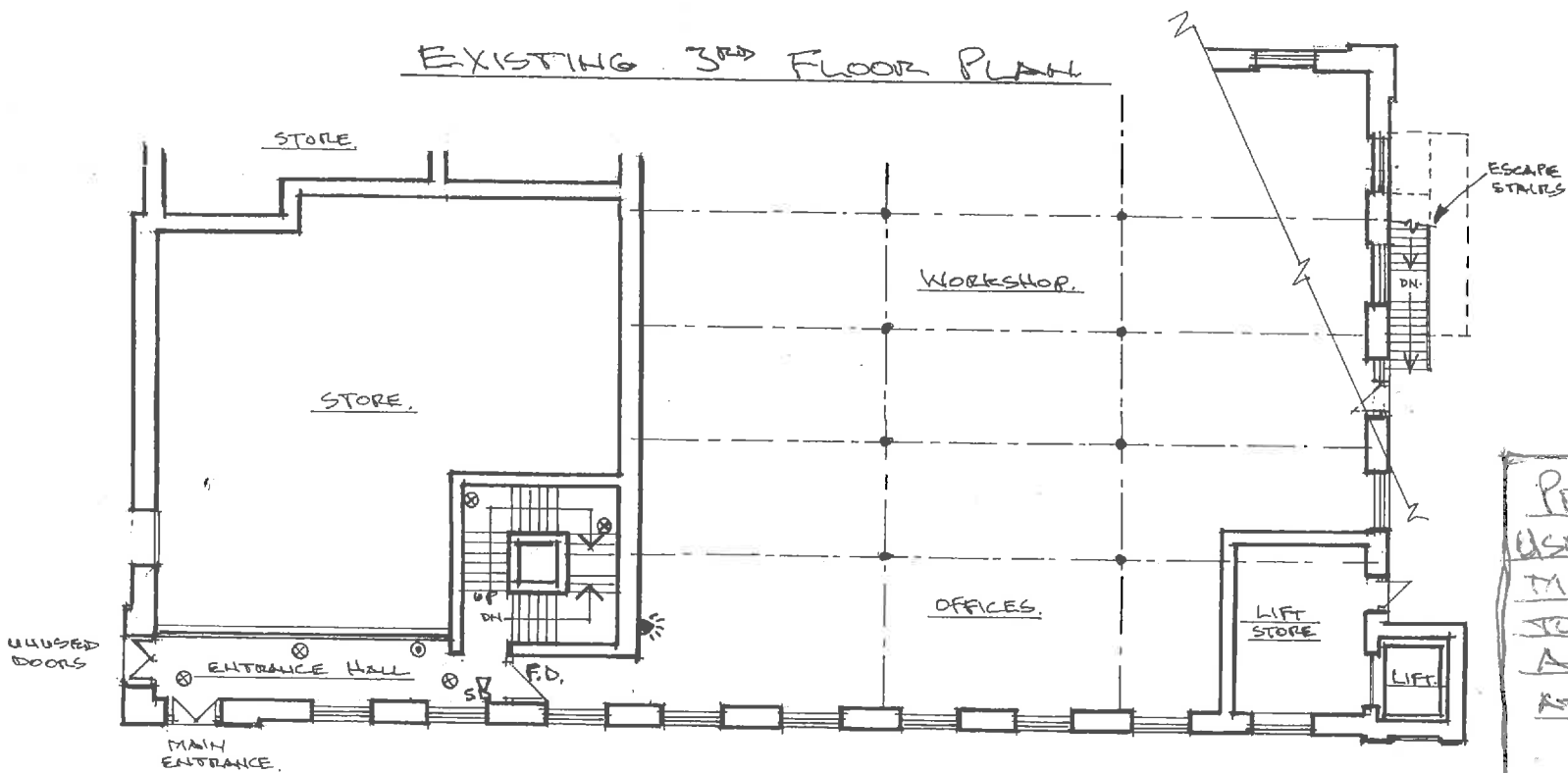
FIRE ITEMS :-

- ⊗ - EXISTING EMERGENCY LIGHTS - SYSTEM TO BE CHECKED THAT IT IS STILL IN ACCORDANCE WITH BS. 5266: PART 1: 2005.
- ⊙ - CALL POINT - EXISTING } - EXISTING FIRE ALARM SYSTEM TO BE CHECKED, THAT IT IS STILL IN ACCORDANCE WITH BS. 5839: PART 1: 2002.
- ⊙ - SOUNDER - " }
- ▽_{SD} - SMOKE DETECTOR - MAINS OPERATED & INTERLINKED (WITH BATTERY BACK-UP).
- F.D. - FIRE DOOR (1 HOUR FIRE RESISTANCE).
- FE - FIRE EXIT SIGN. - IN ACCORDANCE WITH BS. 5499: PART 1.
- ▽_W - FIRE EXTINGUISHER - WATER.

* ALSO A SPRINKLER SYSTEM IS INSTALLED. TO BE CHECKED IF STILL IN WORKING ORDER.



EXISTING 3RD FLOOR PLAN



EXISTING GROUND FLOOR PLAN (PART)

PROPOSED CHANGE OF USE OF TOP FLOOR OF MILL FROM STORAGE (BS) TO CRICKET PRACTISE AREA (D.2.) AT NEW VICTORIA MILLS, WELLINGTON ST, BURY.

EXISTING/PROPOSED PLANS
SCALE 1:100 DWG. NO 1/2

MON-FRI
 PARKING USED BY FACTORY WORKERS
 IN DAYTIME 7.30 - 5.00 PM.
 CRICKET PRACTISE NEEDS MORE
 THAN IN EVENINGS, HENCE PLENTY
 OF PARKING AFTER 5.00.

SAT + SUN
 ONLY A FEW PEOPLE WORK
 IN FACTORY ON SAT &
 NONE ON SUNDAY.
 SO PARKING CAN PREDOMINANTLY
 BE USED BY CRICKET PEOPLE

UNMARKED PARKING SPACES
 OF MIN. 5.0M x 2.5M WIDE.
 SHOWN DOTTED.

ACCESS
 ROUTE
 TO BE
 MAINTAINED.

FILE
 ESCAPE
 STAIRS
 (TO BE KEPT
 CLEAR)

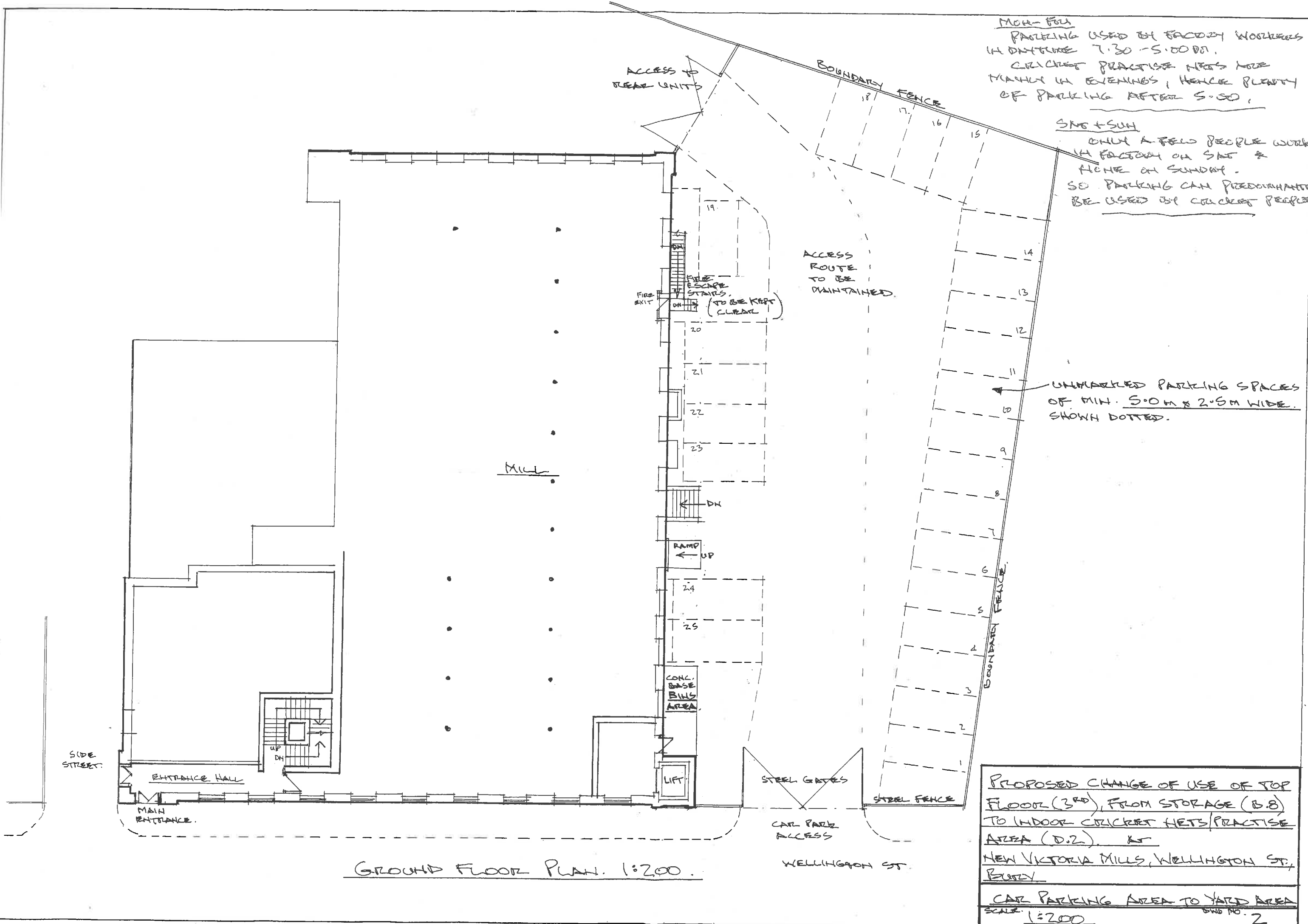
ACCESS TO
 REAR UNIT

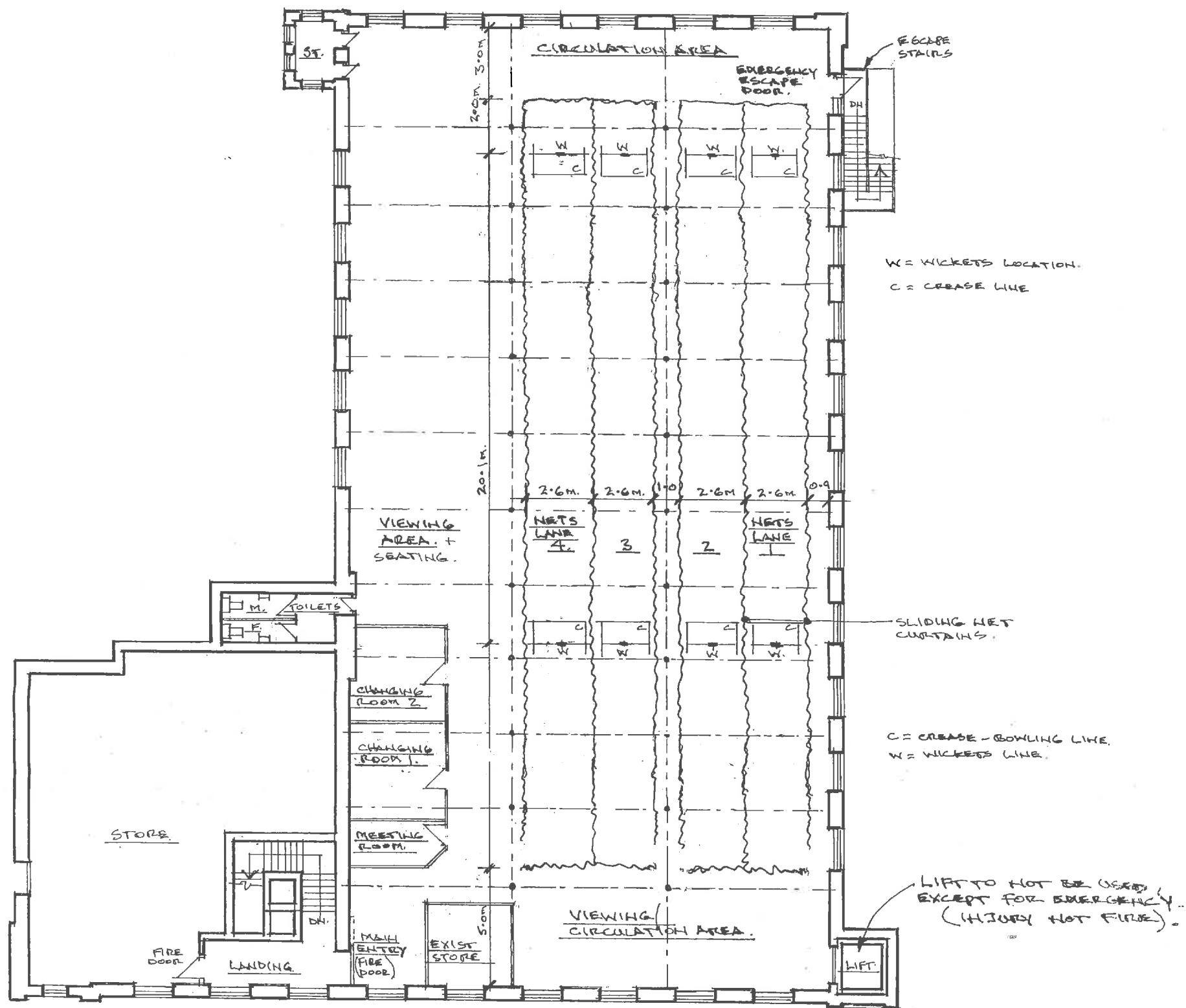
MILL

PROPOSED CHANGE OF USE OF TOP
 FLOOR (3RD), FROM STORAGE (B.8)
 TO INDOOR CRICKET NETS/PRACTISE
 AREA (D.2). AT
 NEW VICTORIA MILLS, WELLINGTON ST,
 BUREY

CAR PARKING AREA TO YARD AREA
 SCALE: 1:200 DWG NO. 2

GROUND FLOOR PLAN. 1:200.






PROPOSED 3RD FLOOR PLAN.

NOTES :-

ALL EXISTING FIRE PROTECTION ITEMS, AS SHOWN LEFT, TO BE CHECKED THAT THEY STILL COMPLY, TO SATISFACTION OF LOCAL BUILDING INSPECTOR / FIRE OFFICER.

THE MAXIMUM OCCUPANCY TO THE 3RD FLOOR AT ANY ONE TIME IS TO BE 60 PEOPLE.

Architectural & Building Services			
NEIL BUTTERWORTH			
Tel: Mobile: 07785 275483			
89 Higher Ainsworth Road, Radcliffe, Manchester, M26 4JJ.			
			
Job Title PROPOSED CHANGE OF USE OF TOP FLOOR (3RD), FROM STORAGE (B.B.) TO INDOOR CRICKET NETS/PRACTISE AREA (D.2.), AT NEW VICTORIA MILLS, WELLINGTON ST., BURY.			
Drawing <u>EXISTING/PROPOSED PLANS.</u>			
Scale 1:200	Date JAN 16	Drawn by N.B.	Drawing No. 1/1

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 09

Applicant: Grind & Tamp Ltd

Location: 45 Bridge Street, Ramsbottom, Bury, BL0 9AD

Proposal: Prior approval for proposed change of use from shop (A1) to cafe/restaurant (A3)

Application Ref: 59788/Prior Approval Retail to A3 **Target Date:** 22/04/2016

Recommendation: Prior Approval Required and Granted

Description

This is an application for the prior approval for the proposed change of use of a retail shoe shop (Class A1) to a cafe/restaurant (Class A3) under Part 3 Class C(a) of The Town and Country Planning (General Permitted Development) (England) Order 2015. There are no external alterations proposed, no external flue is required and there are no alterations proposed to the front elevation or access. The total amount of floorspace involved is 50m² (square metres). Proposed hours of operation are Monday to Saturday 08:00 to 18:00 and Sunday 10:00 to 16:00.

It is proposed to serve specialist coffee and provide toasted snacks. Coffee beans and coffee making equipment will also be able to be purchased and this small retail element is considered to be ancillary to the primary use as a cafe.

The shoe shop is at the ground floor with a separate self contained flat above which is occupied. It is within the Primary Shopping Area of Bridge Street as designated in the adopted Bury Unitary Development Plan. The application site is also within Ramsbottom Conservation Area.

It is a statutory requirement to notify neighbouring addresses on this type of Prior Approval application and to be brought before Planning Control Committee if an objection is received.

Relevant Planning History

None.

Publicity

Notification letters were sent on the 29/2/16 to 41, 43, 45, 47, 49, 68, 72, 74 Bridge Street; Flat above 45 Bridge Street; 2-4 Paradise Street.

Site Notice posted on 3/3/16.

Press notice published in the Bury Times on 3/3/16.

