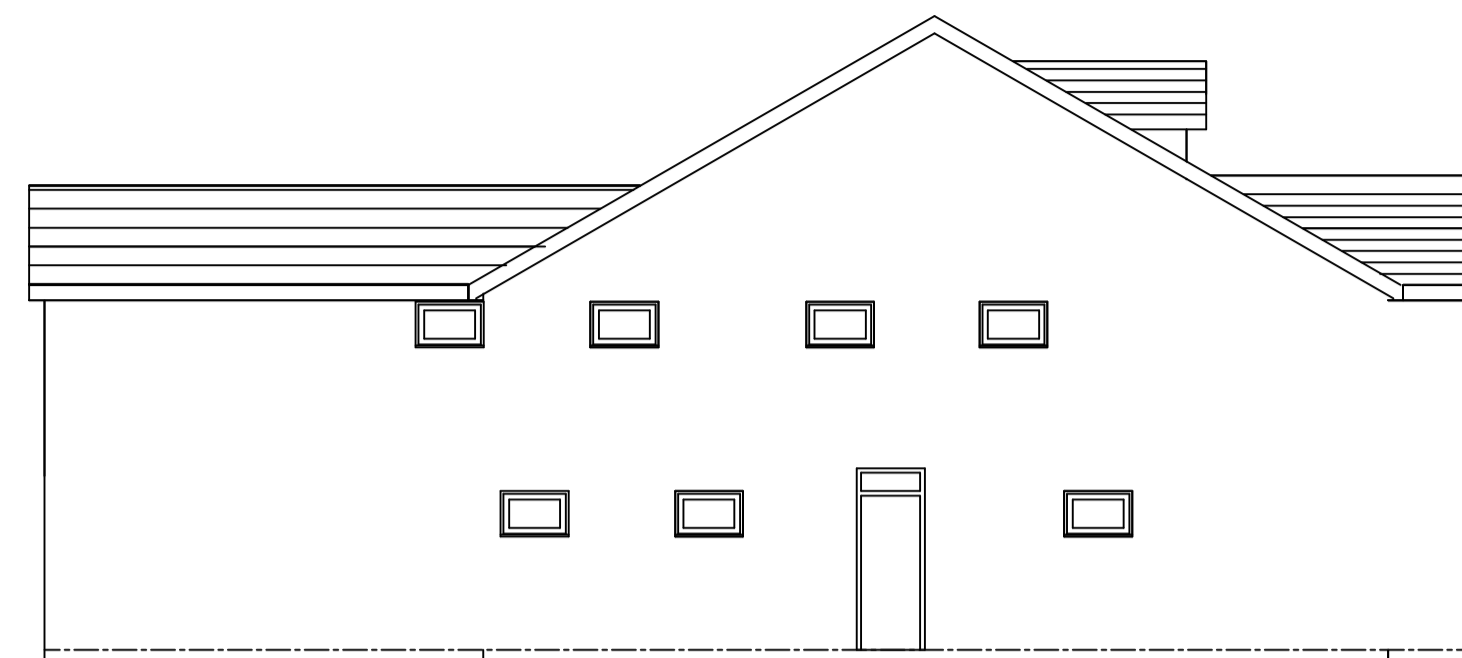


ATTIC



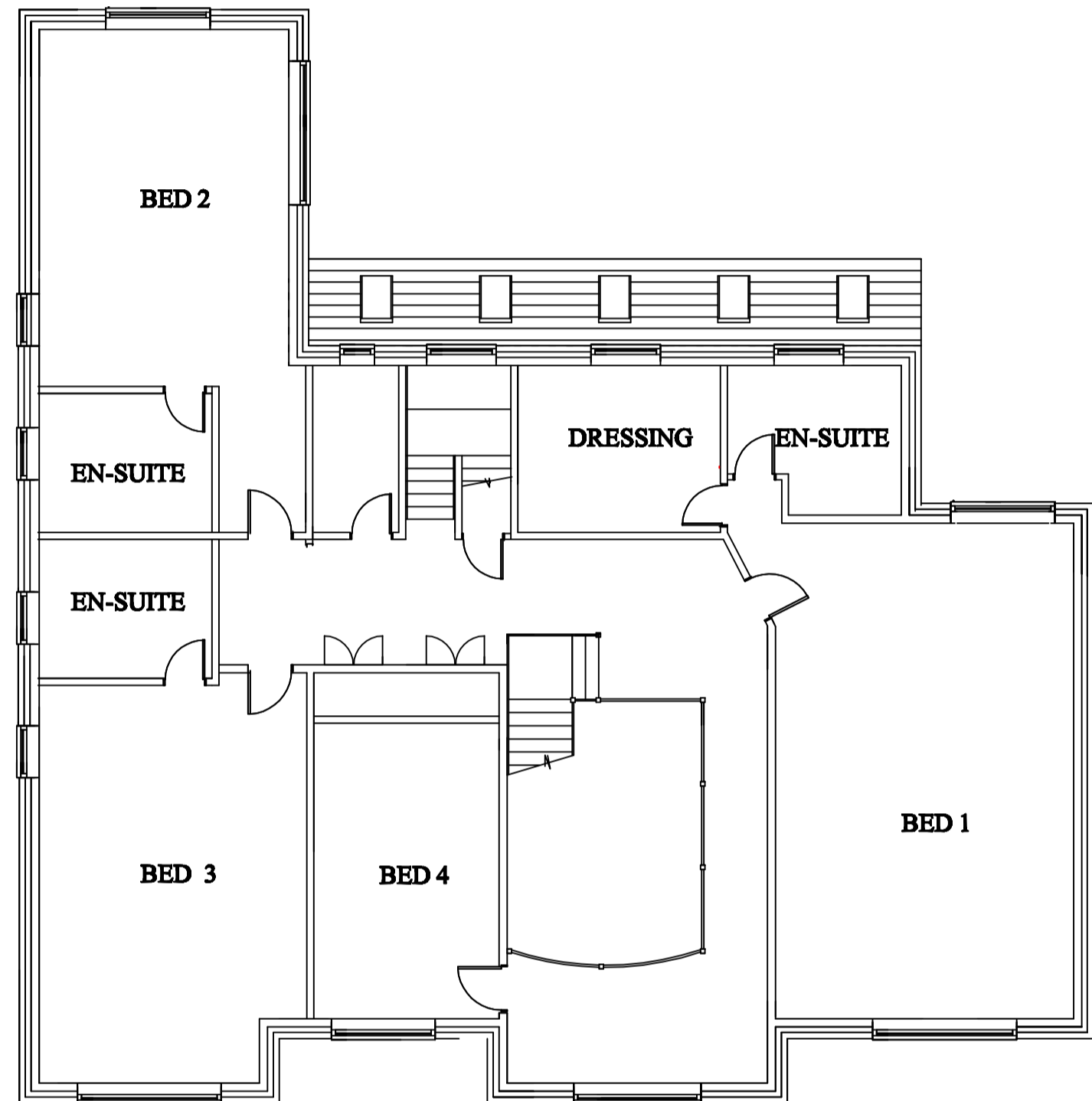
PROPOSED NORTH ELEVATION

Ridge 115.95



FFL 107.60

PROPOSED WEST ELEVATION

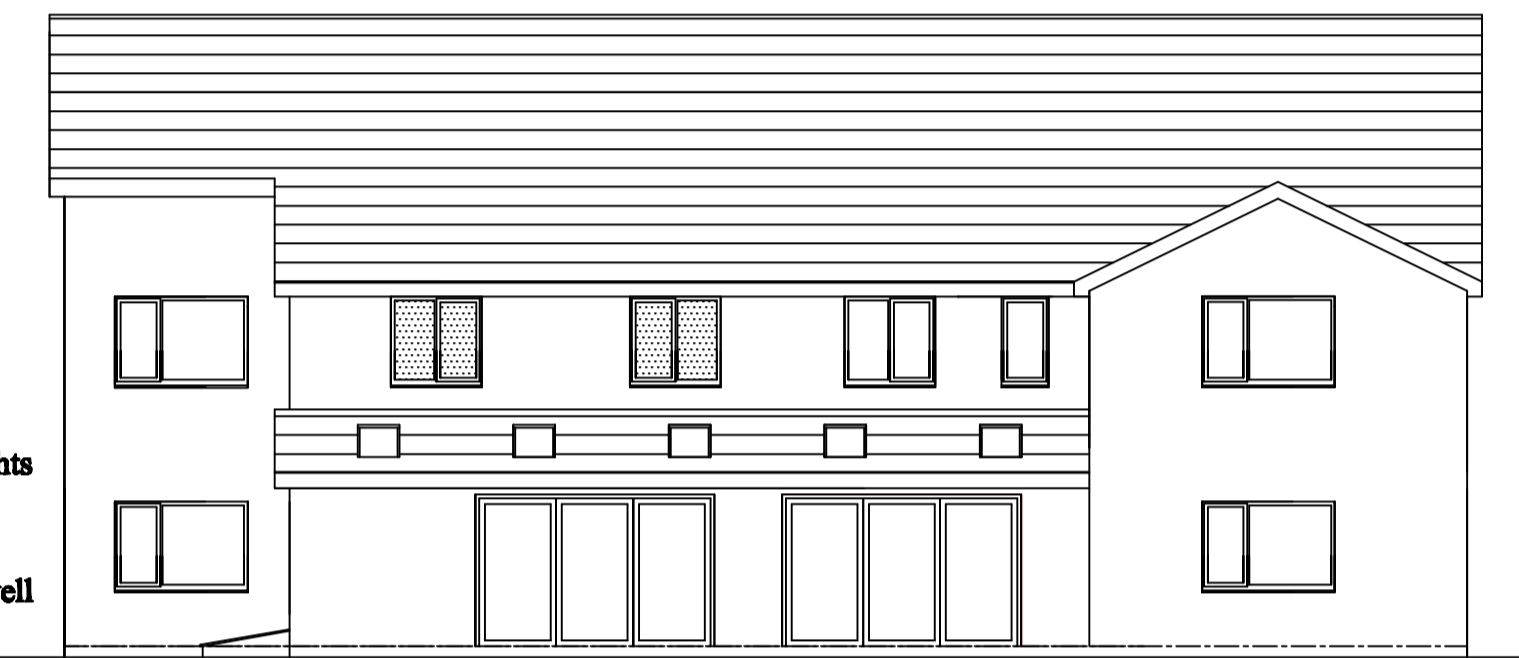


FIRST FLOOR



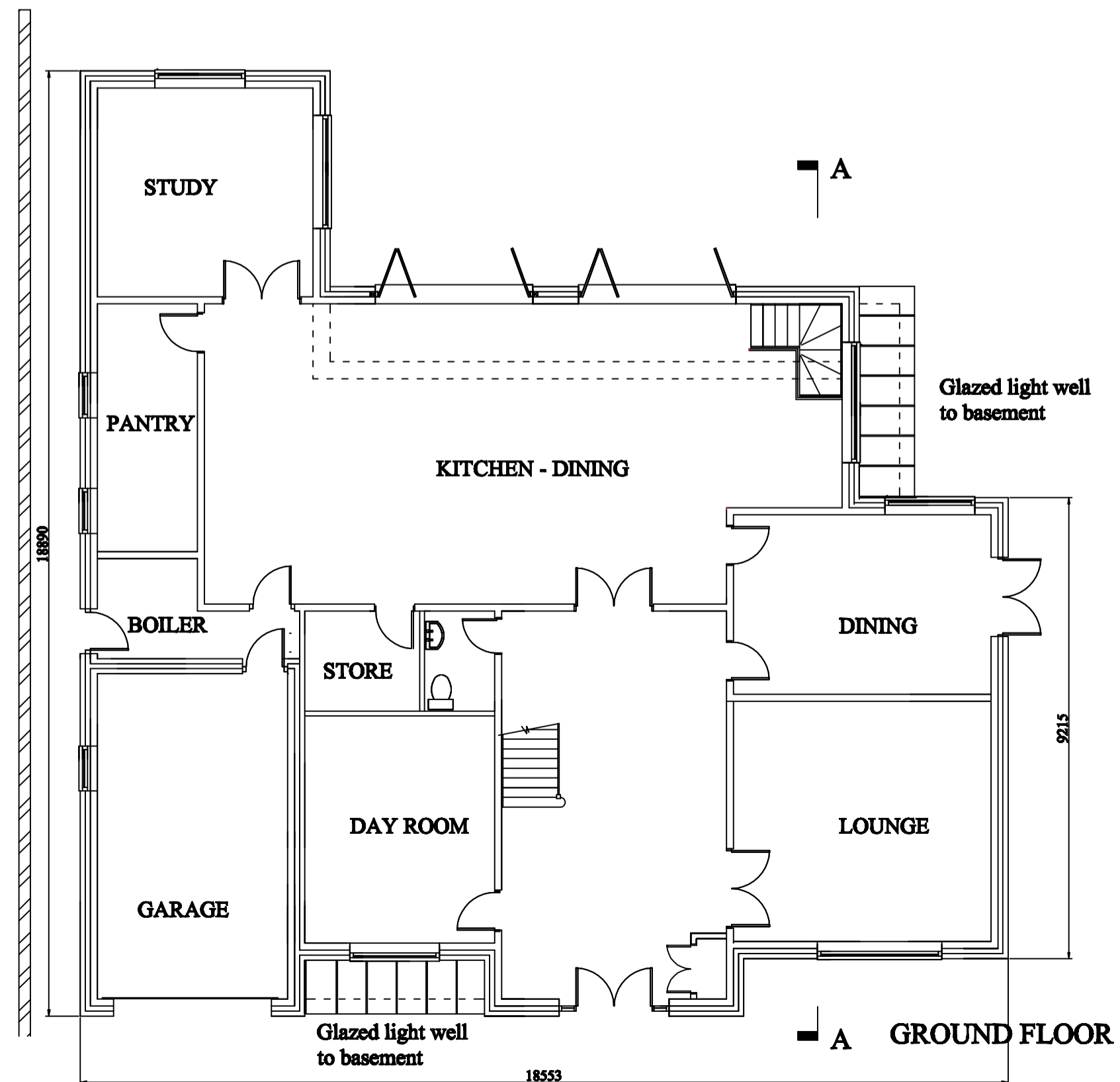
PROPOSED SOUTH ELEVATION

Center pivot  
Velux roof lights  
Glazed light well  
to basement

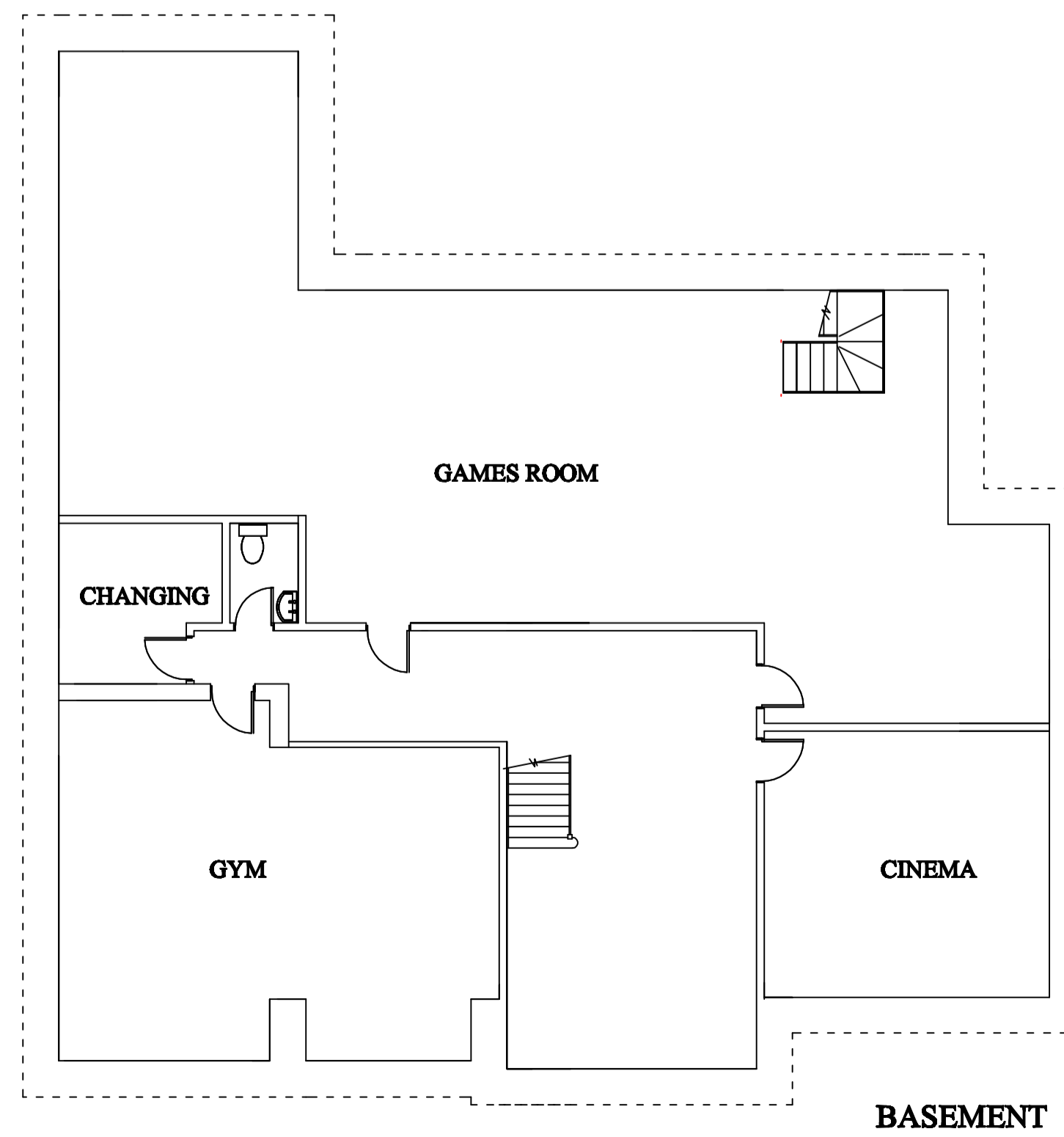


PROPOSED EAST ELEVATION

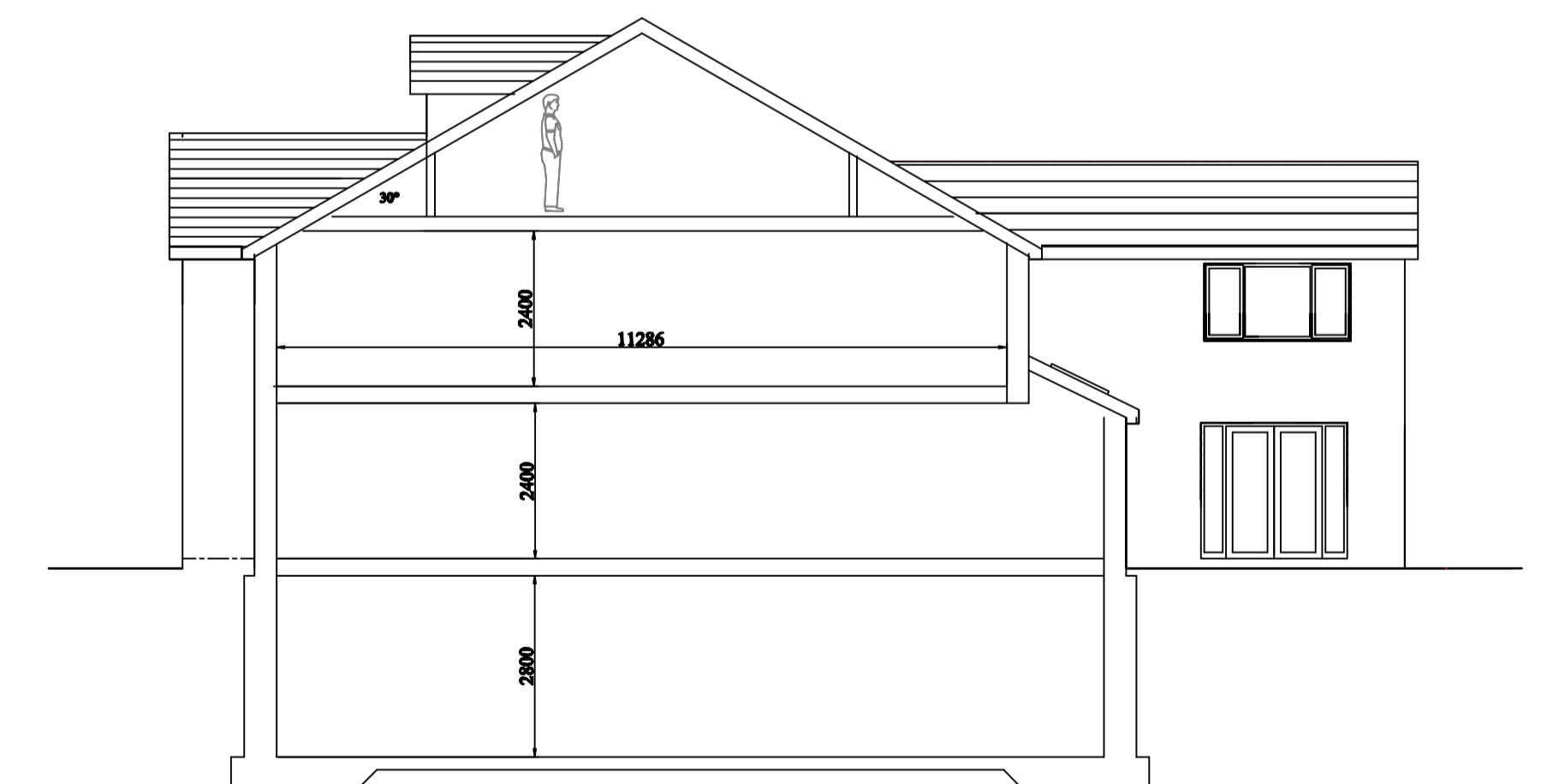
Roof Grey tile  
Walls K-rend self colored (white) render  
Windows p.v.c. or metal in 'Anthracite' Grey  
Rainwater goods Black p.v.c.