Eight letters of objection have been received from addresses on Bridge Street, Winifred Street, Hector Road, Springside Road and Market Place and in summary are:-

- Additional bins are both unsightly and unappealing to existing and potential residents.
- Increase in food waste would exacerbate increased number of pigeons, crows and foxes and would attract vermin in the form of rats and mice.
- Another eating establishment would have a detrimental effect on the character of the area moving it towards a burgeoning night time economy similar to that of a city centre,

- moving it away from its current status of a thriving family friendly market town.
- Installation of an extraction system on the rear wall would be visible from kitchen window of flat above resulting in loss of privacy making an unsightly visual impact on the area.
- Extraction system would be worse than current air conditioning currently in situ on the rear elevation due to its noise and smells.
- Too many restaurants/cafes/bars etc in Ramsbottom.
- Needs more diversity of businesses in Ramsbottom.
- Parking is a problem so could do without the extra cars.
- Loss of retail uses will affect the viability of the high street.

Twelve letters of support have been received from addresses on Bridge Street, Bury Road, Pickering Close, Mercer Crescent, Ewood Bridge, Scobell Street, Manchester Road, Ilex Mill and Green Street and in summary are:-

- Support new independent specialist businesses.
- Proposal far better than empty building.
- New businesses attract more visitors and boosts the economy of the town.
- A unique specialist cafe, different to the normal food and drink outlets.
- Will add to the diversity of the high street.
- Unique addition to the town and not a threat to any existing eatery/cafe.
- Would promote town to both residents and visitors.
- Provide a positive contribution to the local economy and encourage new footfall.
- A varied choice of cafe/restaurants a good idea.

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

Consultations

Traffic Section - No objection.

Environmental Health Contaminated Land - No comment received.

Environmental Health Pollution Control - No objection.

Waste Management - No comments received.

Unitary Development Plan and Policies

S2/2	Prime Shopping Areas and Frontages
S2/6	Food and Drink
EC4/1	Small Businesses
HT2/4	Car Parking and New Development
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
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 - Class C of Part 3 to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 gives in principle planning permission for the change of use from a shop to a cafe/restaurant use, but states that development is not

permitted if -

a) the cumulative floor space of the existing building changing use under Class C exceeds 150 square metres.

(b) the development (together with any previous development under Class C) would result in more than 150 square metres of floor space in the building having changed use under Class C;

(c) the land or the site on which the building is located is or forms part of -

- (i) in a site of special scientific interest;
- (ii) in a safety hazard area;
- (iii) in a military explosives storage area;

(d) the site is, or contains, a scheduled monument; or

(e) the land or building is a listed building or is within the curtilage of a listed building.

The proposed change of use would comply with all the above criteria.

Where the development proposed is the change of use without any building operations, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to -

(a) noise impacts of the development,

(b) odour impacts of the development,

(c) impacts of storage and handling and waste in relation to the development,

(d) impacts of hours of opening of the development,

(e) transport and highways impacts of the development,

(f) whether it is undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order because of the impact of the change of use -

(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, but only where there is a reasonable prospect of the building being used to provide such services, or

(ii) where the building is located in a key shopping area, on the sustainability of that shopping area.

With regard to the above criteria the proposed development would not have a detrimental impact on the highway network as it is considered that, even without a traffic impact assessment, the development would not lead to significant increase in vehicle trips than might otherwise take place in its previous use. Furthermore there is adequate parking in the town centre public car parks.

There are no contamination issues raised by the Councils' environmental health section.

The site is not in a flood risk area.

The National Planning Policy Framework (NPPF) - Sustainability - The local planning authority must, when determining this type Prior Approval application have regard to the

National Planning Policy Framework, so far as is relevant to the subject matter of the prior approval as if it were a planning application.

Policy - The relevant retail UDP adopted policy is S2/2 - Prime Shopping Areas and Frontages it is considered the proposed change of use would not conflict with policy S2/2 as the proposed development satisfies criteria a) to f).

- a) The frontage of the shop is not proposed to be altered.
- b) Display window at ground floor to be retained.
- c) No change to access arrangements.
- d) Proposal will not give rise to noise or disturbance.
- e) Not in a prominent location.
- f) Not an over proliferation of non A1 uses within the row.
- g) It is a complementary use with a low level of activity.

Furthermore this is enforced when looking at Bridge Street as a whole in being a town centre high street, where using data from the land use survey from October 2015 (Source: *Google Street View*) and represented on the attached plan shows 61% of the premises on Bridge Street are in retail use.

UDP policy S2/6 - Food and Drink the Council in considering all proposals which involve restaurants, hot food takeaways, cafes, snack bars, wine bars and public houses, together with any other uses contained within Class A3, will have regard 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 Class A3 uses, which could adversely change the nature or character of a centre as a whole;
- parking and servicing provision associated with the proposed development and its effects in terms of road safety, traffic generation and movement;
- provision for the storage and disposal of refuse and customer litter;
- the environmental impact of any ventilation flues and/or ducting.

Use - The proposed change of use would comply with the criteria above in that it would not be detrimental to the amenity of nearby residents in relation to noise, smell, litter, and opening hours.

Would not create an over concentration of cafe/restaurant use.

Would not, because of the small scale of the proposed change of use, generate an increase in vehicle trips detrimental to road safety.

Would use existing servicing provisions.

Would not have any external flues or ducting.

As such the proposal would comply with adopted UDP policy S2/6 - Food and Drink.

The proposed change of use does involve the loss of an A1 retail use and as such adopted policy S2/2 - Primary Shopping Areas and Frontages is relevant here. However, high

streets today have changed with regard to their function and land use characteristics and coffee shops are becoming an ever increasing feature in many town centre high streets. Furthermore the premises is soon to become vacant and to bring it immediately back into use is considered more favourable than it being vacant for a potentially prolonged period reducing the vitality of that part of the high street. Such complimentary uses are considered to preserve the vitality and viability of changing high streets and as a small new business it is considered the proposal would be compatible with the aims of UDP Policy EC4/1 - Small Businesses.

45 Bridge Street sits within the Prime Shopping Area of Ramsbottom Town Centre and is part of a Primary Shopping Frontage that extends between 39 and 47 Bridge Street.

As a result, the proposal should be assessed against UDP Policy S2/2. This policy states that within prime shopping areas identified in the Borough's town centres, the Council will seek to maintain retailing (Class A1) as the predominant land use at ground floor level. Proposals for change of use or redevelopment within these areas will be assessed on their merits and by taking into account the following factors:

- a) the design and appearance of the proposed frontage;
- b) the maintenance or provision of a display window at ground floor level, where appropriate;
- c) access for the mobility impaired, where appropriate and through negotiation with the developer;
- d) whether the proposal will give rise to disturbance or nuisance;

In addition, where a proposal would lead to more than 10% of any identified prime shopping frontage being in non-retail (Class A1) use, the Council will also take into account the following factors:

- e) the location and prominence of the proposal within the prime shopping frontage;
- f) the number, distribution and proximity of other premises in non-retail (Class A1) use or with planning permission for such uses;
- g) the particular nature and character of the use proposed, including the level of activity associated with it.

In terms of the PSA as it relates to Bridge Street, it is clear that A1 retailing is, and would continue to be, the predominant land use at the ground floor level. As such, subject to satisfying criteria (a) to (d), the proposal would not conflict with this element of the Policy. However, as mentioned, the premises form part of a 32.9 metre Primary Shopping Frontage running between 39 and 47 Bridge Street. 51% of this frontage is already in non-retail use and approval of the change of use would increase this to 68%. As a result, there is also a need to consider criteria (e) to (g). The unit does occupy a prominent position within the PSA but, as mentioned previously, the predominant ground floor uses along Bridge Street would remain A1 retailing. Furthermore, a cafe would generate activity and footfall and support the overall vitality of the town centre.

On balance, therefore, the principle of the proposal is not considered to conflict with UDP Policy S2/2.

Residential Amenity - Although in a predominantly non-residential town centre location, the application site does have a self contained flat above it which is occupied. There is no extraction flue proposed as the nature of the food to be served does not involve cooking full meals, only snacks and cooking smells will be filtered by a cooker hood through re-circulation inside the premises. The level of activity of the proposed use would not create any further noise or disturbance than may already be created by the activity of the existing use. However to protect the residential amenity of the occupier(s) of the flat above it is recommended to control the hours of operation by the addition of a condition to 08:00 to 18:00 Mondays to Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays. As such, the proposal would comply with UDP Policy S2/2 - Prime Shopping Areas and Frontages and S2/6 - Food and Drink.

Conservation Area - The proposed change of use will promote the vitality and viability of the town centre. As such making it more viable and therefore more sustainable would protect the longevity of building, so preserving and enhancing the conservation area. As such the proposal complies with adopted Bury UDP Policies - EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control. These policies are also in alignment with paragraph 131 of the NPPF which in broad terms states that in determining planning applications LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

Parking - Adopted Supplementary Planning Document 11 - Parking Standards in Bury suggests cafe/restaurant uses should provide 1 parking space per 7 square metres of public floor area. The proposal provides 32 square metres of public floor area. It goes on to say that restaurants will require adequate levels of off-street parking and will be assessed on an individual basis. The proposal provides no off-street parking and would require 5 parking spaces. As a town centre location there is parking available and the application site is on a bus route and it is considered that not all visitors would arrive by private car. As such this would comply with Objective A of SPD 11 to encourage the use of more environmentally friendly and sustainable modes of transport as well as being a development catering for local needs. The proposal therefore complies with UDP Policy HT2/4 - Parking and New Development and Supplementary Guidance Note 11 relating to parking.

Bin Storage and Servicing - The proposed change of use would be serviced the same as the existing use and the other premises within the row which also include food outlets. The applicant states that cardboard will be removed from the premises for re-cycling. Coffee grinds will be re-cycled and composted off the site premises and the applicant also states that there will be a trade waste contract in place with the Council to empty bins weekly. The existing bins will be used and emptied in accordance with the Councils' waste collection service. As such, it is considered that the proposed waste control would be sufficient to comply with the requirements of UDP policy S2/6 - Food and Drink with regard to refuse and servicing.

With regard to NPPF it is considered paragraph 14 - the "golden thread of sustainability" - the presumption in favour of sustainable development unless material considerations indicate otherwise, is relevant here. Given its location on a bus route, nearby car parking and the predominance of retail uses on Bridge Street the proposed change of use would be sustainable development and the analysis of the other material considerations listed above it would not indicate otherwise. As such the proposed change of use would comply with paragraph 14 of the NPPF.

Applicants response to objections

- Premises to be serviced as others in the row ie bins outside at the back including other food outlets.
- Bins will be emptied weekly as others.
- Use of separate bins for recycling.
- Flat above has been sound insulated according to the owner of 45 Bridge Street.
- Shop has lowered ceiling and as such would have noise reduction value.
- Will not be open at night.
- Will not play music.
- Busy high street with traffic causing noise.
- No external flue is proposed.
- Main aim is to serve specialist artisan coffee and retail of ancillary items.

The other issues have been addressed in the main report above.

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.

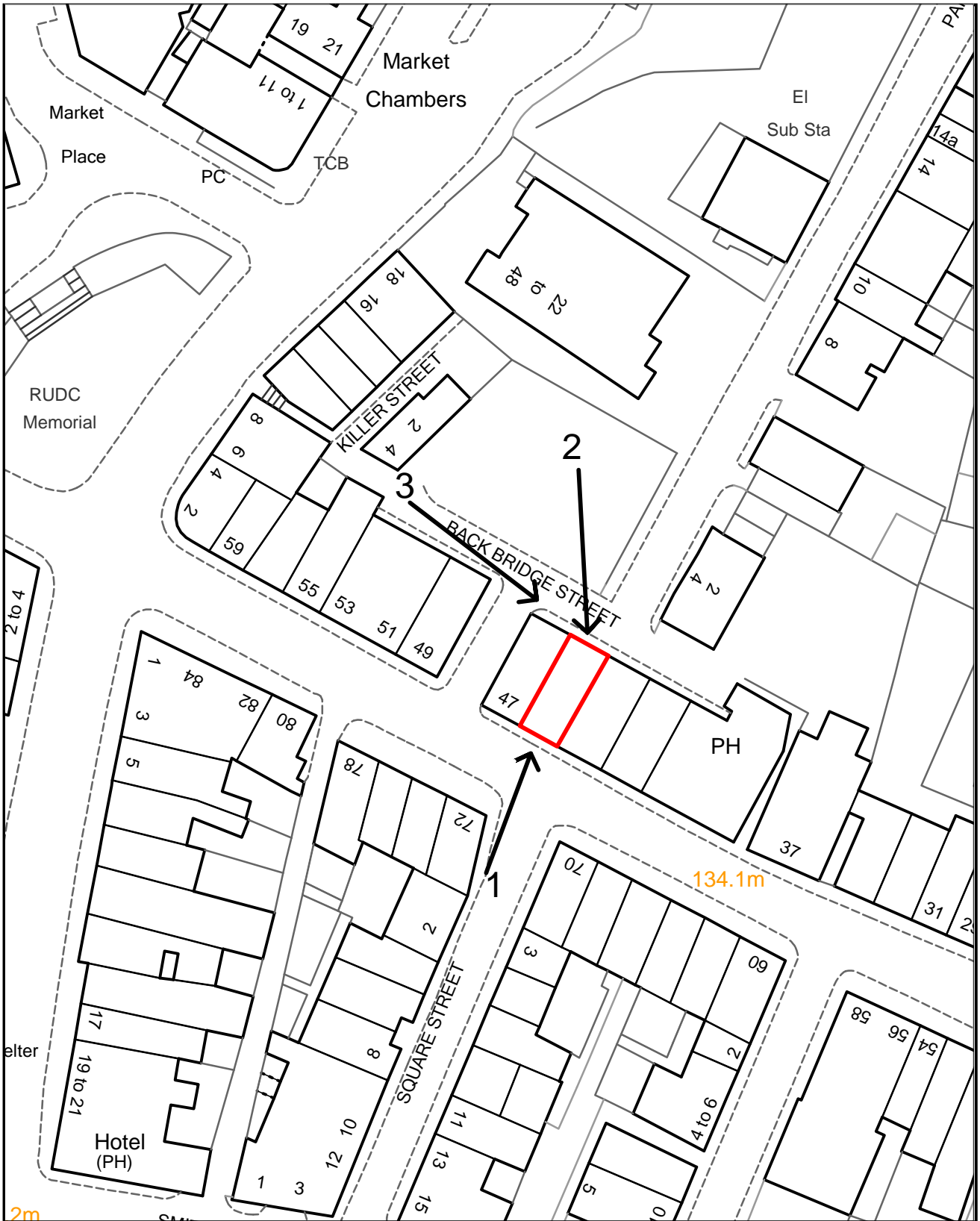
Recommendation: Prior Approval Required and Granted

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this Prior Approval.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. The use hereby granted Prior Approval shall not be open to customers outside the following times: 08.00 to 18.00 Mondays to Saturdays and 10.00 to 16.00 Sundays and Bank Holidays.
Reason. To safeguard the amenities of the occupiers of the above flat pursuant to adopted UDP Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

For further information on the application please contact **Mark Kilby** on **0161 253 7639**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 59788

**ADDRESS: 45 Bridge Street
Ramsbottom**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

59788

Photo 1



Photo 2



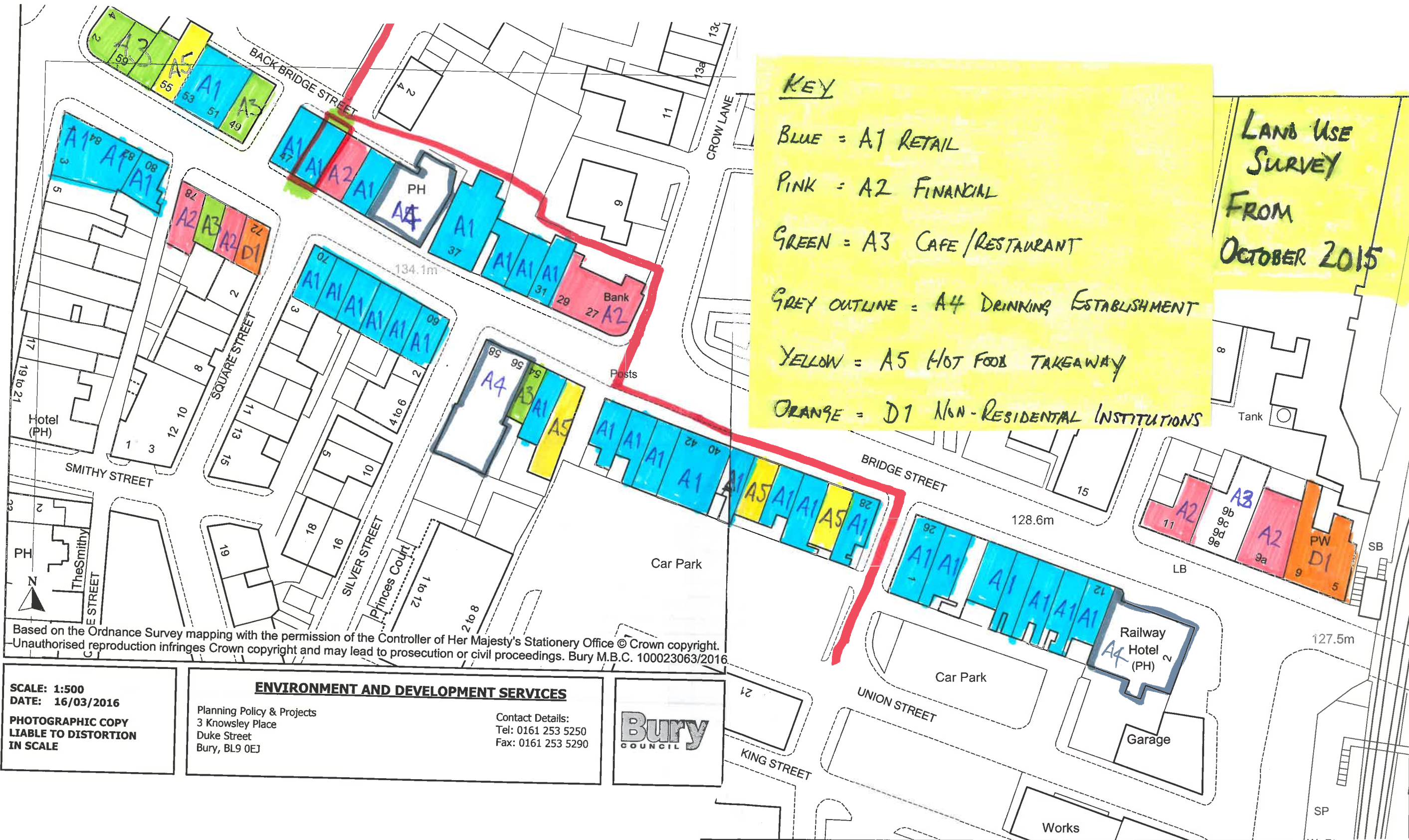
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Photo 3



LAND USE SURVEY FROM OCTOBER 2015

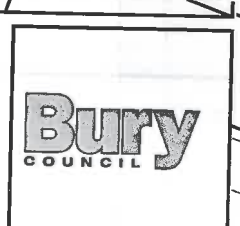
KEY
 BLUE = A1 RETAIL
 PINK = A2 FINANCIAL
 GREEN = A3 CAFE/RESTAURANT
 GREY OUTLINE = A4 DRINKING ESTABLISHMENT
 YELLOW = A5 HOT FOOD TAKEAWAY
 ORANGE = D1 NON-RESIDENTIAL INSTITUTIONS

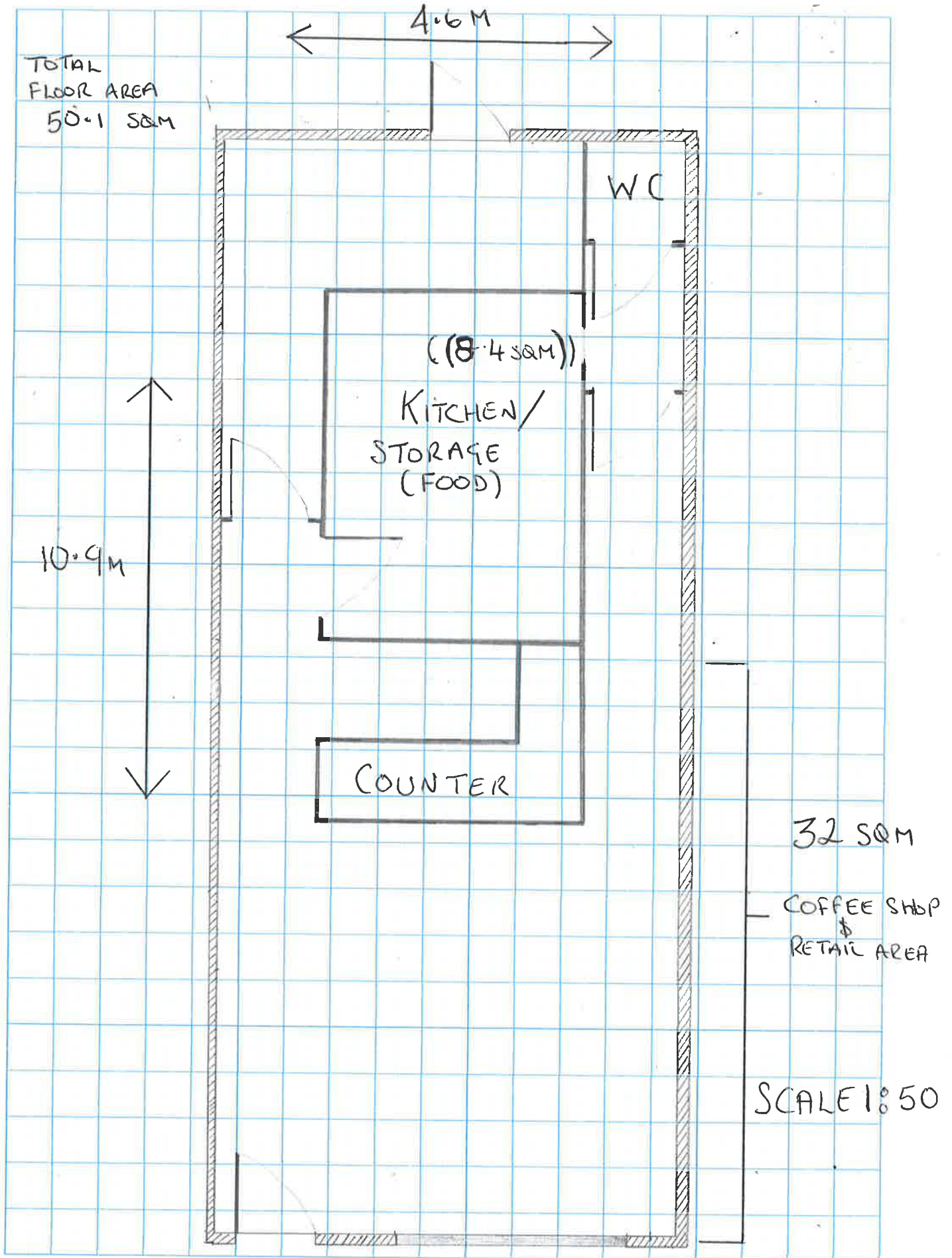


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 IN SCALE

ENVIRONMENT AND DEVELOPMENT SERVICES
 Planning Policy & Projects
 3 Knowsley Place
 Duke Street
 Bury, BL9 0EJ
 Contact Details:
 Tel: 0161 253 5250
 Fax: 0161 253 5290





Ward: Bury East

Item 10

Applicant: ParkingEye

Location: DW Sports, Angouleme Way, Bury, BL9 0BT

Proposal: 17 No. non-illuminated pole mounted car park management signs (retrospective)

Application Ref: 59795/Advertisement

Target Date: 22/04/2016

Recommendation: Approve with Conditions

Description

The site is a car park which serves a gym premises in the town centre. There is a public car park to the west side adjoining it and a supermarket car park to the opposite side across Spring Street. To the south side is Cecil Street and residential terraced properties. The application seeks advertisement consent for 17 non illuminated car park management signs that have been erected on lighting columns and poles. The signs are 600mm by 800mm and are constructed from a composite aluminium / plastic material. The application has been submitted following an investigation and advice from the Enforcement Team.

Relevant Planning History

59794 - Automatic number plate recognition camera - camera mounted on a 6 metre high column - Invalid.

Publicity

None required.

One objection has been received from a resident at Seedfield Road, Bury. The concerns in summary are:-

- Regulation 30 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) indicates that this is a criminal offence to erect advertising signs without consent (subject to certain limitations). The presence of the signs are therefore unlawful and a company should not be able to retrospectively gain permission for an unlawful activity particularly given that the company in question is profiting from that activity by issuing parking charges to motorists.
- Bury Council should not approve the application for these signs as it could show the council is condoning such unlawful activity.
- The Parking Eye Design and Access Statement states the purpose of the proposal is turn this unused car park into a working car park that will provide sufficient parking for the area into a Car Park Management System via Automatic Number Plate Recognition. This unused claim is false as the car park has been in use prior to Parking Eye turning up with their cameras and signs. The car park originally had an access and exit barrier that gym members could operate.
- The Design & Access statement is wrong as there is no pay and display element to the car park; The title of the document suggests it is only referring to the ANPR cameras, not the signage.
- Section 3 of the Design & Access statement states that 20 signs in total are erected on site. Yet the application is for 17.
- Increased levels of advertising in a car park would be a safety hazard as it could distract drivers on the roadways in an area (car park) where pedestrians and vehicles co-habit the same space.
- Car parks also have low visibility, as a result of parked cars blocking a drivers line of sight and are places where pedestrians will be walking in and out of parked vehicles making pedestrians harder to spot, with the risk of a collision increased of there are

children present.

- Anything that may distract a driver in a car park such as 17 (or 20) advertising signs for a car park management company should not be permitted on safety grounds.

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

Consultations

Traffic Section - No objection.

Unitary Development Plan and Policies

EN1/9 Advertisements

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.

UDP Policy EN1/9 relates to adverts and signage and states that proposals should have regard to the character of the locality, scale of the existing building and land use and be considered on their impact on amenity and safety.

Amenity - The signs are spaced around the car park and are of an acceptable size in relation to the scale of the site and do not appear intrusive or sit closely to each other to cause visual clutter.

Safety - The signs are placed around the car park on poles or lighting columns to the edge of the site or away from the main pedestrian walkways. They are not directional and it is not considered that they cause any confusion to drivers within the site nor obstruct motorists visibility or pedestrian flow. The Traffic Section have not raised any concerns.

Given the above, the proposals comply with UDP Policy EN1/9 - Advertisements.

Response to objection - The application has been submitted retrospectively following investigation and advice from the Enforcement Team. As the signs require advert consent, due to their size, the applicant has been given the opportunity to apply and have the proposal assessed which is considered to be a reasonable approach by the Council.

Advert applications are assessed with regard to amenity and safety, as addressed in the above report, and not the content or legality of a sign. Whether the enforcement of parking is lawful is not as a result of signage wording and is not for the planning process to determine.

The site has been a car park for some years however it is private land which an owner/tenant may now wish to regulate.

The agent has corrected the Design and Access Statement with reference to 17 signs and maximum stay enforcement not pay and display.

Advertising of any form is intended to attract the attention of passers by. The siting of the signs within the car park are not considered to cause confusion or distraction and both motorists and pedestrians have a responsibility to take reasonable precautions for their own safety.

A separate application has been submitted for the ANPR cameras.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Standard Conditions

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

2. No advertisement shall be sited or displayed so as to -

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

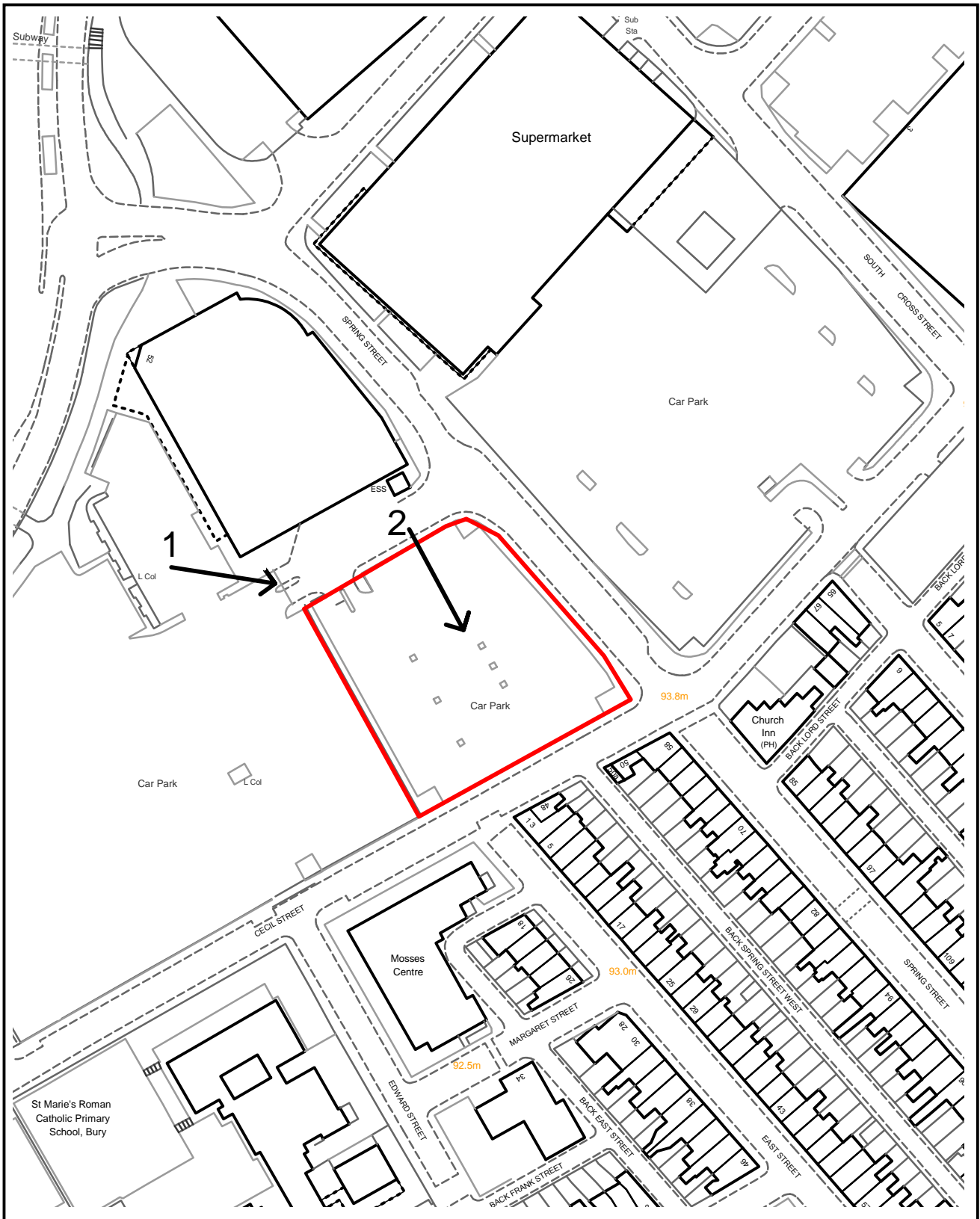
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason for standard conditions: In the interests of amenity and in accordance with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 59795

**ADDRESS: DW Sports
Angouleme Way
Bury**

Planning, Environmental and Regulatory Services



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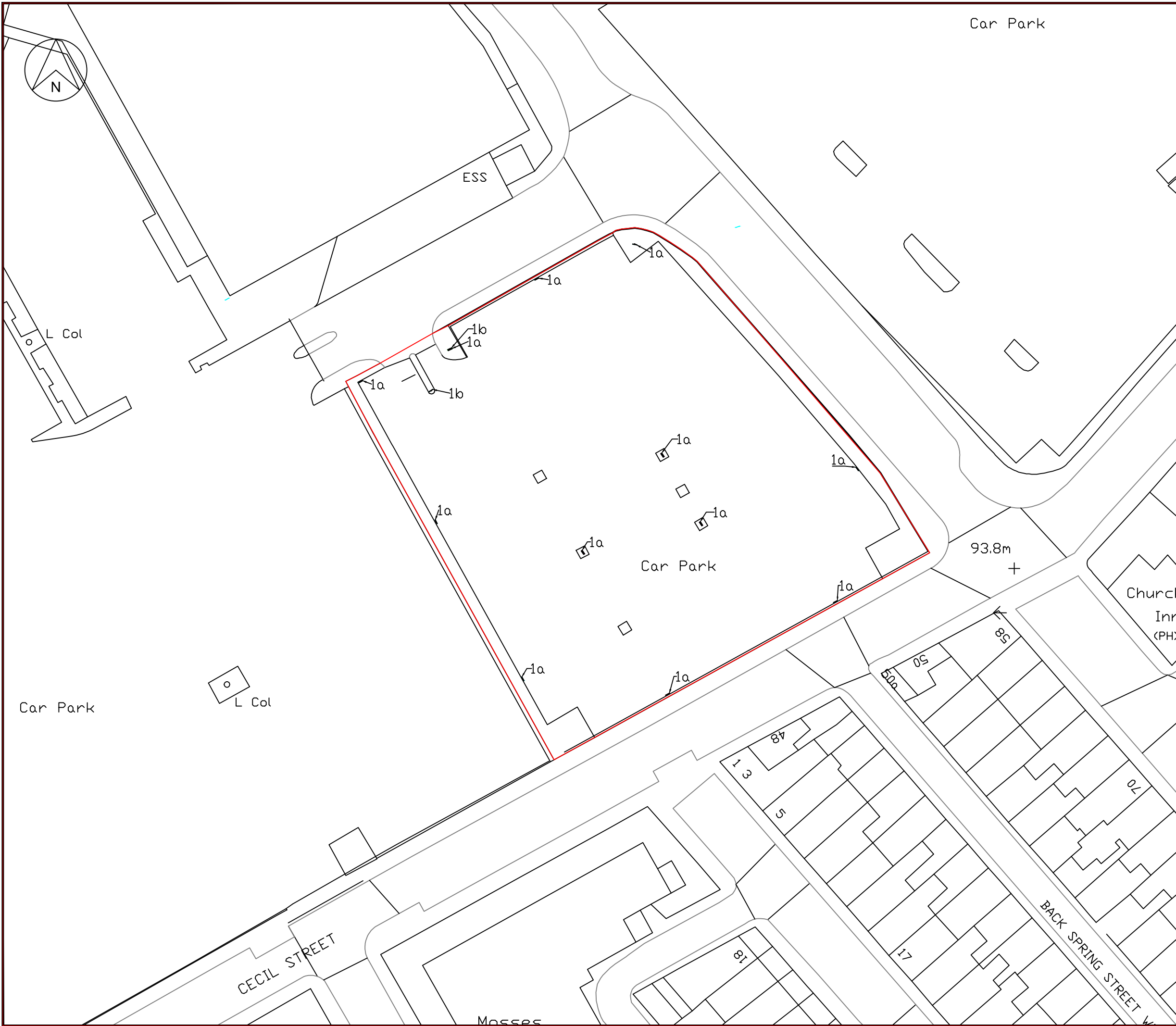
59795

Photo 1



Photo 2





- Notes:**
- Contractors to check dimensions and notify any discrepancies or errors to the company immediately.
 - Work to figured dimensions only and to be checked before commencement of work on site.
 - Do not scale off this drawing.
 - All dimensions in millimeters unless otherwise stated.