GROUND FLOOR



BASEMENT



SECTION A - A

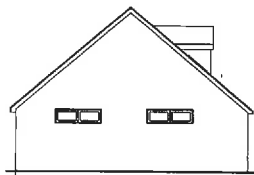
PROPOSED DEVELOPMENT OF SITE  
AT 122 HOLLINS LANE BURY

DETAILS OF PROPOSED DWELLING

Scale 1:100

Rev. A Balcony doors & rails removed  
basement light wells & roof lights indicated  
Rev. B Day Room notation added

HLD 05B

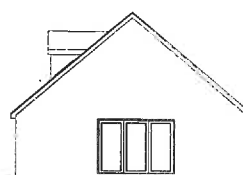


PROPOSED EAST ELEVATION

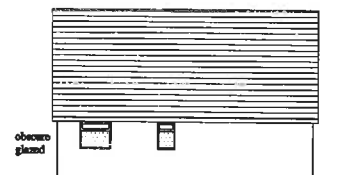


PROPOSED NORTH ELEVATION

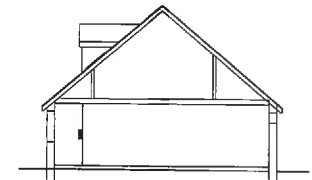
Roof Gray tile  
Walls K-render self colored (white) render  
Windows p.v.c. or metal in 'Anticraft' Gray  
Rainwater goods Black p.v.c.



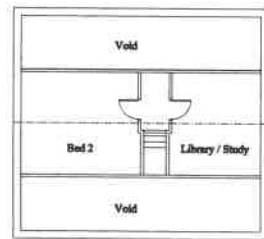
PROPOSED WEST ELEVATION



PROPOSED SOUTH ELEVATION



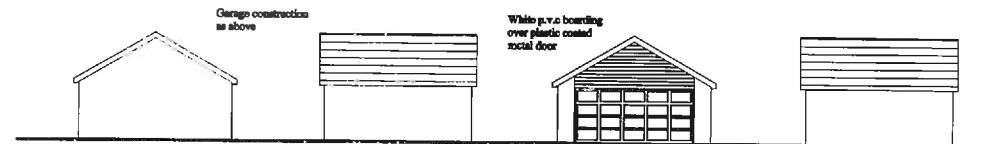
SECTION



FIRST FLOOR



GROUND FLOOR

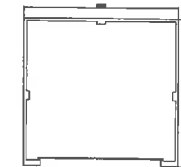


PROPOSED WEST ELEVATION

PROPOSED SOUTH ELEVATION

PROPOSED EAST ELEVATION

PROPOSED NORTH ELEVATION



PROPOSED DEVELOPMENT OF SITE  
AT 122 HOLLINS LANE BURY

DETAILS OF BUNGALOW AND GARAGE

Scale 1:100

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 09

**Applicant:** Daniel Thwaites PLC

**Location:** Eagle And Child, 3 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DL

**Proposal:** Change of use of first floor to bed and breakfast creating 5 bedrooms with juliet balcony to 2 bedrooms and single storey extension to rear

**Application Ref:** 60601/Full

**Target Date:** 23/11/2016

**Recommendation:** Approve with Conditions

### **Description**

The application relates to a detached building which operates as a restaurant/public house. It is located at the junction of Peel Brow, Whalley Road and Manchester Road. There is a car park to the south of the building, that is accessed from Peel Brow.

Whalley Road is located at a slightly higher level to the east of the site, with residential properties beyond. Peel Brow is located to the south of the site, with residential properties and allotments beyond. Residential properties, which front onto Cheshire Court are located to the west of the site and are set at a significantly lower level beyond the 2m boundary wall/fence.

The proposed development has two main elements:

A single storey orangery to the south west corner of the building where there is currently a raised external decked area used by customers. The Orangery would be stone built up to cill level to match the existing with rustic oak piers and full height glazing above. The structure would have a 'green' flat roof with a feature skylight. A new entrance would be formed into the orangery from the car park.

The proposal also involves the conversion of the rooms on the first floor into five bed & Breakfast rooms. The windows in the two bedrooms facing west, towards Holcombe Hill, would be altered to create full length windows with a Juliet balcony bar across each.

The existing second floor residential accommodation used by the licensee, would remain largely unaltered and the car park would remain as existing, with 11 spaces.

### **Relevant Planning History**

47962 - Increase in height to part of existing terrace and erection of roof over - Approved 25/05/2007

51699 - A - Creation of car park extension with associated landscaping

B - Decking area - Split Decision 21/10/2009

52053 - Decked area at side - Approved 14/01/2010

### **Publicity**

The following 55 neighbours were notified by letter dated 29/09/2016. Flat3 and Nos.6 - 24(even), Whalley Road, Gollinrod Farm, 1 Cheshire Court, Fletcher Bank Works, Bassfield and Bassfield South, Marshalls Ltd, 20, 319-325(odd), 390 Manchester Road, Harbenware Ltd, The Park Horse, Shipperbottom House and Barn, Red Hall, Hope Mill, 2-18(even) Cheshire Court, 170-192(even) Peel Brow, 1-4 South Street.

Objections received from the residents at 8, 10 and 12 Cheshire Court. Objections are summarised below:

- Increased car parking problems from new customers and the limited space within the existing car park. Cars are parked on Cheshire Court when there are events at the premises.
- Increased overlooking from balconies on new bedrooms

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

### **Consultations**

**Traffic Section** - No objection

**Environmental Health** - No objection.

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

EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
EC4/1	Small Businesses
S2/6	Food and Drink
RT4/3	Visitor Accommodation
SPD11	Parking Standards in Bury
HT2/4	Car Parking and New Development
NPPF	National Planning Policy Framework
SPD6	Supplementary Planning Document 6: Alterations & Extensions

### **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** - Given the existing use of the premises as a eatery/public house and the proposal to introduce visitor accommodation, the following policies are considered relevant.

EC4/1- Small Businesses. 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.

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:

- a) the amenity of nearby residents by reason of noise, smell, litter and opening hours;
- b) 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;
- c) parking and servicing provision associated with the proposed development and its effects in terms of road safety, traffic generation and movement;
- d) provision for the storage and disposal of refuse and customer litter;
- e) the environmental impact of any ventilation flues and/or ducting.

HT2/4 - Car Parking and New Development. The Council will require all applications for development to make adequate provision for their car parking and servicing requirements in accordance with the Council's car parking standards.

RT4/3 - Visitor Accommodation. The Council will encourage and support proposals for development which would extend the range of visitor accommodation in the Borough. Any development proposals will be assessed and considered against the following factors:

- a) the appropriateness in terms of the design, scale and setting and the effect on the character, quality and visual amenity of the locality;
- b) the provision of satisfactory access;
- c) ability to accommodate the necessary car parking, service areas and landscaping within the site;
- d) the satisfactory compliance with development control policies for Green Belt areas and other open land policies, where appropriate.

**Use** - The use of the first floor of the premises is currently used as an additional drinking area and for special functions/events. It is noted also that the use of the upper floors of a public house for ancillary residential accommodation is deemed to be 'permitted development' under the existing uses classes order.

It is not unusual for a popular eatery to introduce visitor accommodation. Given the existing commercial use of the first floor and indeed the 'permitted development' for ancillary residential accommodation, the introduction of 5 B& B rooms would be considered acceptable in principle.

**Visual Amenity** - The new orangery would be set well back from the road frontage and sit between the main building and the boundary wall/fence along the western boundary. As such the structure, would not be particularly prominent within the streetscape. With its 'Green' flat roof, natural stone and glass finish, it would have a contemporary design but one that would not be out of keeping with the existing building which is traditional in appearance.

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

**Residential Amenity** - The conversion of the whole of the first floor to create five B&B rooms would mean the loss of the existing large function room and bar area which overlook houses to the west on Cheshire Court. It is considered that the replacement of the more intensive commercial floorspace would reduce both potential noise and disturbance emanating from the premises and, with less customers attending functions and events, the pressure on the existing car park would be reduced given the limited traffic generated by the replacement B&B facility.

In addition, given that the proposed orangery extension would be in place of an existing external decking area, where customers can presently drink and smoke, there would be a further potential reduction in noise from the premises.

In terms of overlooking, separation distances from the first floor bedroom windows on the west elevation, facing houses on Cheshire Court would remain the same as the existing windows on the function room - approximately 21.5m. Although the houses are set down from the site, the presence of the existing boundary wall/fence and new flat roof of the orangery, has the effect of limiting direct views into the ground floor windows and garden areas.

The objectors have mentioned the proposed balconies promoting increased overlooking by allowing visitors to lean out more than they would if the normal windows were to be retained. This issue is recognised to a point and the applicant have omitted the small 'step-out' balcony in favour of a protective bar across the full height window opening, reducing the ability to overlook the neighbours by standing on a balcony, albeit a small one. It has already been noted that the new roof of the orangery would limit the overlooking from these windows.

Both in terms of noise and disturbance and overlooking/privacy, given the nature of the use, the scale of operations and distances involved, the proposal would not have a seriously detrimental impact on the residential amenity of the occupiers of properties immediately to the west, on Cheshire Court. The proposal is therefore acceptable and complies with UDP policies relating to residential amenity.

**Traffic** - The existing car park has space for 11/12 cars. With the loss of the first floor function room/bar and the consequent reduction in the overall customer capacity, the car park is considered to be adequate for the new pub/B&B use. The proposal is considered to be acceptable and complies with UDP Policies in relation to parking and new development.

**Objections** - The concerns raised by the objectors have been addressed in the above report. Overall it is considered that the proposal would reduce rather than increase problems that have occasionally arisen in the past.