- Legend:**
- Site Boundary
 - Single Sign on Existing Pole
 - ▭ Double Sign on Existing Pole
 - Single Sign on New Pole
 - ▭ Double Sign on New Pole

A	For Planning	MA	MA	MR	03/02/2016
Rev	Purpose Of Issue	Drn	Ckd	App	Date

ParkingEye
car park solutions

Office Contact:
40 Eaton Avenue, Matrix Park
Buckshaw Village, Chorley,
Lancashire, PR7 7NA

Tel: 01772 450 970
Fax: 01772 450 979
Email: ops.civils@parkingeye.co.uk

Client: DW Sports

Project: Bury

Title: Signage Site Plan

Purpose: Information	Drawn: M Aiken	Date: 19/02/2016
Status: Planning	Checked: M Aiken	Date: 19/02/2016
Scale @ A3: 1:500	Approved: M Robinson	Date: 19/02/2016

Drg. No: C-685-003	Rev: A
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Signage Templates (All signage in accordance to BPA Regulation and Standards)

17 signs in total, 1 size:

Sign Type 1a – 600mm x 800mm



Customer Only Car Park

 For use by DW Sports customer only

30 Minutes Max Stay

-  **Gym Members:** Please enter your full, correct vehicle registration at the terminal in reception on arrival, to obtain a parking permit - Parking limited to 4 hours
-  Park within marked bays, members must not double park
-  Blue Badge holders only in marked bays
-  No parking on yellow lines/hatched areas

Failure to comply with the terms & conditions will result in a Parking Charge of: **£85**

THIS CAR PARK IS PRIVATE PROPERTY. THE USER OF THIS CAR PARK AGREES TO BE BOUND BY THE TERMS AND CONDITIONS OF THE SIGNAGE AND TO ACCEPT THE PARKING CHARGE IN FULL. THE USER OF THIS CAR PARK AGREES TO BE BOUND BY THE TERMS AND CONDITIONS OF THE SIGNAGE AND TO ACCEPT THE PARKING CHARGE IN FULL. THE USER OF THIS CAR PARK AGREES TO BE BOUND BY THE TERMS AND CONDITIONS OF THE SIGNAGE AND TO ACCEPT THE PARKING CHARGE IN FULL.

This car park is private property

ParkingEye Ltd
Telephone 0844 247 2951
PO BOX 565, Chorley, PR8 6HT

 Car park monitored by ANPR systems



ParkingEye Limited

Office

40 Eaton Avenue, Matrix Park
Buckshaw Village, Chorley,
Lancashire, PR7 7NA

Contact

Tel: 01772 450 970
Fax: 01772 450 979
Email: info@parkingeye.co.uk

Sign Type 1b – 600mm x 800mm



ParkingEye Limited

Office

40 Eaton Avenue, Matrix Park
Buckshaw Village, Chorley,
Lancashire, PR7 7NA

Contact

Tel: 01772 450 970
Fax: 01772 450 979
Email: info@parkingeye.co.uk

Ward: Radcliffe - East

Item 11

Applicant: Mr Keith Fairhurst

Location: 115-119 Bury Road, Radcliffe, Manchester, M26 2UT

Proposal: Raising of roof height of warehouse by 3.2m to create mezzanine storage level; First floor office extension at front

Application Ref: 59806/Full

Target Date: 21/04/2016

Recommendation: Approve with Conditions

Description

The application relates to an existing steel portal framed industrial warehouse and adjoining office on the west side of Bury Road. Cocklestorm fencing is located to the north/west and there is a car park. The steel clad warehouse building, measuring 64m by 18m, and the adjacent brick built office (11m by 9m), are part of a well established small complex of industrial/commercial buildings. The applicant's company has operated on the site for more than 30 years and produces polystyrene products.

It is proposed to raise the roof height of the warehouse from 8.61m to 11.76m with the eaves going from 5.22m to 8.37m. The adjacent office building would be raised to 8m to create a new first floor.

The extensions are required to allow the company to create additional storage space in the warehouse and additional office space and staff facilities.

As the additional space would be created within the same footprint of the existing buildings, the external parking area would remain unaffected.

Relevant Planning History

52845 - Erection of 2.4 - 3 m high fence and gates to enclose storage area; Landscaping and floodlighting to display area at front; Infilling of redundant water course (resubmission) - Approve 08/10/2010

55665 - Prior notification of proposed demolition of substation. - Prior Approval Required and Granted 29/10/2012

Publicity

The following neighbours were notified by letter dated 02/03/16.
23-33 Olsberg Close, 32, 34, Radcliffe Boys Club, Withins Lane,
62 - 88, 111, 113, 113A (Ellen Court), 121 - 104 Bury Road.

One objection has been received from the residents at 96 Bury Road. Concerns are summarised below.

- The storage level/office will overlook our property; this will lead to a loss of privacy and will certainly impact on the peaceful enjoyment of our home and garden.
- The building will be visually overbearing. It is an inappropriate design for this part of town.
- Such a large building would be totally out of keeping with the neighbouring properties which are mainly smaller houses and single storey bungalows.
- Parking will be adjacent to our garden and home causing noise, pollution and dust at all times of the day and night.
- Bury Road is already a busy and congested road; this additional concentration of traffic and roadside parking will cause traffic problems and create a safety hazard for other

motorists.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health - No objection.

Greater Manchester Ecology Unit - No objection. The development is in a relatively high risk location with regard to bats with the MBB Canal behind the site. However the building is a modern frame building, with no roof space, with sky lights and in use. The building therefore has limited bat potential. The building is low risk for nesting birds. Informatives are recommended.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EC2/2	Employment Land and Premises
EC3/1	Measures to Improve Industrial Areas
EC4/1	Small Businesses
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises
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.

Policy - UDP Policy EC2/2 Employment Land and Premises Outside the Employment Generating Areas, encourages the retention of existing employment land and premises outside the Employment Generating Areas.

EC4/1- Small Businesses states that proposals for small businesses will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area in which it is to be located, and where they do not conflict with other policies and proposals of the Plan.

EN1/2 - Townscape and Built Design. The Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to be considered when assessing proposals will include:

- a) the external appearance and design of the proposal in relation to its height, scale, density and layout;
- b) the relationship of the proposal to the surrounding area;
- c) the choice and use of materials;
- d) access and other design features for the mobility impaired;
- e) the design and appearance of access, parking and service provision;
- f) landscaping, including the use of natural landscape features, and open space provision;
- g) the use of lighting.

Use - The use of the site and premises would not change and remains in industrial use. The alterations to the building would allow the company to remain in this well established

commercial location and as such, the proposal is welcomed.

Visual amenity - The main issue is the impact of the higher roof on the streetscape and surrounding residents. The building is set well back from Bury Road and viewed against the existing buildings within the commercial complex, the visual impact of the higher roof profile on the streetscape would not be so incongruous or out of scale as to warrant refusal. The proposal is acceptable and complies with UDP Policy EN1/2 Townscape and Built Design.

Residential amenity - Given that the main changes are the additional storage space within the existing warehouse and the additional office accommodation, allowing the business to develop and staff to increase from 14 to 18, there are no serious residential amenity issues arising. The additional offices would have windows facing Bury Road and houses opposite, the 'window to window' distance would be approximately 41m which is well in excess of the separation distance for residential premises. The impact of noise/dust and disturbance from additional traffic, given the limited scale of the development, would not be significant.

Highways and parking - The site has sufficient off-street parking (approx 30 spaces) to cater for the potential increase in commercial activity and additional staff. The additional floorspace would not be so great as to mean there would be a significant increase in commercial activity or traffic above the existing levels on this part of Bury Road. The proposal therefore is acceptable and complies with UDP Policies EC4/1 Small Businesses and HT2/4 Car Parking and New Development with regard to parking.

Objection - The issues raised by the objector have been addressed in the above report.

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.

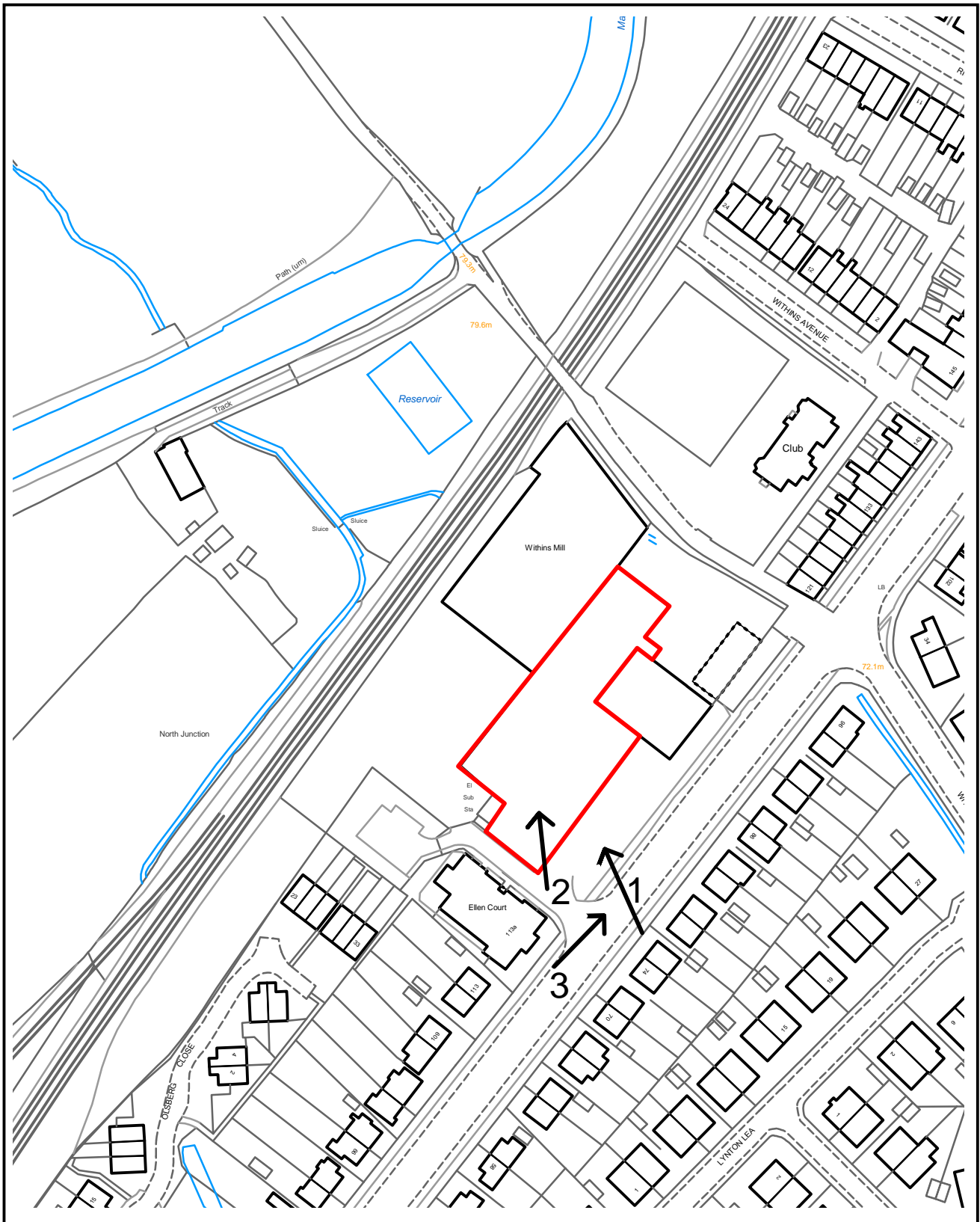
Recommendation: Approve with Conditions

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 636/MCL/LP, SLP, PL1, PL2, PL3, PL4 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 external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 59806

**ADDRESS: 115-119 Bury Road
Radcliffe**

Planning, Environmental and Regulatory Services

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59806

Photo 1



Photo 2

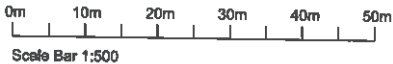


59806

Photo 3

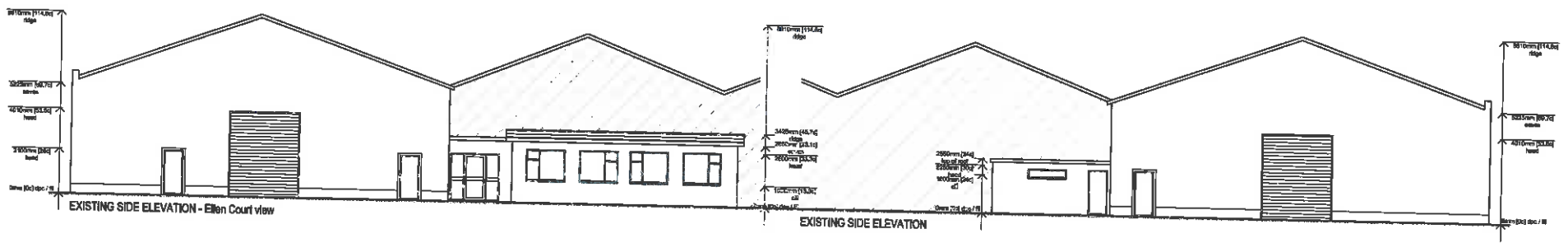
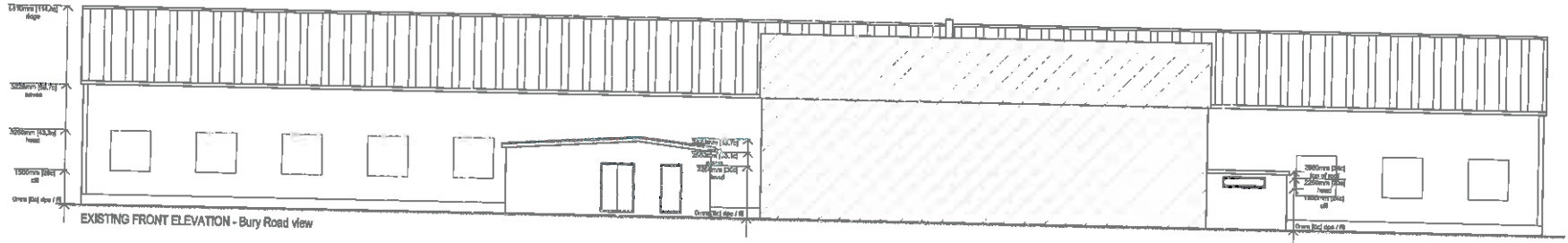


Molygran & Co Ltd 115-119 Bury Rd, Radcliffe, Manchester M26 2UT



 bpd Architecture chartered practice <small>11, Riverside Plaza, 8 East Terrace Bus, Park, Eccles Lane Bolton, Greater Manchester PO1 0TB Tel: 01257 226510 web: www.bpdarchitecture.co.uk email: info@bpdarchitecture.co.uk</small>			
Project Molygran & Co Ltd 115-119 Bury Rd, Radcliffe, Manchester M26 2UT			
Title Proposed Site Layout Plan			
Scale 0/02 1:500	Date Nov 2015	Job Job 636	Drawn NMB
Job No 636/MCL/SLP			Rev -

Molygran & Co Ltd 115-119 Bury Rd, Radcliffe, Manchester M26 2UT



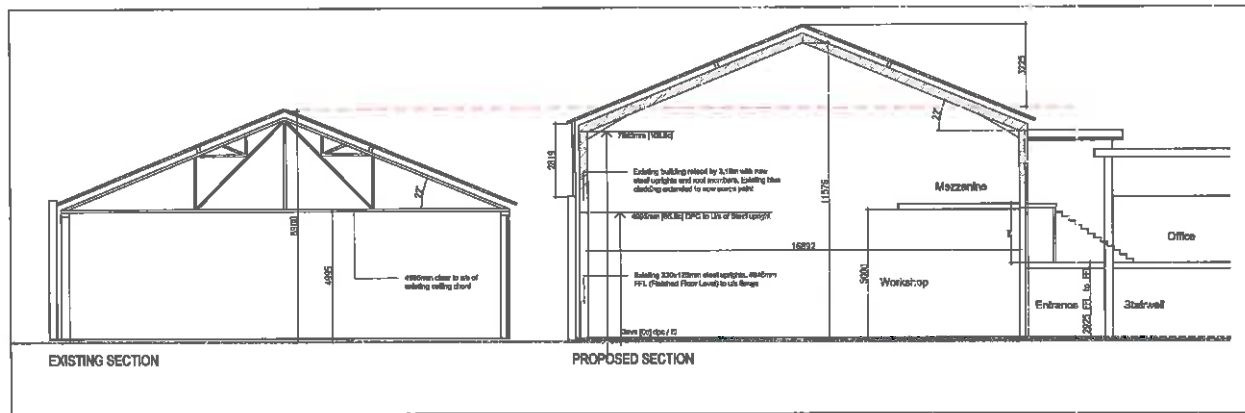
bpd Architecture
 chartered practice
 115-119 Bury Road, Radcliffe, Manchester M26 2UT
 Tel: 0161 275 2200
 Email: info@bpdarch.co.uk

Project:
**Molygran & Co Ltd 115-119 Bury Rd,
 Radcliffe, Manchester M26 2UT**

Drawings:
Existing Elevations

Drawn by: CWB	Date: 18th 2018	By: JMB	Scale: AS SHOWN
Check by:			
638/MCL/PL2			

Molygran & Co Ltd 115-119 Bury Rd, Radcliffe, Manchester M26 2UT



bpd Architecture
Chartered Practice
11, South Street, 8th Floor, Radcliffe, Manchester M26 2UT
Tel: 01207 529610
www.bpda.co.uk

Project:
**Molygran & Co Ltd 115-119 Bury Rd,
Radcliffe, Manchester M26 2UT**

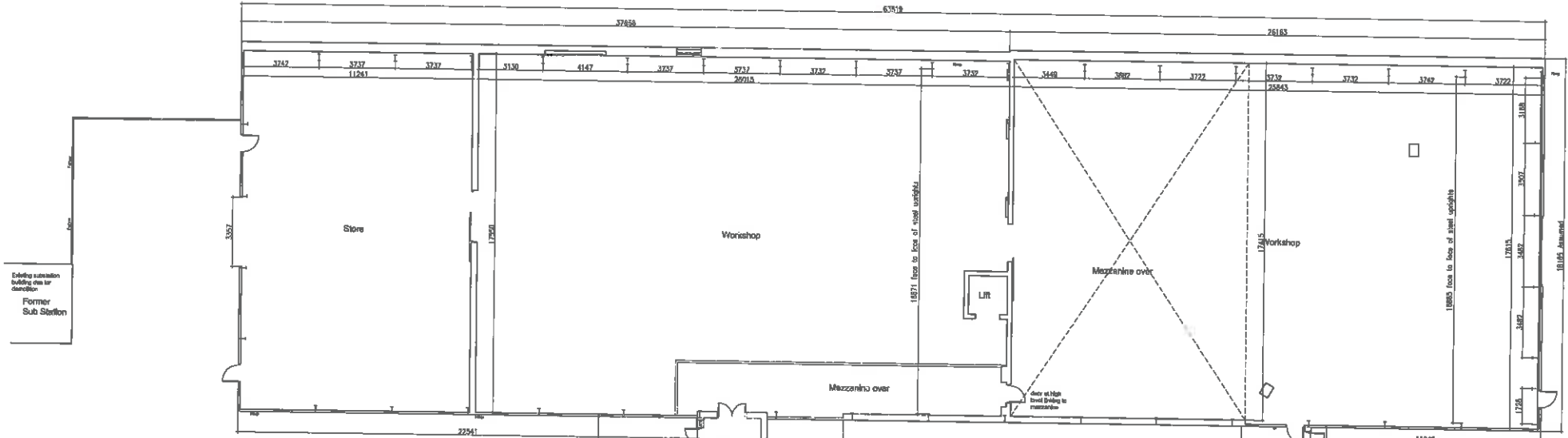
Title:
**Proposed Elevations and
Section Information**

Drawn By	Date	Check By	Date	Issue
L100	04/22/23	John 030	08/03	001

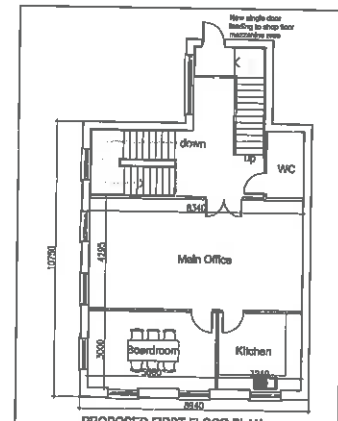
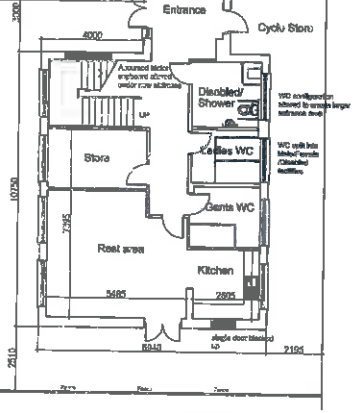
Scale:
630/MCL/PL4

Sheet:
A

Molygran & Co Ltd 115-119 Bury Rd, Radcliffe, Manchester M26 2UT



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



bpd Architecture
 chartered practice
 115-119 Bury Road, Radcliffe, Manchester M26 2UT
 Tel: 01207 220610
 www.bpdarchitecture.co.uk

Project
Molygran & Co Ltd 115-119 Bury Rd, Radcliffe, Manchester M26 2UT

Site
Proposed Floor Plan

Scale 1:500	Date: May 2010	Job: 638	Drawn: BMS
638/MCL/PL3			Rev: A

Ward: Bury East - Moorside

Item 12

Applicant: Miss Lang

Location: Woodfield Retail Park, Peel Way, Bury, BL9 5BY

Proposal: 43 No. non-illuminated pole mounted car park management signs and banner sign (retrospective)

Application Ref: 59814/Advertisement

Target Date: 05/05/2016

Recommendation: Approve with Conditions

Description

The site is a car park which serves a retail park in the town centre accessed off Peel Way. It contains 6 retail units, a drive through restaurant and petrol station.

The application seeks advertisement consent for 43 non illuminated car park management signs that have been erected on lighting columns and poles and a banner. The signs range in size from 600mm by 800mm, 700mm by 900mm and 600mm by 600mm and are constructed from a composite aluminium / plastic material. The banner is pvc and 5m wide by 1m high attached to railings at the roundabout entrance within the site.

The application has been submitted following an investigation and advice from the Enforcement Team.

Relevant Planning History

59813 - Retention of 2 no. automatic number plate recognition cameras mounted on 6 metre high columns - Pending.

Publicity

None required.

Two objections have been received. One from a resident at Seedfield Road, Bury and one anonymous. The concerns in summary are:-

- Regulation 30 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) indicates that this is a criminal offence to erect advertising signs without consent (subject to certain limitations). The presence of the signs at Woodfields Retail Park are therefore unlawful and a company should not be able to retrospectively gain permission for an unlawful activity particularly given that the company in question is profiting from that activity by issuing parking charges to motorists.
- Bury Council should not approve the application for these signs as it could show the council is condoning such unlawful activity.
- Section 29 of the application states that the signs cannot be seen from the public road yet they are clearly visible from Peel Way.
- The Parking Eye Design and Access Statement states the purpose of the proposal is for this unused car park into a working car park that will provide sufficient parking for the area into a Car Park Management System via Automatic Number Plate Recognition . This unused claim is false as the car park has been in use for years serving the retail park.
- Increased levels of advertising in a car park would be a safety hazard as it could distract drivers on the roadways in an area (car park) where pedestrians and vehicles co-habit the same space.
- Car parks also have low visibility, as a result of parked cars blocking a drivers line of sight and are places where pedestrians will be walking in and out of parked vehicles

making pedestrians harder to spot, with the risk of a collision increased if there are children present.

- Anything that may distract a driver in a car park such as advertising signs for a car park management company should not be permitted on safety grounds.
- The Design & Access statement is wrong as there is no pay and display element to the car park. The title of the document suggests it is only referring to the ANPR cameras, not the signage.
- Before reaching a decision google 'parking eye accounts' and search on all the major newspapers, BBC and YouTube. You may reach the same conclusion about this devious, money grabbing company.
- If the ok is given why not insist on a parking barrier and a message on the entrance to every trader 'Remaining in this car park for more than 3 hours will result in a fine.'

The objector who supplied an address has been notified of the Planning Control Committee meeting.

Consultations

Traffic Section - No objection.

Unitary Development Plan and Policies

EN1/9 Advertisements

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.

UDP Policy EN1/9 relates to adverts and signage and states that proposals should have regard to the character of the locality, scale of the existing building and land use and be considered on their impact on amenity and safety.

Amenity - The signs are spaced around the car park and are of an acceptable size in relation to the scale of the site and do not appear intrusive or sit closely to each other to cause visual clutter.

The banner is located on railings close to the site entrance and is temporary in both its appearance and materials. It is therefore considered that this sign should not be a permanent feature and it is recommended that it is removed within 12 months.

Safety - The signs are placed around the car park on poles or lighting columns to the edge of the site or away from the main pedestrian walkways. They are not directional and it is not considered that they cause any confusion to drivers within the site nor obstruct motorists visibility or pedestrian flow. The Traffic Section have not raised any concerns.

Given the above, the proposals comply with UDP Policy EN1/9 - Advertisements.

Response to objection - The application has been submitted retrospectively following investigation and advice from the Enforcement Team. As the signs require advert consent, due to their size, the applicant has been given the opportunity to apply and have the proposal assessed which is considered to be a reasonable approach by the Council.

Advert applications are assessed with regard to amenity and safety, as addressed in the above report, and not the content or legality of a sign. Whether the enforcement of parking is lawful is not as a result of signage wording and is not for the planning process to

determine.

Section 29 of the application form is information for the Planning Authority with regard to carrying out the site visit.

The site has been a car park for some years however it is private land which an owner/tenant may now wish to regulate.

The agent has corrected the Design and Access Statement with reference to it being maximum stay enforcement and not pay and display.

Advertising of any form is intended to attract the attention of passers by. The siting of the signs within the car park are not considered to cause confusion or distraction and both motorists and pedestrians have a responsibility to take reasonable precautions for their own safety.

A separate application has been submitted for the ANPR cameras.

The addition of a barrier or notices on the units regarding fines are not matters that can be insisted upon as part of the consideration of this application.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Standard Conditions

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

2. No advertisement shall be sited or displayed so as to -

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason for standard conditions: In the interests of amenity and in accordance with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

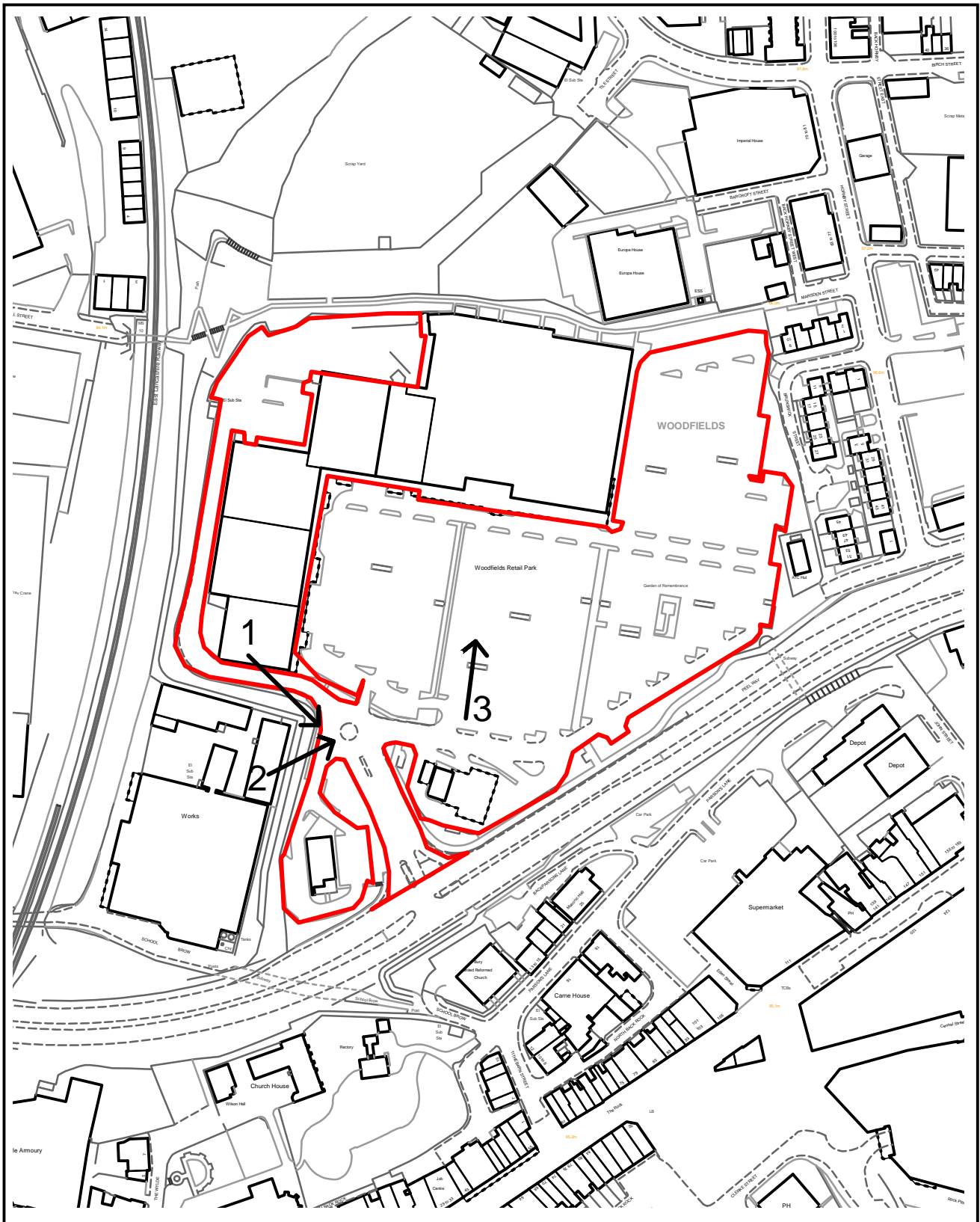
2. The Express Consent hereby granted for the banner sign is for a limited period only, namely for a period expiring 1 year from the date of this Express Consent

being granted. The use should then cease and the associated structures should be removed from the site within 30 days of that date and the site made good to the satisfaction of the Local Planning Authority.

Reason. The development is of a temporary nature only pursuant to Bury Unitary Development Plan Policy EN1/9 - Advertisements.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 59814

**ADDRESS: Woodfield Retail Park
Peel Way, Bury**

Planning, Environmental and Regulatory Services

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59814

Photo 1



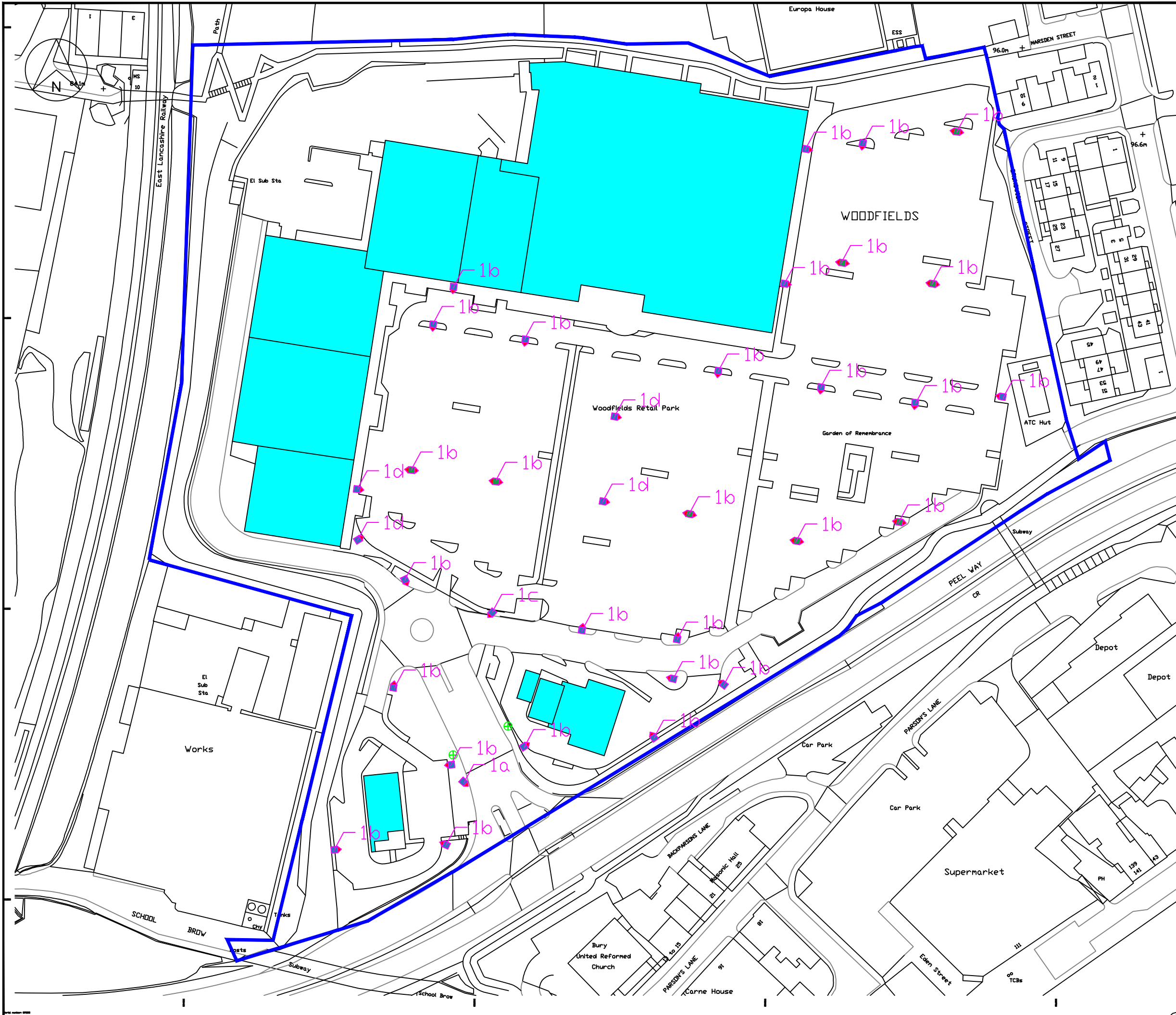
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


59814

Photo 3





- Notes:**
- Contractors to check dimensions and notify any discrepancies or errors to the company immediately.
 - Work to figured dimensions only and to be checked before commencement of work on site.
 - Do not scale off this drawing.
 - All dimensions in millimeters unless otherwise stated.