**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.

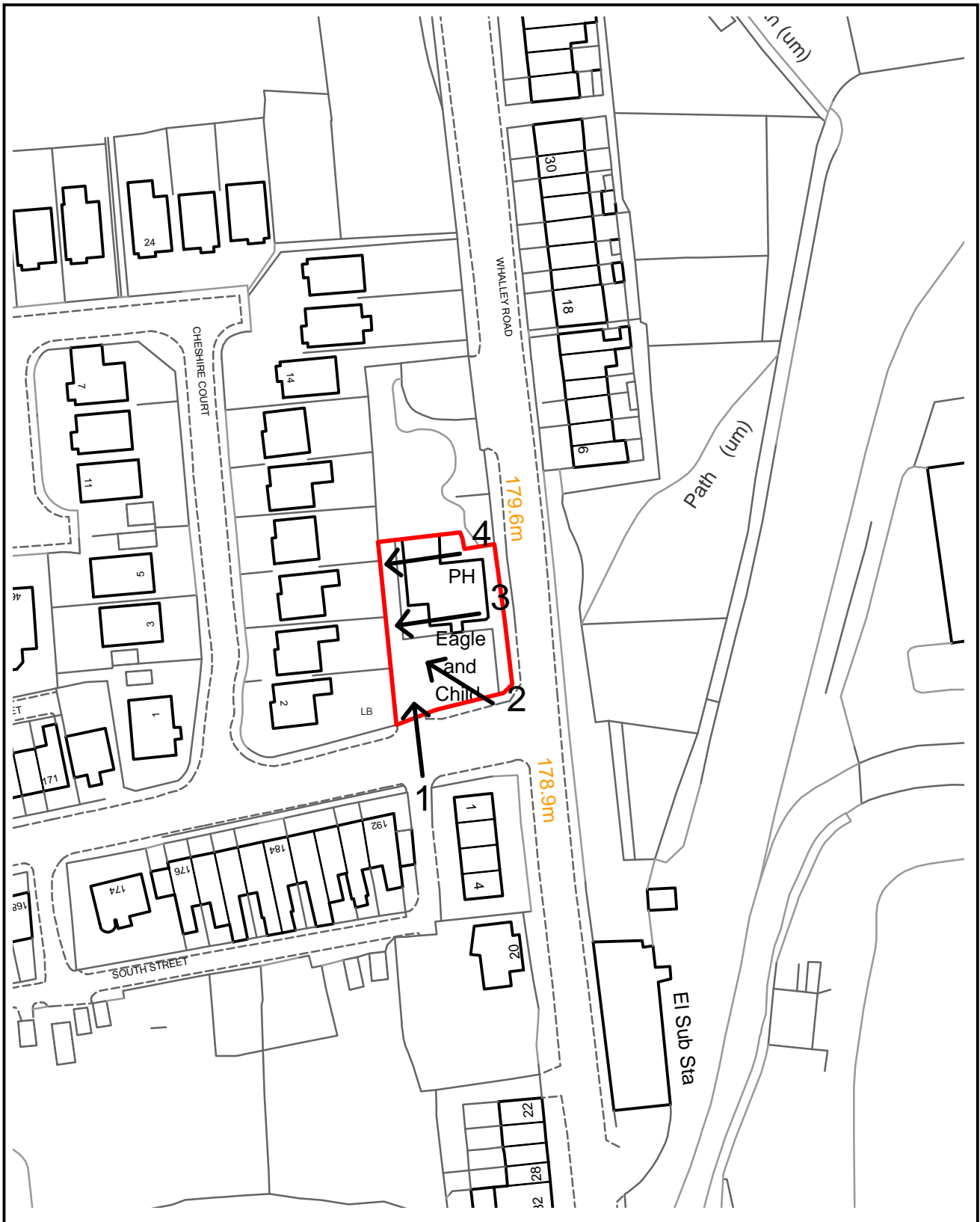
**Recommendation:** Approve with Conditions

**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 Location Plan, Site Plan1:500(Revised) and drawings numbered 1250.01/A02, 03/A,04/D, 05 and 06/B 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 external elevations 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. Details of the proposed 'green roof' on the single storey extension, together with a programme of maintenance/repair, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved details shall be implemented.  
Reason. No details 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.
5. The car parking indicated on the approved plan shall be made available for use prior to the B&B use hereby approved commencing and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision is maintained, in the interests of road safety.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 60601

ADDRESS: Eagle & Child  
3 Whalley Road  
Shuttleworth

Planning, Environmental and Regulatory Services



**Bury**  
COUNCIL

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60601

Photo 1



Photo 2





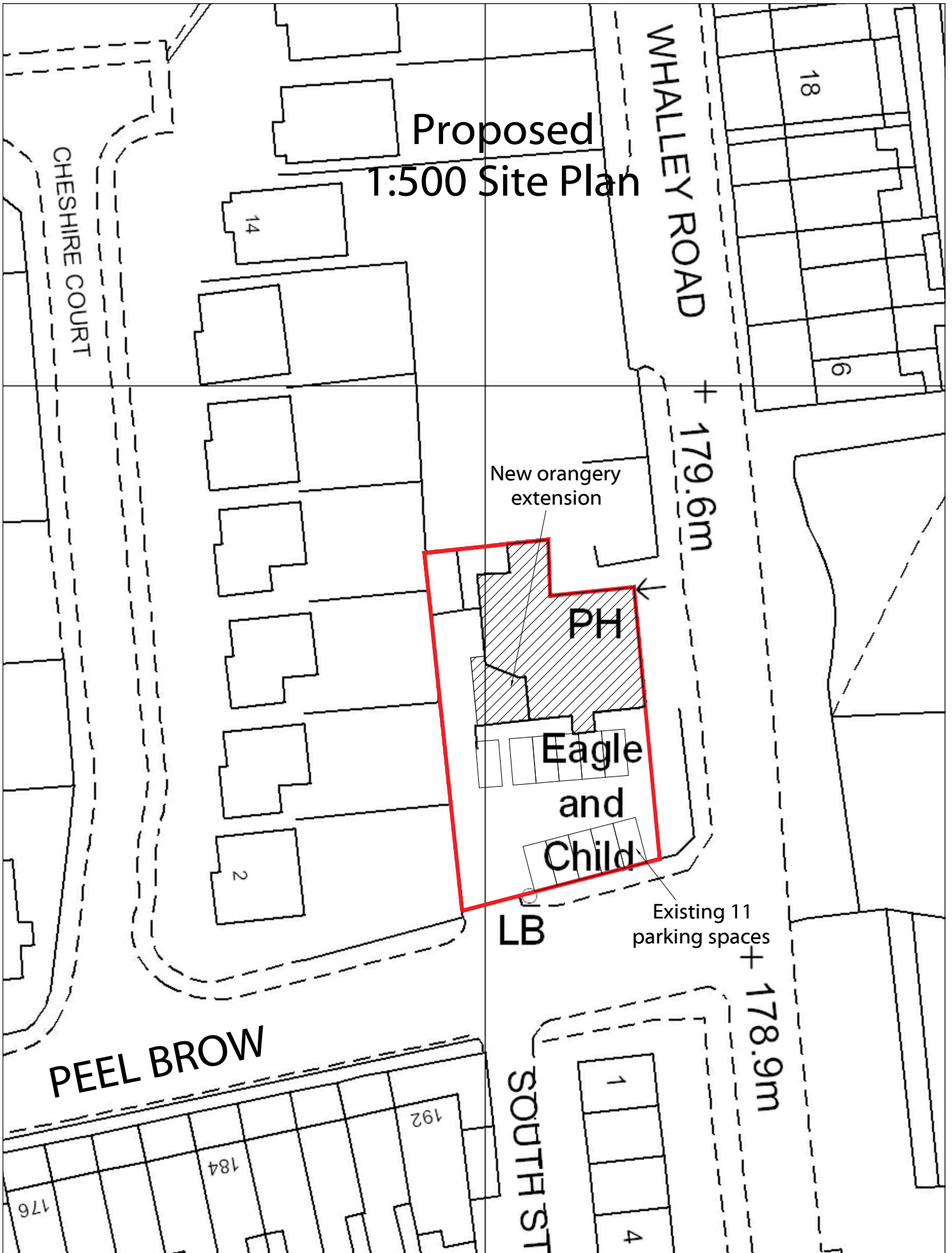
Photo 3



Photo 4



# Proposed 1:500 Site Plan



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 Contractor to ensure all relevant codes of practice and regulations for the proposed works are adhered to. No residual risk within the attached design unless specifically stated with the attached schedule.  
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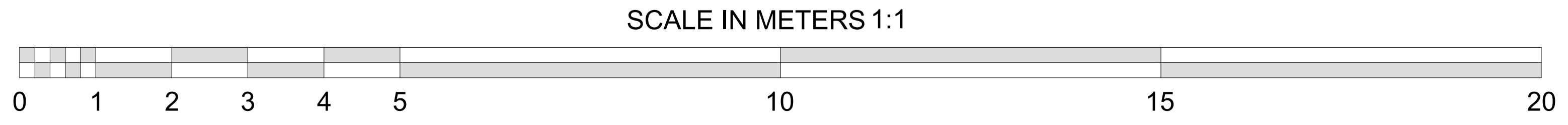
REVISIONS \_\_\_\_\_ DATE \_\_\_\_\_



Existing Rear Elevation



Existing Side Elevation



Rev:	Description
TITLE: Existing External Elevations	
PROJECT: Eagle & Child, 3 Whalley Road, Ramsbottom, BL0 0DL	
CLIENT: Daniel Thwaites PLC	
DRAWN BY:	SCALE: 1:50 @ A1 1:100 @ A3
DATE: Aug 2016	DWG NO: 1205.05 REV: .