- Legend:**
-  Land Boundary
 -  Single sign on post
 -  Back-to-back sign on post
 -  ANPR Camera & Column

Rev	Purpose Of Issue	Drn	Ckd	App	Date
-----	------------------	-----	-----	-----	------

ParkingEye
car park solutions

Office Contact:
40 Eaton Avenue, Matrix Park
Buckshaw Village, Chorley,
Lancashire, PR7 7NA

Tel: 01772 450 970
Fax: 01772 450 979
Email: ops.civils@parkingeye.co.uk

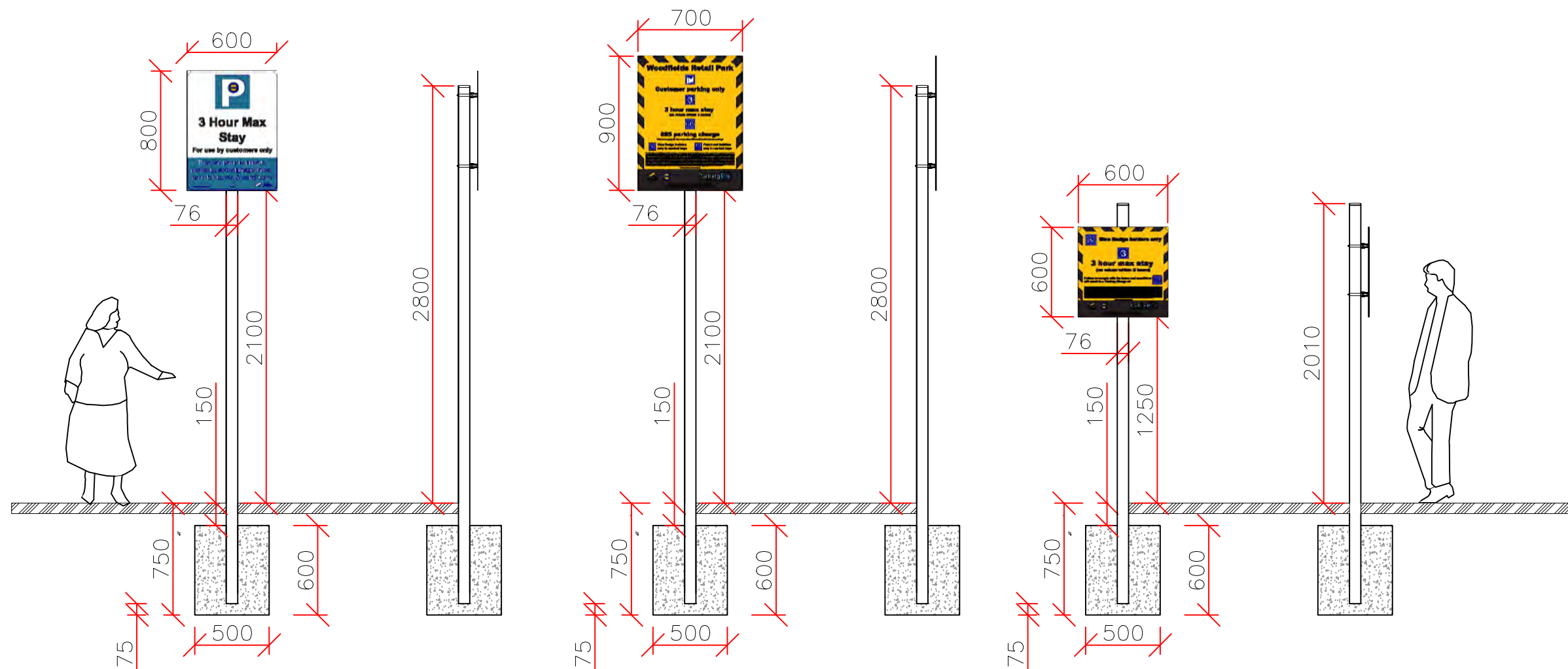
Client: British Land

Project: Woodfields Retail Park

Title: Site Plan

Purpose: Information	Drawn: <i>R. Watson</i>	Date: 25/02/2016
Status: Planning	Checked: <i>S. Lang</i>	Date: 25/02/2016
Scale @ A3: 1:1250	Approved: <i>R. Watson</i>	Date: 25/02/2016

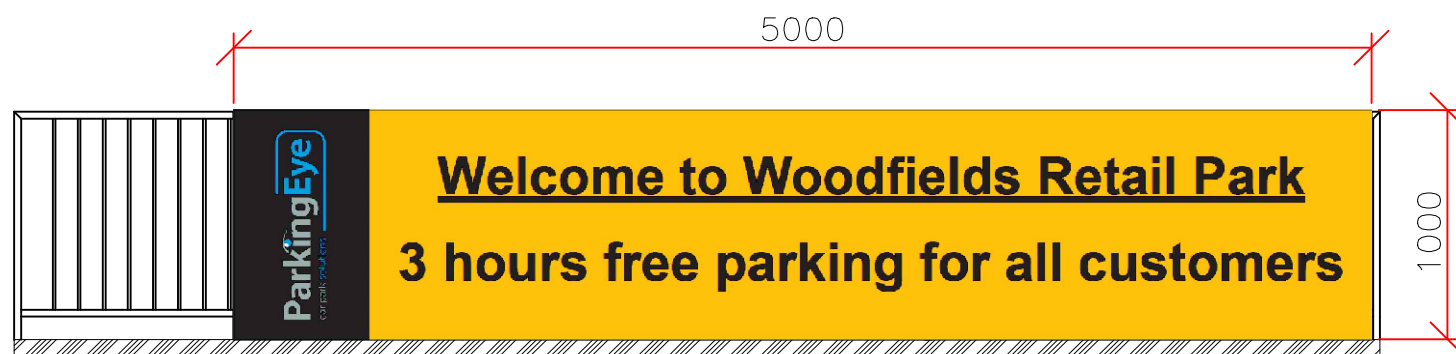
Drg. No: C-3260-002 Rev: A



POLE MOUNTED
SIGN 1A

POLE MOUNTED
SIGN 1B

POLE MOUNTED
SIGN 1B



GUARD RAIL MOUNTED
PVC BANNER 1C

Notes:

- Contractors to check dimensions and notify any discrepancies or errors to the company immediately.
- Work to figured dimensions only and to be checked before commencement of work on site.
- Do not scale off this drawing.
- All dimensions in millimeters unless otherwise stated.

Rev	Purpose Of Issue	Drn	Ckd	App	Date
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Office Contact:
40 Eaton Avenue, Matrix Park
Buckshaw Village, Chorley,
Lancashire, PR7 7NA

Tel: 01772 450 970
Fax: 01772 450 979
Email: ops.civils@parkingeye.co.uk

Client:
British Land

Project:
Woodfields Retail Park

Title:
Signage Details

Purpose: Information	Drawn: <i>R. Wabon</i>	Date: 26/02/2016
Status: Planning	Checked: <i>S. Lang</i>	Date: 26/02/2016
Scale @ A3: NTS	Approved: <i>R. Wabon</i>	Date: 26/02/2016

Drg. No: C-3260-003	Rev: A
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Ward: Ramsbottom + Tottington - Tottington

Item 13

Applicant: Mr & Mrs G Keeley

Location: 1 Claybank Cottages, Cann Street, Tottington, Bury BL8 3PG

Proposal: Single storey extension at side

Application Ref: 59839/Full

Target Date: 27/04/2016

Recommendation: Approve with Conditions

Description

The application site is a two storey terrace dwellinghouse at the end of a row of four stone cottages. It is finished in white render and has a double detached garage with a pitched roof at the side 1.50 metres from its gable end. It is situated within the Green Belt and the West Pennine Moor.

Other than the attached neighbour there are no other residential properties within 20 metres of the site and the area surrounding the site is open countryside.

The proposal is to replace the detached garage with a single storey side extension with a tiled pitched roof oriented the same as the main roof. It will be finished in white render to match the existing dwellinghouse.

The proposal would extend beyond the side wall of the dwellinghouse by 7.10 metres and have a height to its ridge of 3.80 metres. The existing detached garage has a height of 3.60 metres and its side wall is 7.00 metres from the gable of the dwelling.

Relevant Planning History

01798/E - Proposed roof works and conversion of garage - Enquiry completed 15/01/2016.

Publicity

Letter dated 11/3/16 to 2, 3, 5 Claybank Cottages, 50 Cann Street.

No representations have been received.

Consultations

None required.

Unitary Development Plan and Policies

EN9/1 Special Landscape Areas

OL1 Green Belt

OL7/2 West Pennine Moors

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt

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.

For the avoidance of doubt this proposal has received no objections but is required to be brought before the Planning Control Committee under the Councils' rules of delegation as the applicant is an elected member of Bury Council.

Green Belt - The property is situated within the Green Belt and given its screened position would not be visible from Turton Road or Cann Street. The proposed extension would be constructed with a design and materials that would match the existing house and the ridge height would not be any higher than the main dwelling. The proposed extension would not equate to more than the recommended limit of one third of the volume of the original dwellinghouse and there have been no previous extensions. The proposal would be on the same footprint as the garage it is replacing and is similar in its scale and massing to the garage it would replace. As such it would not reduce the openness of the Green Belt by more than the existing garage does or be detrimental to its character or the character of the West Pennine Moors. As such the proposal would comply with adopted UDP policies OL7/2 - West Pennine Moors, OL1 - Green Belts and Supplementary Planning Document SPD 8 - New Buildings and Associated Development in the Green Belt.

Visual Amenity - The proposed extension would not be visible from longer distances due to its location and screening by trees to the south and west. The design is acceptable in terms of its scale massing and materials and therefore would not be detrimental to visual amenity of the dwellinghouse or the street scene of the four cottages. As such the proposal would comply with adopted UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity - There are no residential amenity issues.

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.

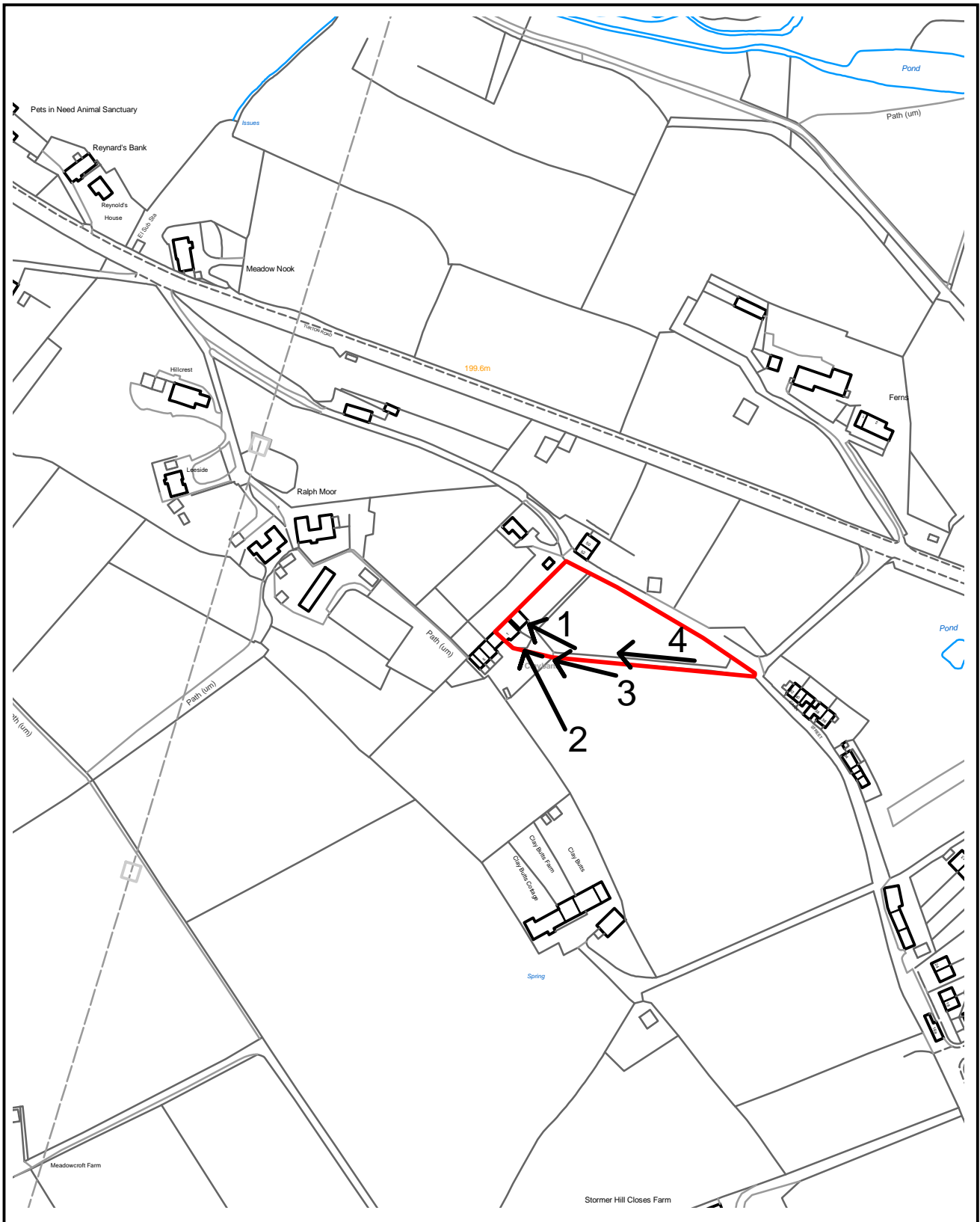
Recommendation: Approve with Conditions

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 1 x unreferenced plan showing existing and proposed floor plans and existing elevations dated February 2016 and 1 x unreferenced plan showing proposed elevations dated February 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.

For further information on the application please contact **Mark Kilby** on **0161 253 7639**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 59839