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 Blackburn, Lancashire BB1 2EH  
 t: 01254 696989 e: info@imdandassociates.co.uk

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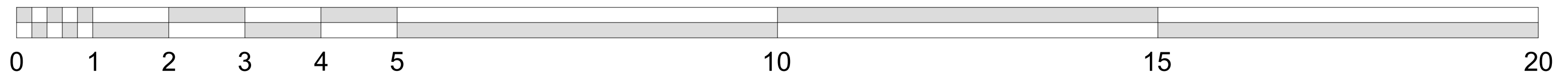


Proposed Rear Elevation



Proposed Side Elevation

SCALE IN METERS 1:1



Rev: B Width & projection of juliet balcony reduced 04/11/16  
 Rev: A Flat roof extended, additional juliet balcony shown 06/09/16

TITLE: Proposed External Elevations		
TENDER		
PROJECT: Eagle & Child, 3 Whalley Road, Ramsbottom, BL0 0DL		
CLIENT: Daniel Thwaites PLC		
DRAWN BY:	SCALE: 1:50 @ A1 1:100 @ A3	REV:
DATE: Aug 2016	DWG NO: 1205.06	REV: B

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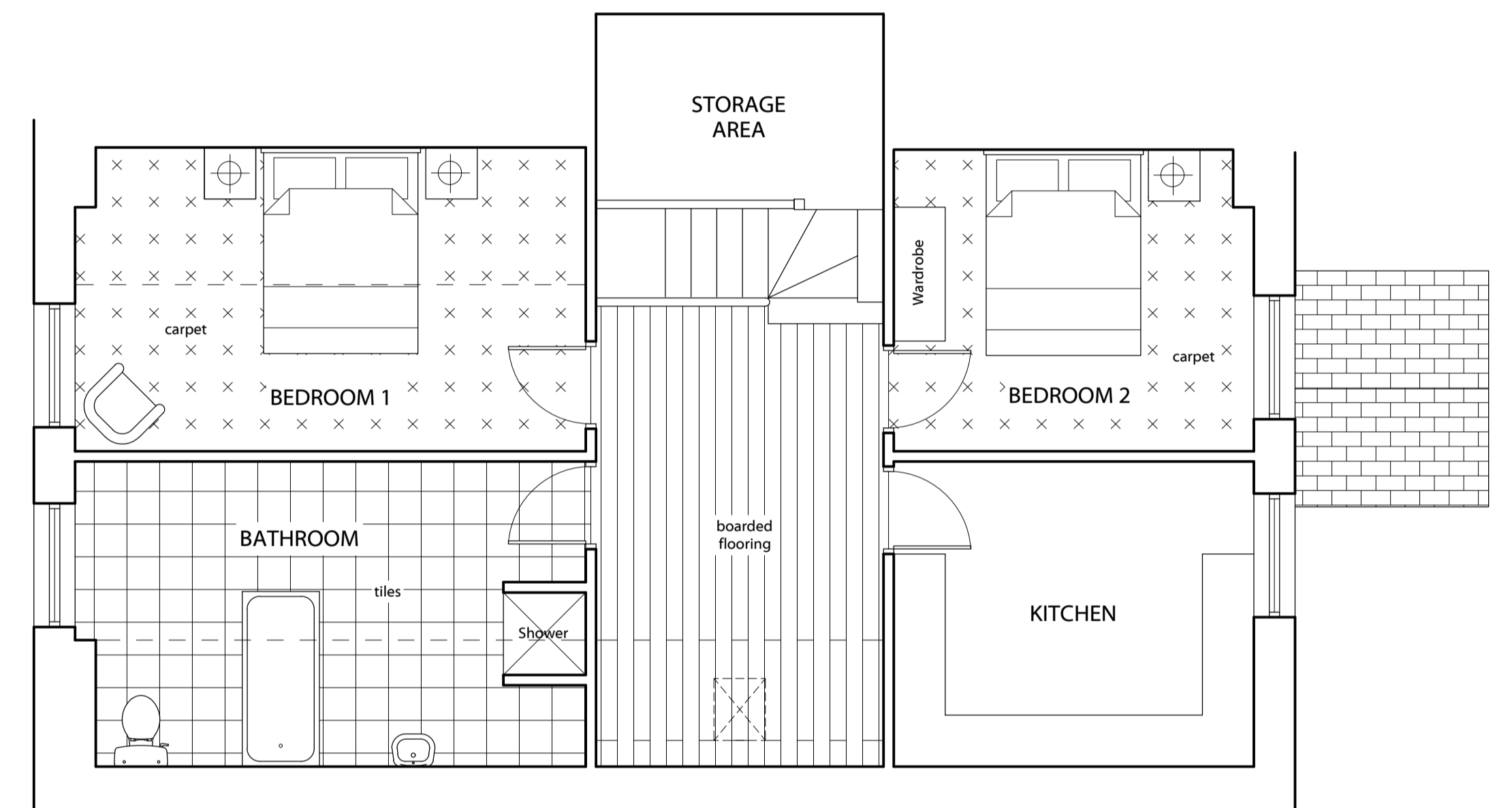
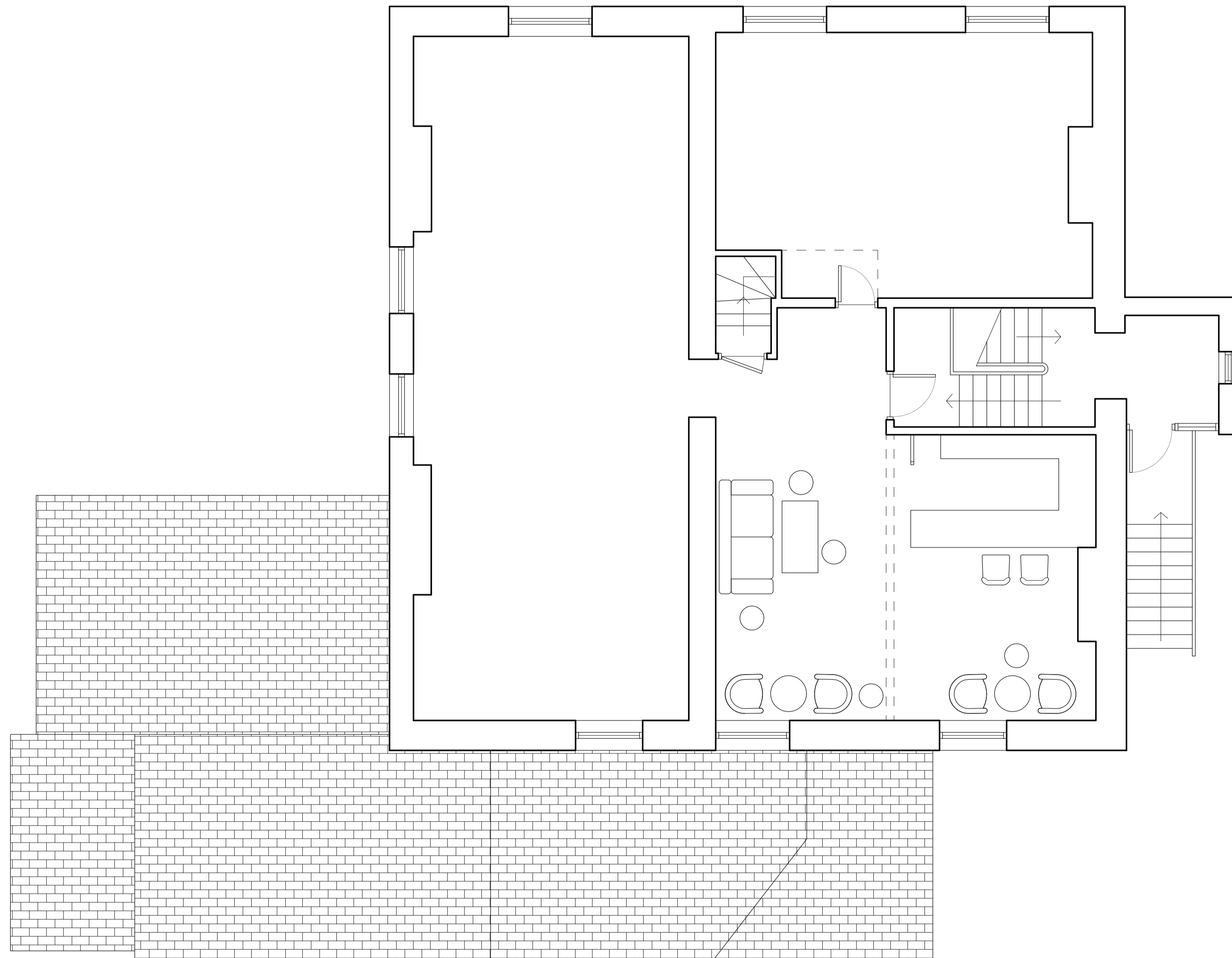
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REVISIONS

DATE

Existing First Floor Plan



Existing Second Floor Plan

TITLE: Existing First & Second Floor Plans

PROJECT: Eagle & Child,  
3 Whalley Road,  
Ramsbottom, BL0 0DL

CLIENT:

Daniel Thwaites PLC

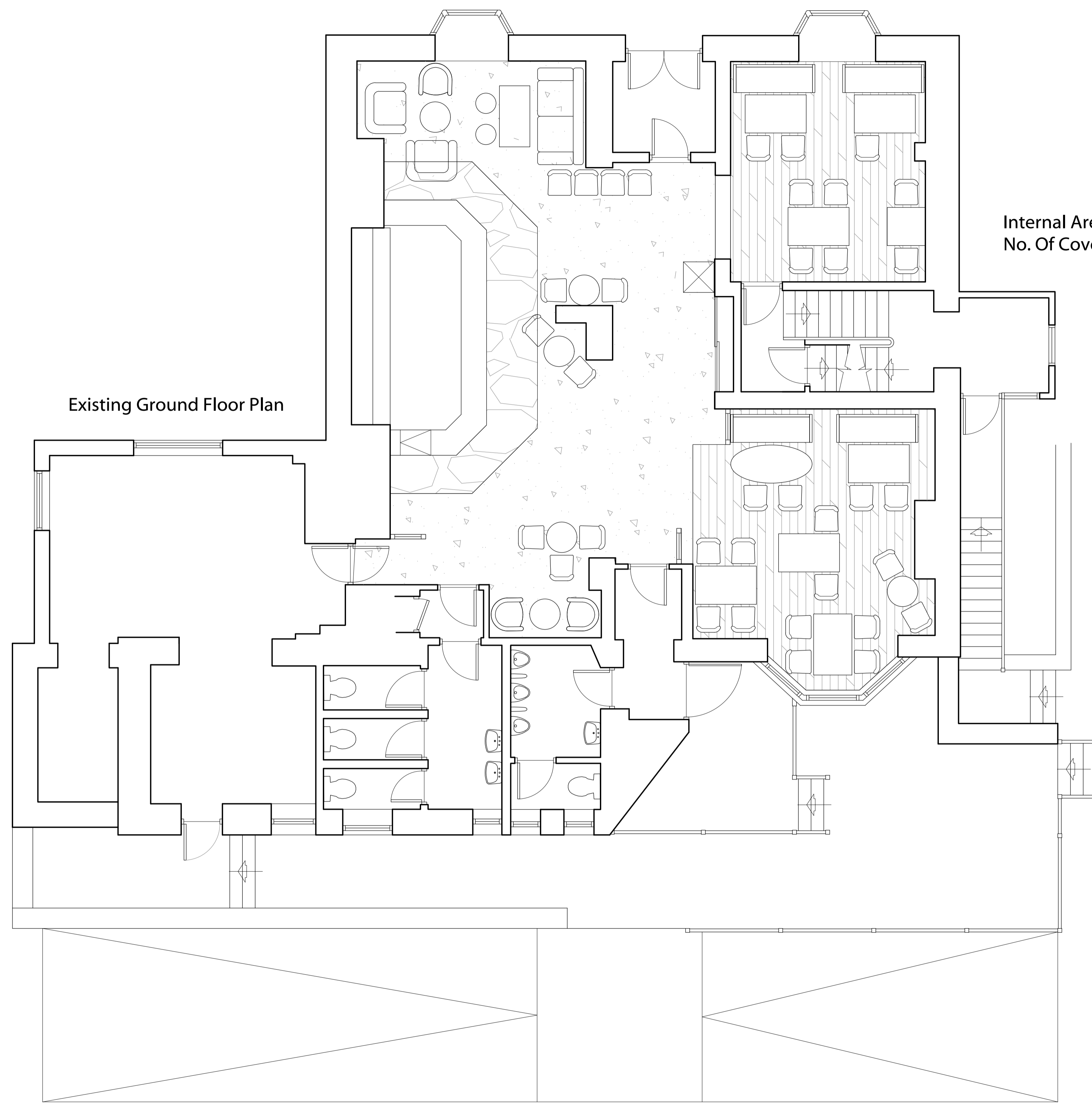
DRAWN BY: SCALE: 1:50 @ A1  
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DATE: Aug 2016 DWG NO: 1205.02 REV: .

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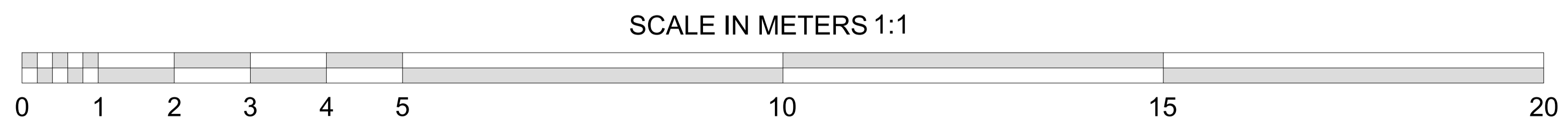
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REVISIONS DATE



Internal Area: 105m<sup>2</sup>/1130ft<sup>2</sup>  
 No. Of Covers: 49

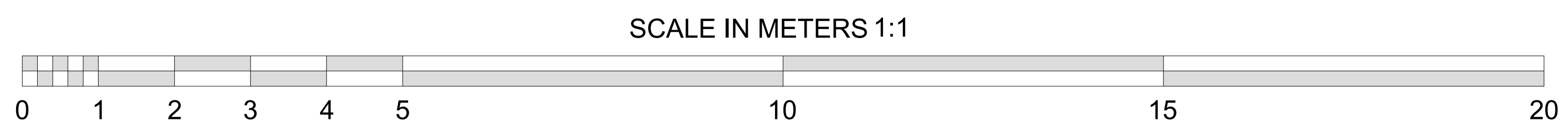
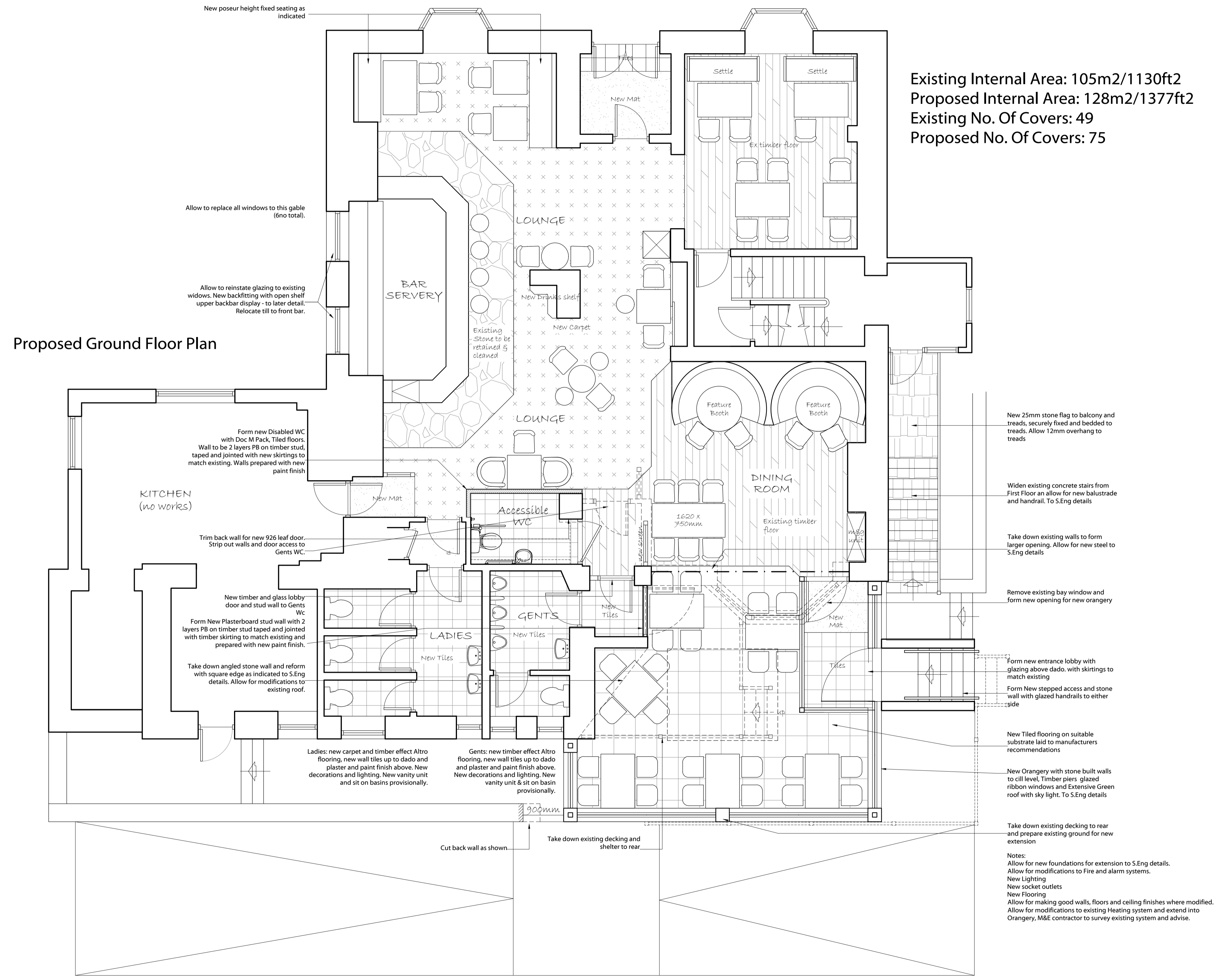
Existing Ground Floor Plan



Rev:A internal area and covers noted 06/09/16

TITLE: Existing Ground Floor Plan		
PROJECT: Eagle & Child, 3 Whalley Road, Ramsbottom, BL0 0DL		
CLIENT: Daniel Thwaites PLC		
DRAWN BY:	SCALE: 1:50 @ A1 1:100 @ A3	
DATE: Aug 2016	DWG NO: 1205.01	REV: A

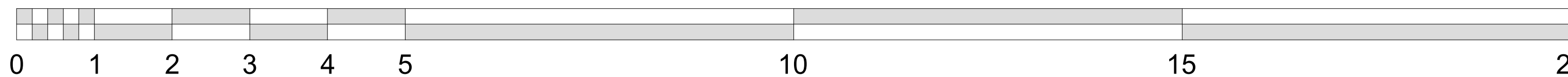
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Rev: A new poseur height fixed seating adjacent bar. new tiles indicated to ladies & gents wc. wall adjacent new orangery cut back 900mm form orangery. existing & proposed internal area and covers noted. dumb waiter omitted, meet & great indicated 06/09/16

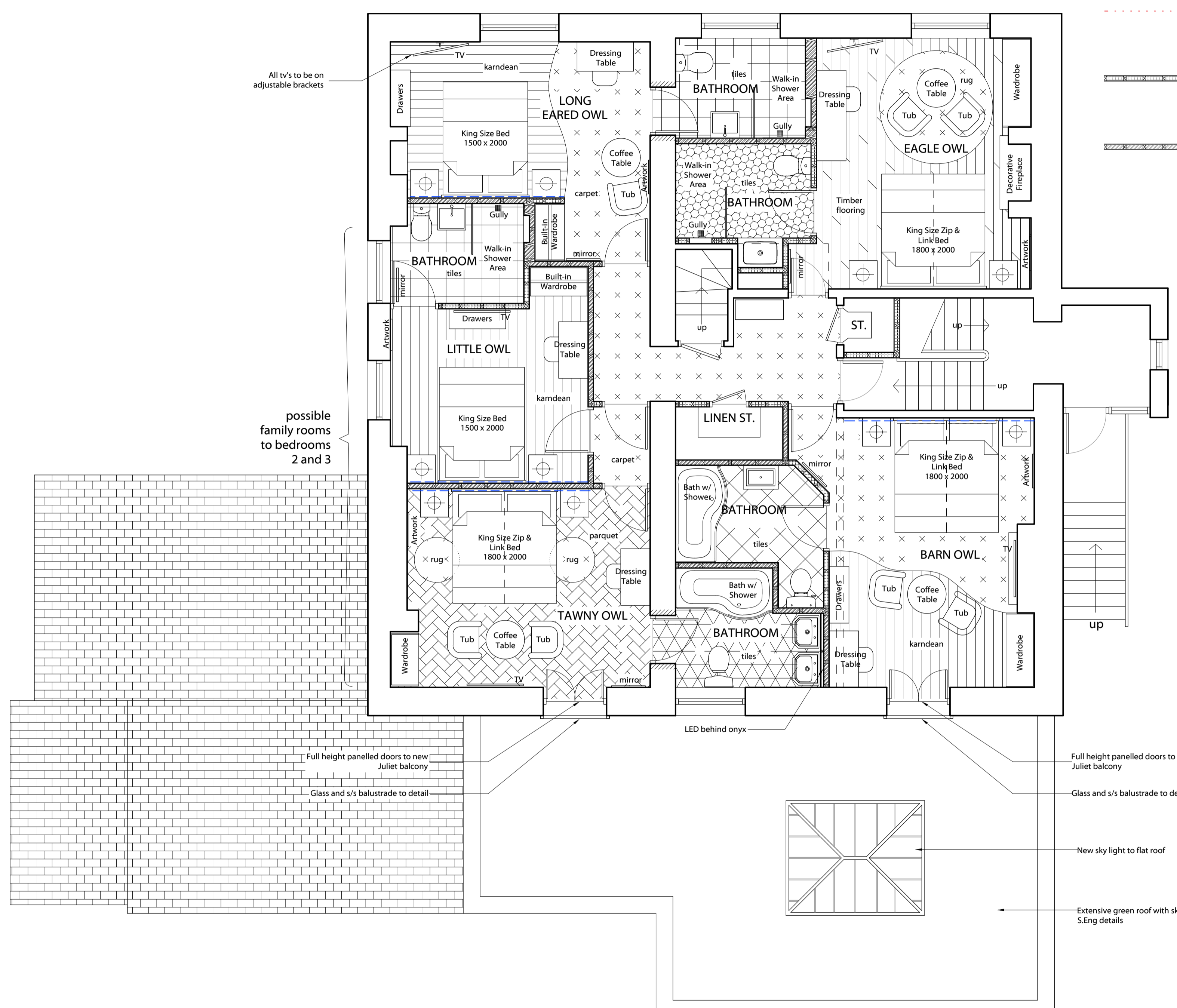
TITLE: <b>Proposed Ground Floor Plan</b>	
PROJECT: <b>Eagle &amp; Child, 3 Whalley Road, Ramsbottom, BL0 0DL</b>	
CLIENT: <b>Daniel Thwaites PLC</b>	
DRAWN BY:	SCALE: <b>1:50 @ A1 1:100 @ A3</b>
DATE: <b>Aug 2016</b>	DWG NO: <b>1205.03</b> REV: <b>A</b>