**ADDRESS: Claybank 1 Cann Street
Tottington**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

59839

Photo 1



Photo 2



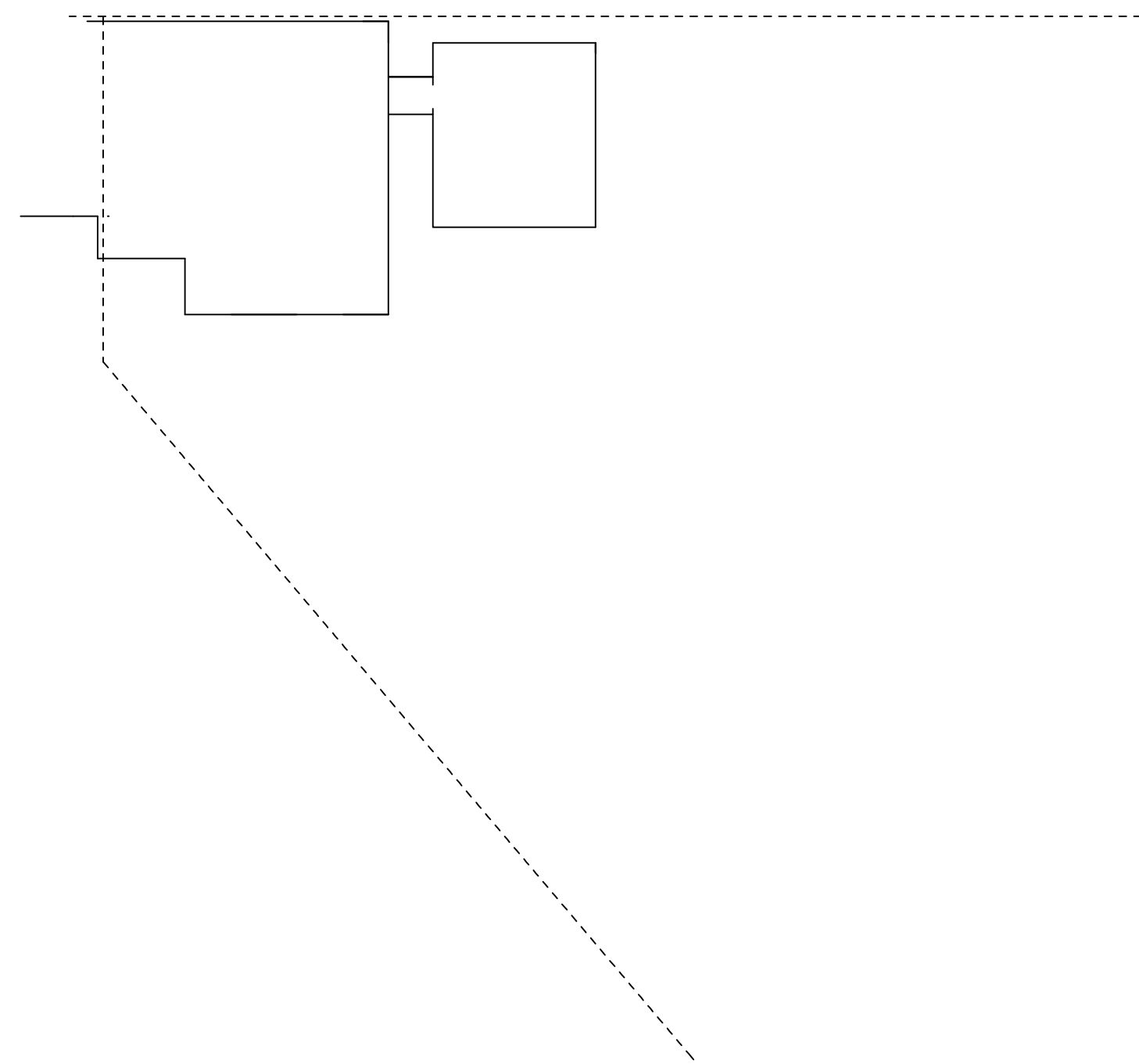
59839

Photo 3

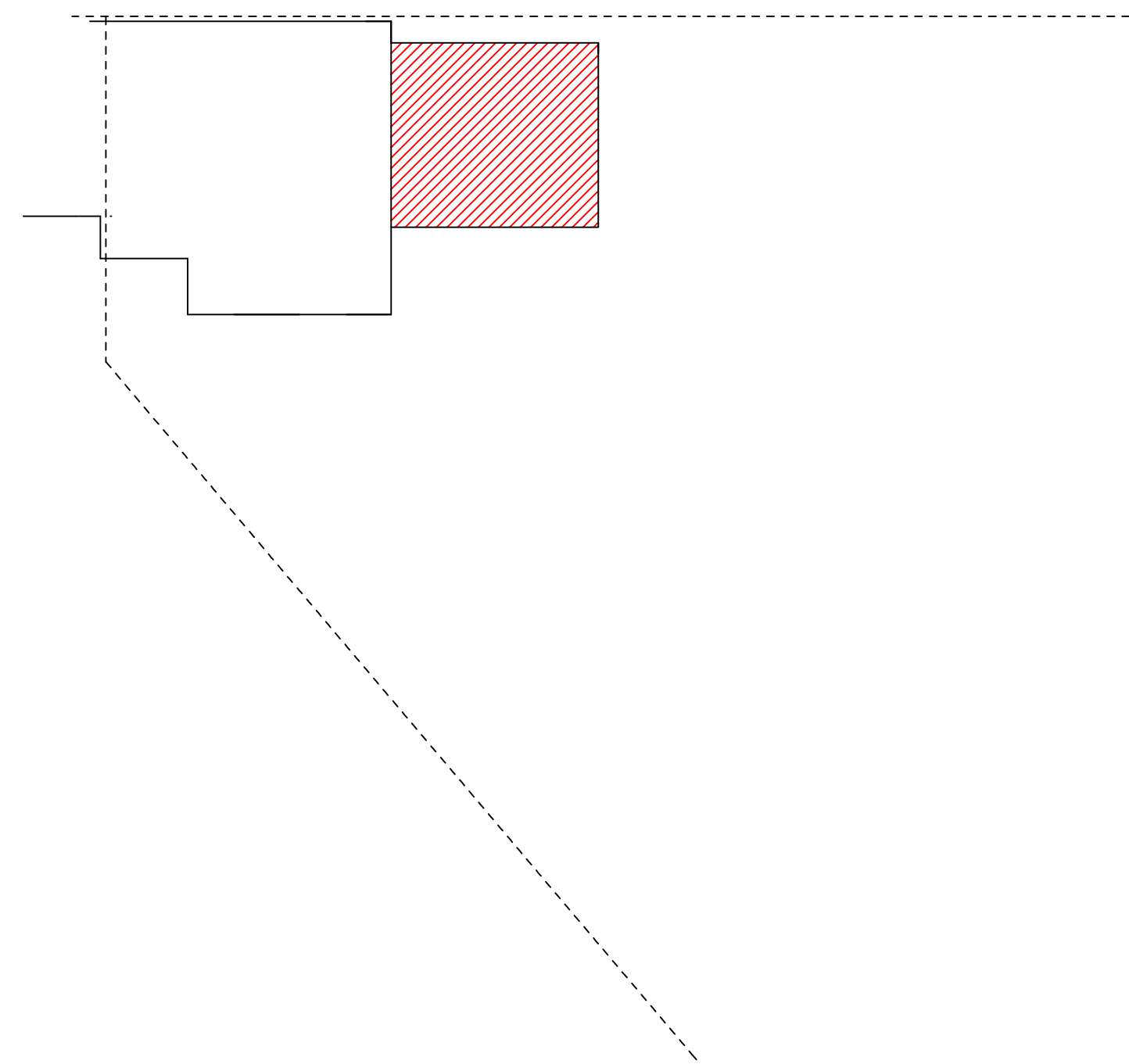


Photo 4

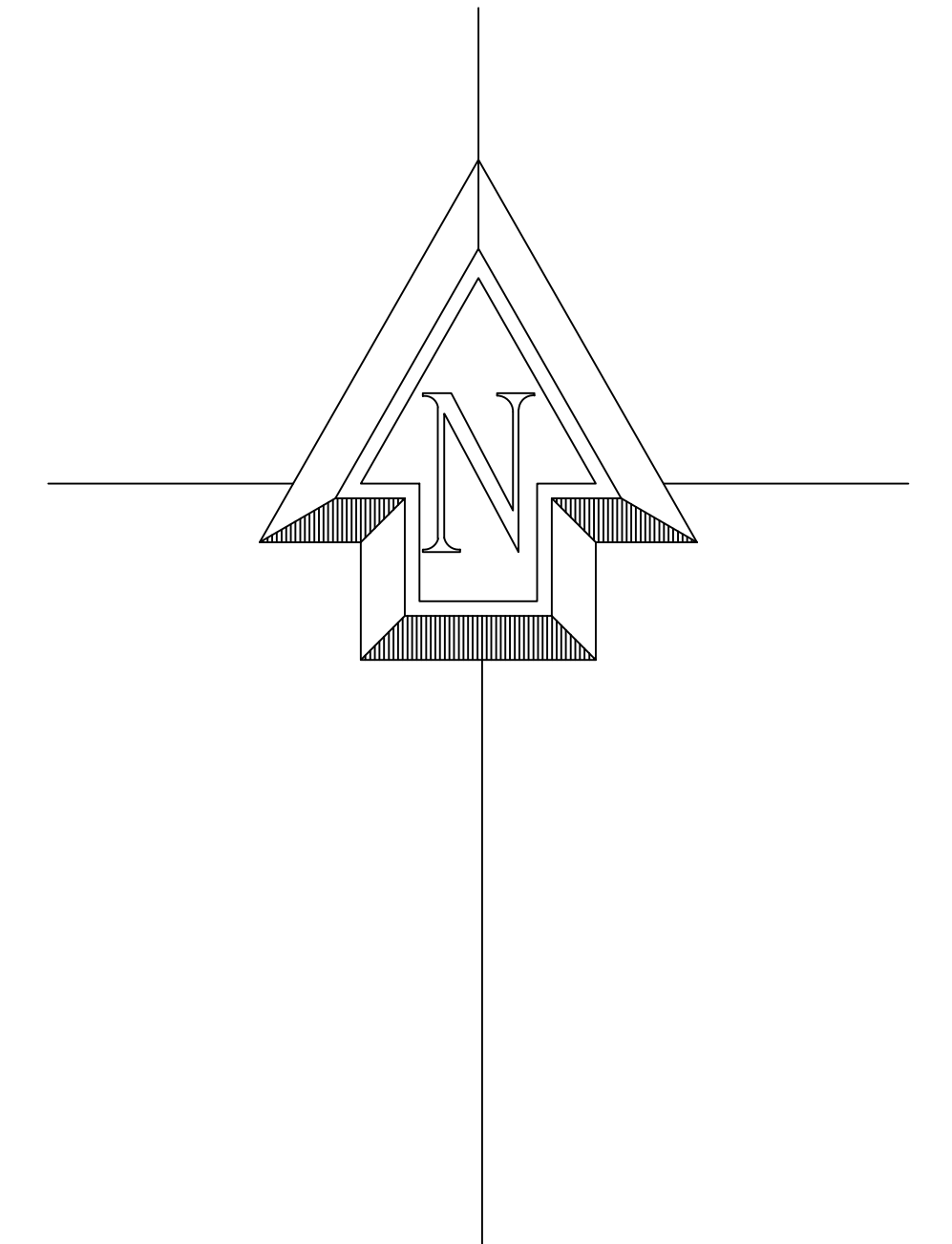




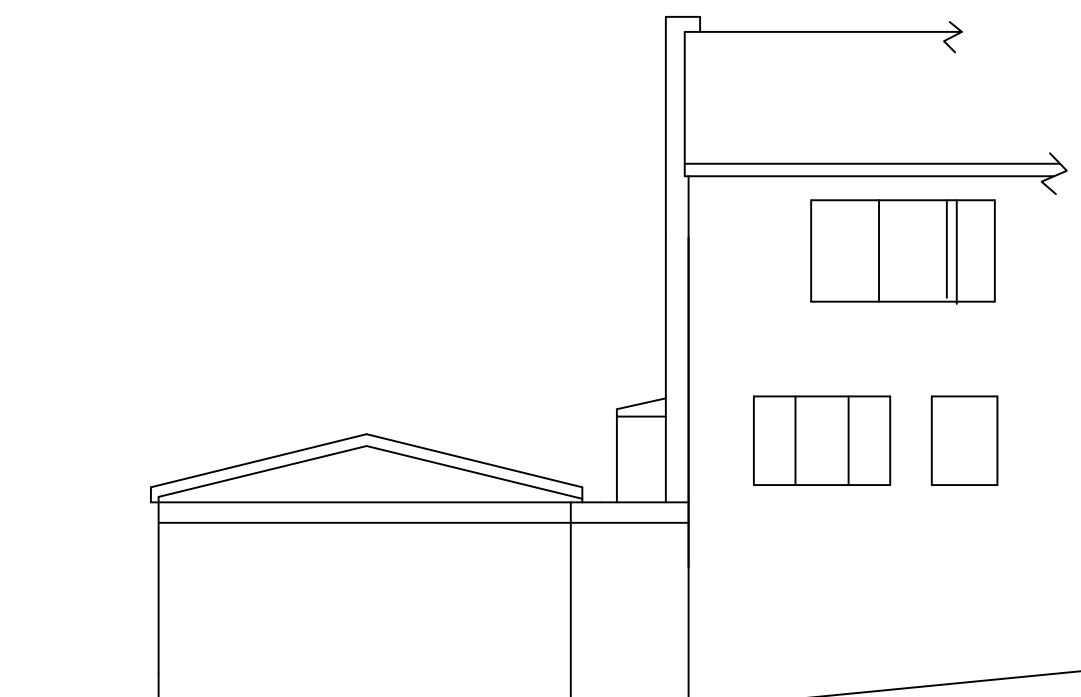
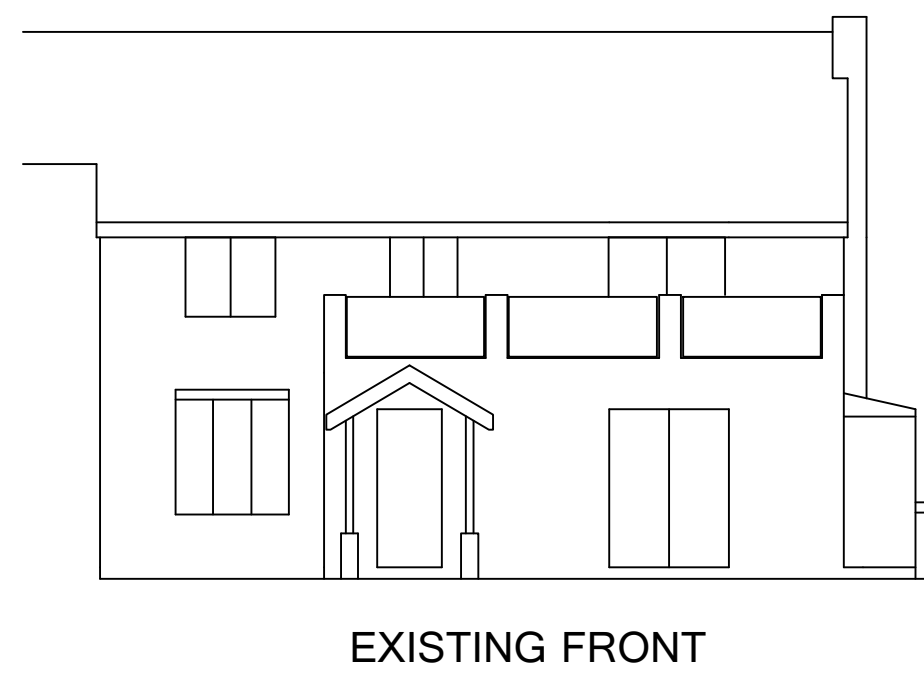
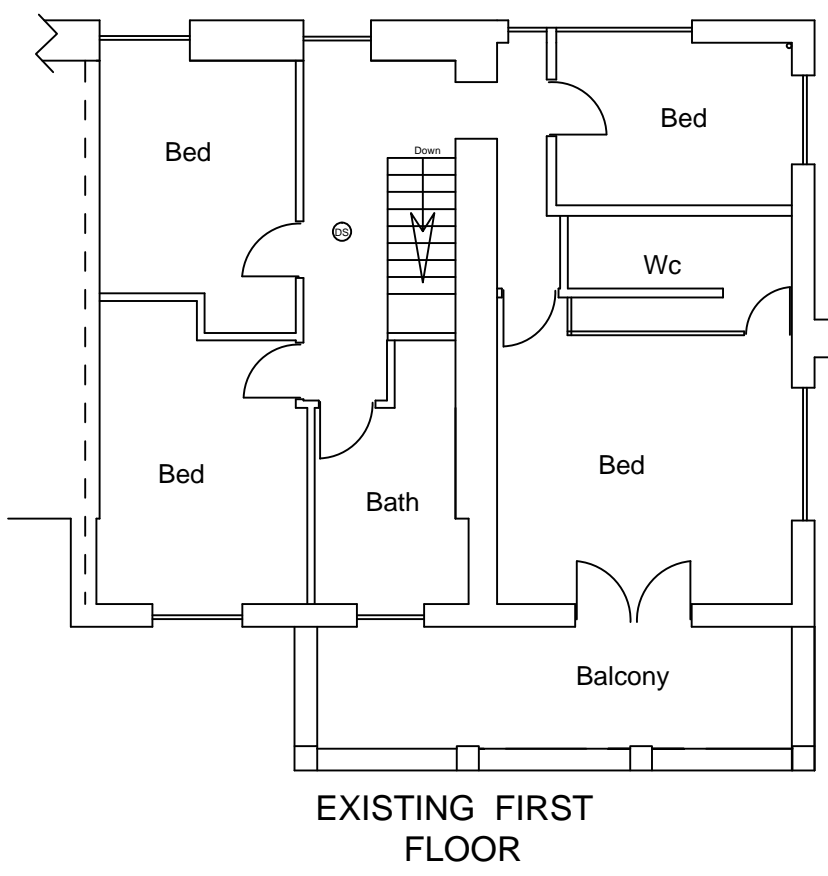
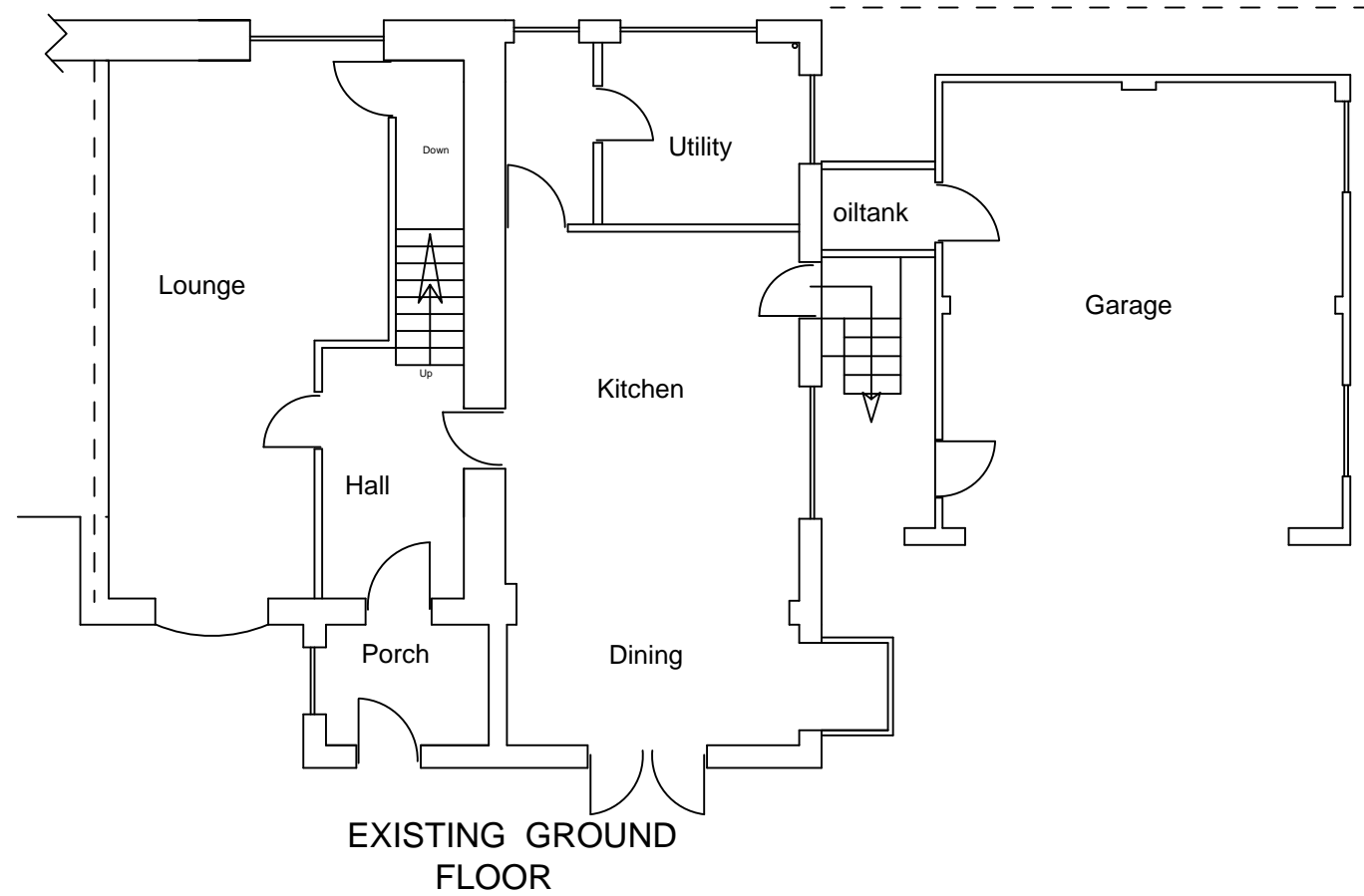
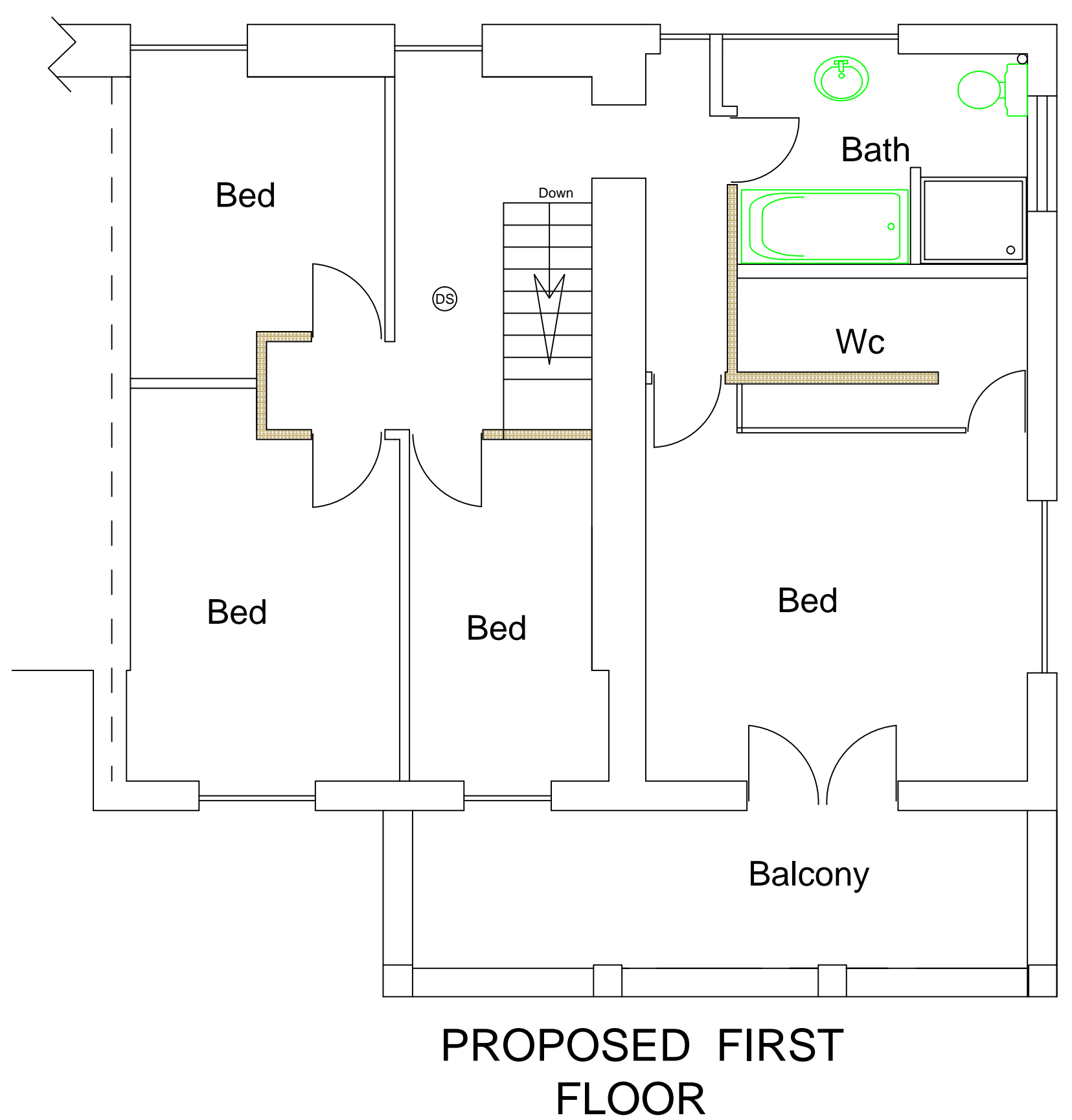
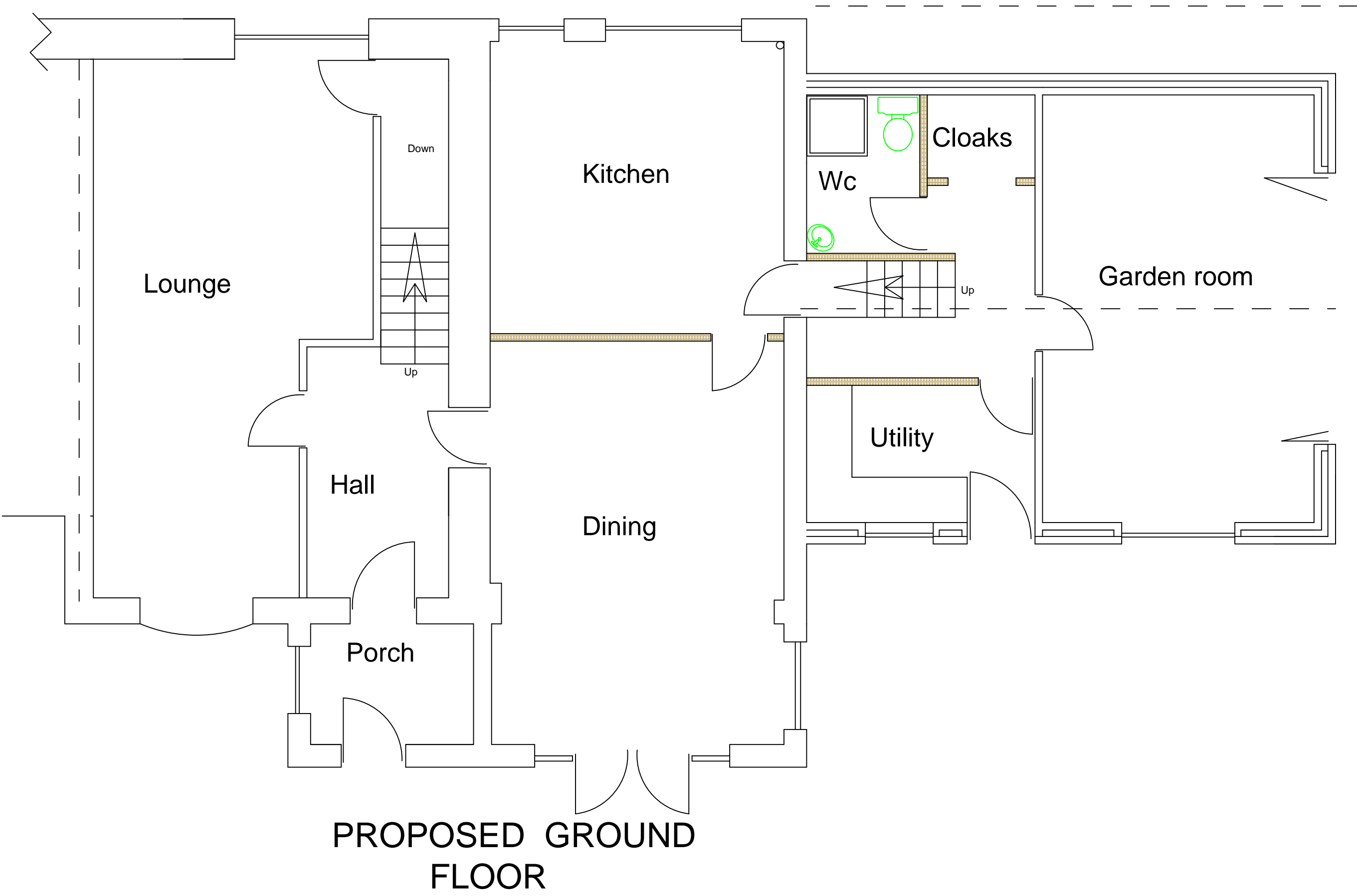
EXISTING SITE PLAN



PROPOSED SITE PLAN



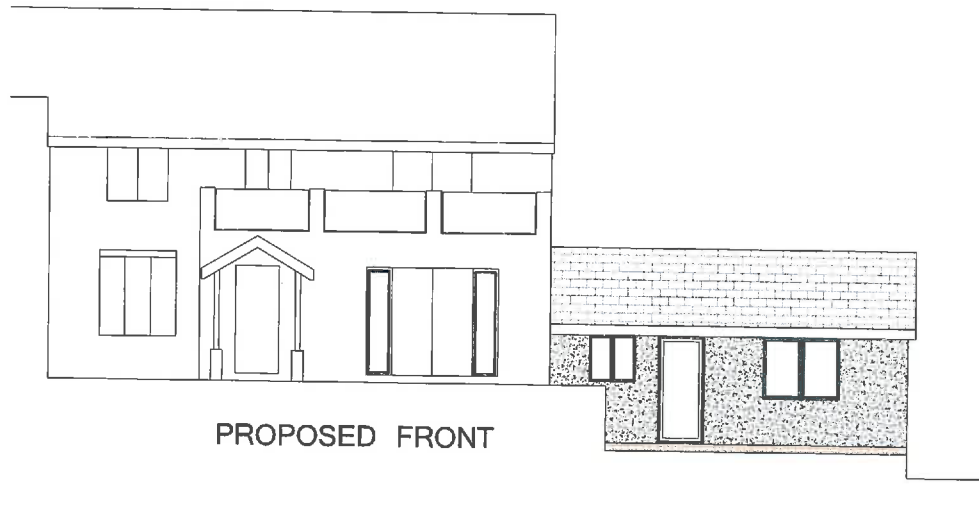
Proposed extension at :	
1 Claybank Cottages Tottington BL8 3PG	
CLIENT:	Mr & Mrs Keeley
DATE:	February 2016
SCALE:	1:200 @ A1
DWG No:	
L.A:	
AMENDMENTS:	DATE:
ENTWISTLE DESIGN SERVICES	
7 Edgefield Astley Village Chorley PR7 1XH	Tel:01257 274976 E-Mail entwistledesign@aol.com



delete as necessary
 Convert/ rebuild garage into new room as shown
 change direction of pitched roof to allow internal access from kitchen
 provide mechanical ventilation to kitchen giving min 60 litres per second extraction.
 fans in kitchens, bathrooms, wc,s and utility rooms without windows to have minimum 15 minute overrun, doors to above to have minimum 10mm gap under door.
 windows to be double glazed with Pilkington K,E glass with min 16mm air gap between glazing. Trickle vents fitted giving min 8000mm² openers min 20th opening lights.
 Windows to be quality C or better window and door openings to have draught seals fitted.
 All glazing to windows within 800mm of floor & 1.5m in doors & side panels to be fitted with safety glass
 stainless steel cavity ties at 750 mm/c horizontal and 450mm/c vertical and to each block course at reveals.
 tooth bond walls to existing, cavities to be continuous.
 secure roof timbers to wall plates bolted to existing wall.
 all new drainage to be 100mm supersleeve laid at 1:40 falls.
 drainage passing under extensions to be protected to satisfaction of L.A provide lintol support when passing through walls.
 provide cavity tray and lead flashing at junction with roof and house wall.
 rainwater via 100mm gutter and 63mm downspout to new/existing gulleys.
 vertical and horizontal dpc's to all new openings.
 internal stud walls to be 100x50mm or 75x50mm studs with plasterboard both sides having a density of 10kgm²
 & infilled with rockwool insulation
 existing foundations/lintols to be exposed to determine suitability
 insulated catnic lintols over all new openings.
 30*5mm mild steel straps secured to trusses/ joists/rafters and ceiling spars at max 2m/c turned down cavity/wall and built in.
 calculations for trusses to be provided by manufacturer prior to erection on site.
 trusses to be designed and braced to BS5268 part 3 1985.
 provide glidevale abutment vent at junction with new roof and house wall, or roof vents as shown.
 provide min 12.5mm gap between wall and fascia to ventilate pitched roof space.
 provide min 25mm gap between walls and fascias to ventilate flat roofs.
 code 5 lead on 25mm thick valley boards.
 all new rooms except bathrooms to have escape windows min 450mm wide with sill between 800-1.100 m high area of opening min 0.3m²
 40mm waste to bath/sink/shower/bidet 32mm waste to basin all with antivac traps. use 50mm waste if fittings combined
 encase rsj's in 12.5mm fireline boards
 (DS) provide mains operated smoke detectors linked together as shown.
 if boiler is to be replaced it must be a type A or type B condensing boiler. And be installed by a CORGI registered installer.
 Cavities to be closed with Thermabate cavity closers
 1 in 4 light fittings in new rooms to be energy efficient.
 Provide TRV's to all new radiators.
 No beams to be ordered or work commenced on site until calculations have been checked by building control and a full approval issued.
 this drawing is to be used only for planning/building regulation submission not as a "working drawing" if used as such all dimensions to be checked on site by contractor.
 all work to be carried out to satisfaction of local authority.
 prior to commencement of work on site principal contractor/building owner to produce a method statement with regard to safety of occupiers/ employees during building operations
 builder to allow for safe support of existing/new structure during contract.

All electrical work to be carried out to BS7671:2001 and be installed and tested by a competent person. The Local Authority may request a test certificate under the above BS.

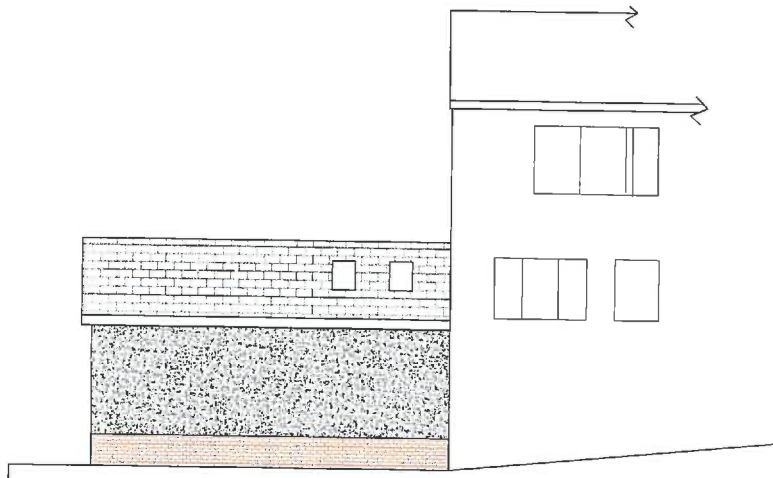
Proposed extension at :	
1 Claybank Cottages Tottenham BL8 3PG	
CLIENT:	Mr & Mrs Keeley
DATE:	February 2016
SCALE:	1:50 & 1:100 @ A1
DWG No:	
L.A:	
AMENDMENTS:	DATE:
ENTWISTLE DESIGN SERVICES 7 Edgefield Astley Village Chorley PR7 1XH Tel:01257 274976 E-Mail entwistledesign@aol.com	



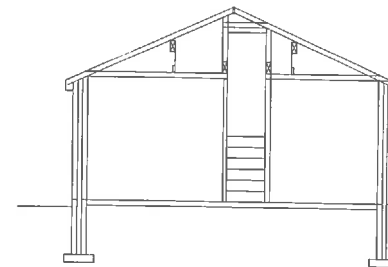
PROPOSED FRONT



PROPOSED SIDE



PROPOSED REAR



PROPOSED SIDE

Proposed extension at:	
1 Claybank Cottages Tottington BL8 3PG	
CLIENT:	Mr & Mrs Keeley
DATE:	February 2016
SCALE:	1:50 @ A1
DWG No:	
L.A.:	
AMENDMENTS:	DATE:
ENTWISTLE DESIGN SERVICES	
7 Edgefield Astley Village Chorley PR7 1XJ	Tel: 01257 274978 E-Mail: entwistledesign@aol.com