SCALE IN METERS 1:1



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 REVISIONS DATE

Proposed First Floor Plan



red dotted line indicates demolitions/removals

1 Layers 15mm Gyproc Sound Bloc either side timber stud with 25mm Isover Acoustic Partition Roll (APR 1200) taped and jointed with skim for paint finish.

2 Layers 15mm Gyproc Sound Bloc either side timber stud with 50mm Isover Acoustic Partition Roll (APR 1200) taped and jointed with skim for paint finish.

Where Bathroom walls occur 1 Layers 12.5mm Knauf Aqual Panel as manufacturers recommendations or similar to wet side and 15mm Gyproc Sound Bloc to bed side on treated timber stud with 25mm Isover Acoustic Partition Roll (APR 1200) taped and jointed with skim for paint finish.

All tv's to be on adjustable brackets

possible family rooms to bedrooms 2 and 3

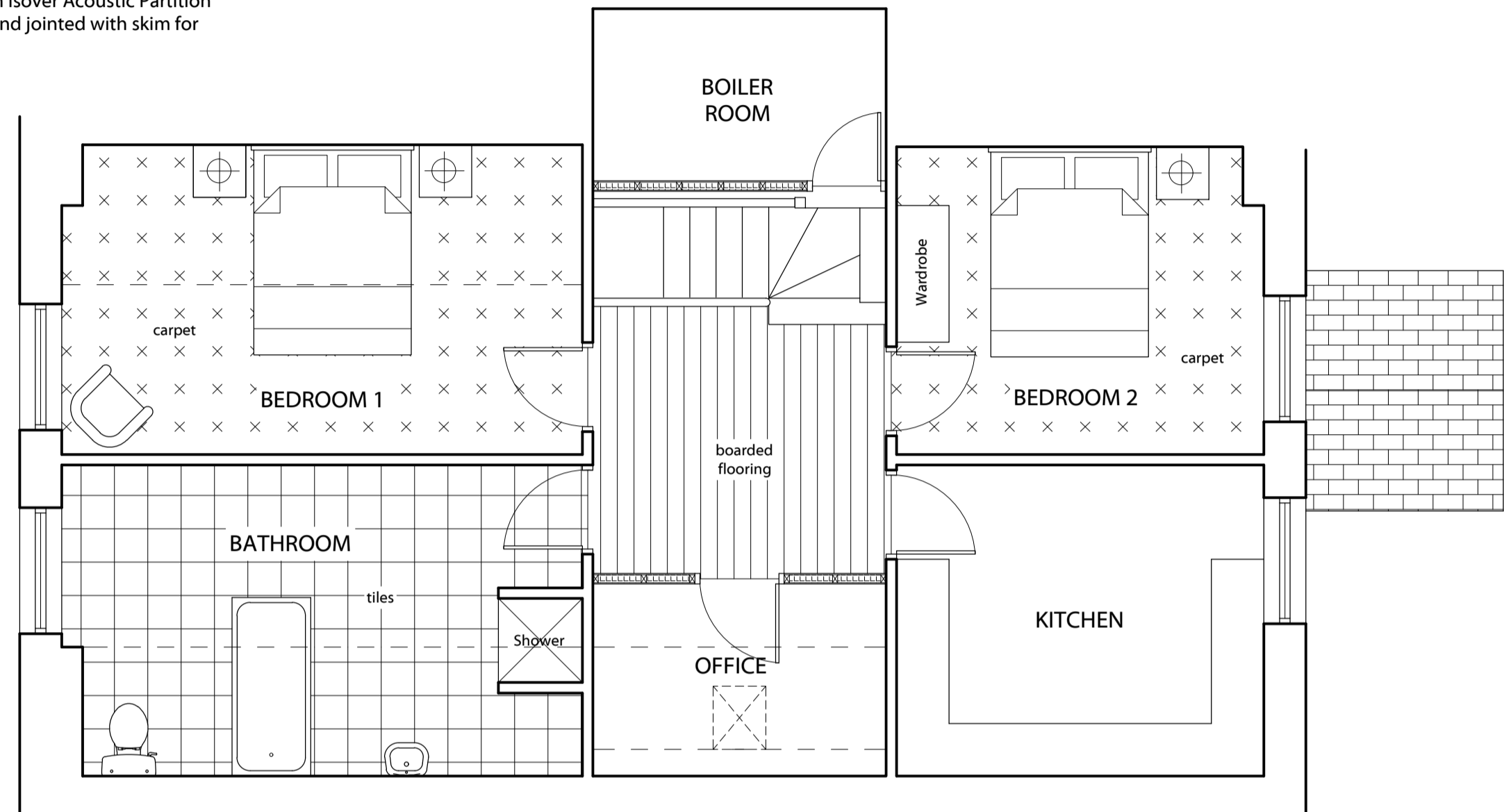
Full height panelled doors to new Juliet balcony  
 Glass and s/s balustrade to detail

Full height panelled doors to new Juliet balcony  
 Glass and s/s balustrade to detail

New sky light to flat roof

Extensive green roof with sky light. To S.Eng details

LED behind onyx



Proposed Second Floor Plan

GENERAL NOTES:

Full internal redecoration to include all lettable bedrooms. Any walls not referenced, allow to paint existing painted surfaces, and re-stain existing stained surfaces unless stated otherwise.

- All skirtings, dado rails, picture rails and cornices to be retained & re-decorated where possible. Allow for new to match existing where affected by the alterations.
- All radiators to be painted out to match background wall colour.
- Any existing wallpapers to be stripped off and walls suitably prepared to achieve a smooth and flat finish ready to receive paint finish.
- All paints to be either CROWN or DULUX. Paints to plastered surfaces are to be Crown Clean Extreme Scrubable Matt or Dulux Diamond Matt unless otherwise agreed with Designer! Glidden, McPhersons or Leyland will not be accepted. All paints and stains are to be applied entirely in accordance with manufacturers recommendations, incl all prep as necessary.
- Main Contractor to allow for new Electrical works shown on Electrical drwg & associated works.
- New lighting, furniture, blinds/curtains and decorations throughout. Refer F&F schedule for specifications
- Pictures & bric-a-brac to be updated, retaining some existing and introducing some new.
- Allow to conceal all visible loose cables to walls and ceilings throughout.

Rev: D	Width & projection of Juliet balcony reduced	04/11/16
Rev: C	'Bedroom 3' increased in size and bath shown to en-suite. recessed shelf shown to walk-in showers	07/09/16
Rev: B	Zip & link beds shown. Juliet balcony shown to 'Bedroom 3'. Green roof note added	06/09/16
Rev: A	Baths omitted and walk-in showers shown to 3no. en-suites. Juliet balcony shown to 'bedroom 5'	01/09/16

TITLE:	Proposed First Floor and Second Floor Plans	
PROJECT:	Eagle & Child, 3 Whalley Road, Ramsbottom, BL0 0DL	
CLIENT:	Daniel Thwaites PLC	
DRAWN BY:	SCALE:	1:50 @ A1 1:100 @ A3
DATE:	DWG NO:	REV:
Aug 2016	1205.04	D

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**Ward:** Bury East

Item 10

**Applicant:** Magnum Whiteline

**Location:** 1 Tithebarn Street, Bury, BL9 0JR

**Proposal:** Change of use from shop (Class A1) to Private Hire booking office (sui generis)

**Application Ref:** 60645/Full

**Target Date:** 05/12/2016

**Recommendation:** Approve with Conditions

### **Description**

The application relates to a vacant small shop unit (approx 26sqm) on Tithebarn Street, within Bury Town Centre. The unit is situated just off the Rock, within the Secondary Shopping Area. It has been vacant for about 12 months.

The attached unit on the south side, at the corner of The Rock is a Yorkshire Building Society whilst to the north is a Beauty salon. Across Tithebarn Street is a camera shop. Immediately in front of the unit, Tithebarn Street is subject to 'No Waiting' restrictions at any time with additional loading restrictions in places. There are two disabled parking bays just beyond the end of Tithebarn Street and a taxi rank zone (approx 12m) in front of 7 and 9 Tithebarn Street. There are also general parking bays between the taxi rank and Parsons Lane to the north, controlled by a 'Pay & Display' ticketing system.

The proposal is to change the use of the shop unit to a private hire booking office. Hours of opening are indicated in the application form as 8am to 6pm Monday to Saturday and 11am to 5pm Sundays. There would be 2 staff taking bookings from the office.

The applicant states that Magnum Whiteline operates 24 Hackney cabs which can be waived down and pick up passengers on the highway and 280 private hire vehicles which have to be pre-booked.

The applicant has submitted a Transport Statement in support of the application. The conclusions are summarised:

- The office is within easy walking distance of the town Centre where pedestrians may wish to use private hire as part of their trip.
- Encourages walking as a mode of transport
- It reduces the servicing by HGVs.
- Private car activity would be reduced as the use does not generate customer traffic as would a normal shop.
- The area has a good safety record.
- There are no highway reasons to warrant refusal.

### **Relevant Planning History**

16/0467 - Unauthorised advertisements - ongoing.

### **Publicity**

The following businesses were notified by letter dated 1/10/16.

45-55(odd), 63-71(odd), 70-92(even) The Rock; 7-15 Tithebarn Street.

Objections have been received from residents at 1 Glenborough Avenue and 55 and 78 Chesham Road. Concerns are summarised.

- There are already too many taxi ranks and booking offices.
- The proposal would lead to traffic conflict and congestion.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Environmental Health** - No objection.

**Licensing Department** - Recommends refusal on the following grounds

- A Hackney Carriage rank outside the proposed private hire operator base will cause confusion for members of the public.
- Potential conflict between licence holders due to having both Hackney Carriage and Private Hire vehicles in that location. For example: If a member of the public gets into a Hackney Carriage when they have booked a private hire vehicle.
- The proposed change of use of a premises without any off-street parking provision and incorporating a waiting area for members of the public is highly likely to lead to private hire vehicles waiting on Tithebarn Street on existing waiting restriction or illegally in the adjacent Hackney Carriage stand, the obstruction of the adjacent disabled spaces and an increase in the number of vehicles manoeuvring in a position on the highway network where adequate turning facilities do not exist, resulting in conflicts with pedestrians and vehicles in this busy town centre location, which would be detrimental to highway safety and maintaining the free flow of traffic
- Complaints are being received from the Hackney Carriage trade regarding private hire vehicle/private cars parking on the hackney carriage rank in the town centre and are continually dissatisfied with the Council's lack of action over such matters

**Traffic Section** - Recommends refusal - The proposed change of use of a premises without any off-street parking provision and incorporating a waiting area for members of the public is highly likely to lead to private hire vehicles waiting on Tithebarn Street on existing waiting restriction or illegally in the adjacent Hackney Carriage stand, the obstruction of the adjacent disabled spaces and an increase in the number of vehicles manoeuvring in a position on the highway network where adequate turning facilities do not exist, resulting in conflicts with pedestrians and vehicles in this busy town centre location, which would be detrimental to highway safety and maintaining the free flow of traffic.

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

Area	Central Shopping Area
BY6	
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
S3/1	New Retail Dev Opportunities Within or Adj Town Centres
HT2/8	Taxi and Private Hire Businesses
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.

**Policy** - UDP Policy S2/3 - Secondary Shopping Areas and Frontages. Within secondary shopping areas identified in the Borough's town centres, and in the main shopping areas of district 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 proposals will give rise to disturbance or nuisance;

In addition, where a proposal would lead to more than 40% of any identified secondary 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 secondary 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.

Policy HT2/8 Taxi and Private Hire Businesses. Proposals for taxi or private hire businesses will be looked upon favourably, providing that the following criteria are satisfied:

a) adequate car parking facilities are provided for the needs of employees and vehicles used in connection with the business;

b) it will not have an unacceptable adverse effect on the amenities of neighbouring residents or occupiers;

c) it will not have an unacceptable adverse effect on the local highway network, in terms of road safety and traffic circulation in particular.

The main planning issues are the effect of the proposed change of use upon (i) the vitality and viability of Bury Town Centre and (ii) highway safety.

**Impact on Shopping Centre** - This part of the town centre is a relatively vibrant part of Bury Town Centre and contains a wide variety retail and retail related uses such as shops, banks, cafes and salons. This unit has been vacant for about a year and currently does not add anything positive to the streetscape. As a booking office, bookings would be taken by phone and from behind a public counter when the public walk in to the office from the street. Given that there would be an active shop front maintained and that customers would be going into the building to make the bookings, thereby maintaining a healthy footfall just as there would be for any other public office such as an estate agent or bank, the use would make a positive contribution to the streetscape. An active frontage, albeit a booking office is preferable to a shuttered up vacant unit. The use would be complementary to that of the surrounding town centre uses in that it would provide a place for shoppers to go into to order their transport home.

It is not considered that the proposal would have a harmful effect upon the vitality and viability of Bury Town Centre and there would be no conflict with UDP Policy S2/3 which, whilst it seeks to maintain retailing as the predominant land use, recognises that changes of use to non-retail will be assessed on their individual merits and this includes the provision of a display window.

The proposal is therefore acceptable and, in terms of shopping policy, complies with the NPPF and UDP Policies S1/1, S2/3.

**Traffic** - The proposed development would have no off-road vehicle-passenger collection point for private hire vehicles. However this is no different to any other Town Centre businesses, be it shops or offices. Nevertheless, it is usual for taxis to drop off and collect passengers on the highway and there are parking bays nearby. During the daytime, parking within the bays are subject a 'Pay & Display' system. The presence of the 'Pay & Display' would not prevent cabs stopping and collecting passengers and it is considered possible that taxis collecting fares from the premises would make use of these bays if available. Given that the Local Authority has provided these bays it must have been accepted that it is safe to stop, park and drive off. It is noted that the site is situated at the end of a cul-de-sac and is not a through route where there is a lot of passing traffic. If taxis were to park up, as opposed to dropping-off and picking -up, this would be a matter for the Council to enforce but it would be wrong to assume that taxi drivers would park illegally any more than normal drivers would. The parking bays are intended for the use of shoppers but it is likely that the

customers of the taxi service would also include shoppers, thereby maintaining a shoppers use.

Whilst applications are assessed on their individual merits, decisions by the Planning Inspectorate inform Local Planning Authorities on how they interpret policy and situations on the ground at a particular time. A relatively recent appeal decision (57676) to allow a private hire booking office at 431 Bury New Road in Prestwich Town Centre raised issues about the acceptability of booking offices without dedicated off-street parking or unrestricted on-street parking. The inspector argued that a town centre booking office was acceptable even where there was no dedicated parking and that restricted parking/waiting areas were acceptable for picking-up and dropping-off of passengers.

For ease of reference, a plan of the Council's parking restrictions and existing taxi rank on Tithebarn Street is attached at the back of this report.

On balance, it is not considered that the proposed change of use would not have a significantly harmful effect upon highway safety and there would be no conflict with UDP Policies EC4/1, HT2/4, HT2/8 and HT6/2 in relation to parking and highway and pedestrian safety.

**Objections** - Whether the public would get confused over taxis and private hire vehicles is not a relevant planning consideration. Likewise 'conflict' between taxi operators and private hire vehicles is not a planning consideration but a public order issue.

The issue with regard to private hire vehicles waiting on the parking bays would be a matter for the Council's Parking Enforcement. It is noted that the main office for Bury's parking enforcement officers is located just to the east of Tithebarn Street at Carne House.

With regard to vehicle/pedestrian conflict, should the existing traffic regulations be observed, conflict would be minimised and as such this would not be a particularly robust reason to refuse the proposal.

### **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

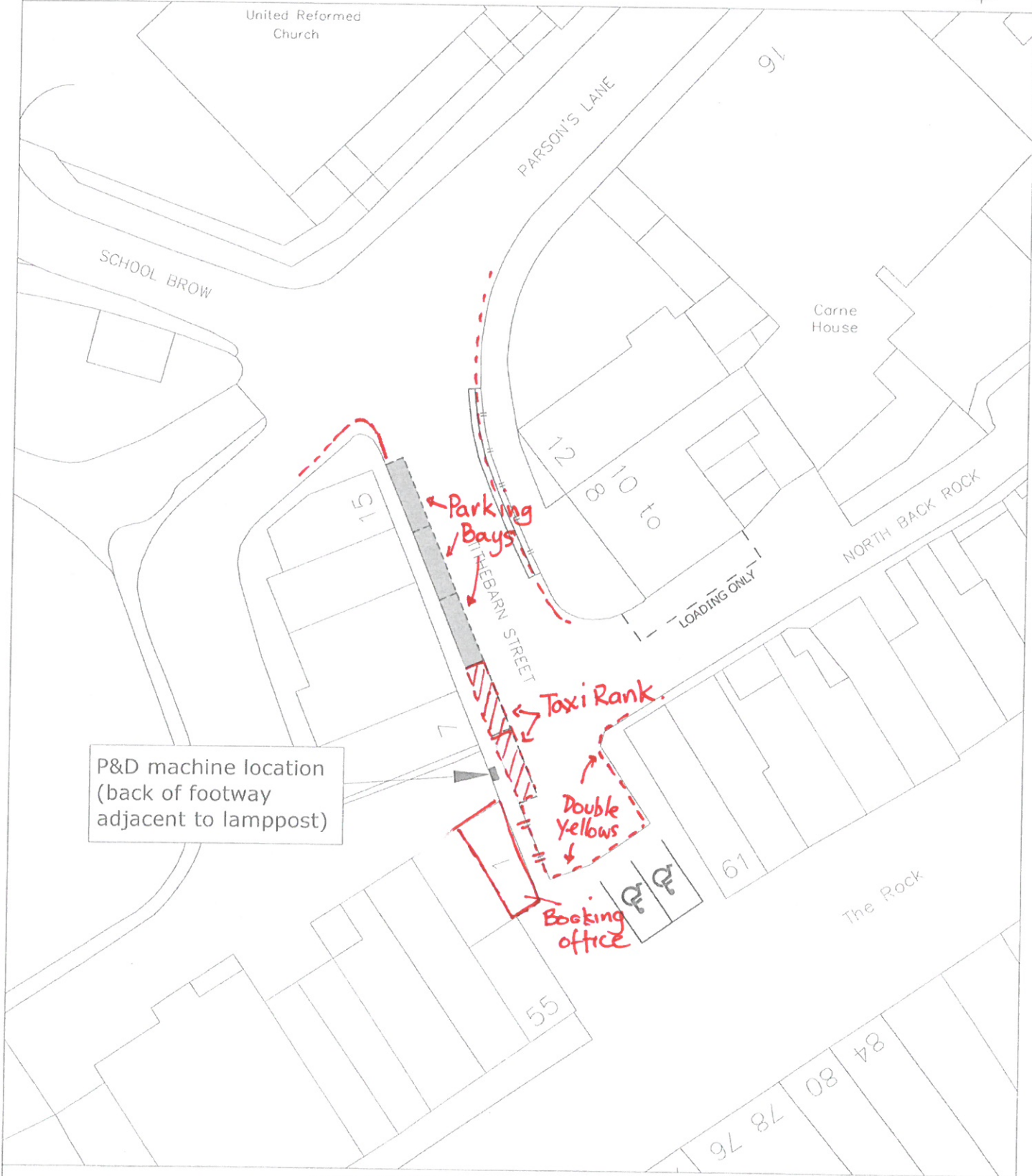
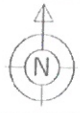
#### **Conditions/ Reasons**

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 the drawings received 29/09/2016 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 **Tom Beirne** on **0161 253 5361**

- 60645 -

# Tithebarn Street, Bury P&D Machine Location Plan



P&D machine location  
(back of footway  
adjacent to lamppost)

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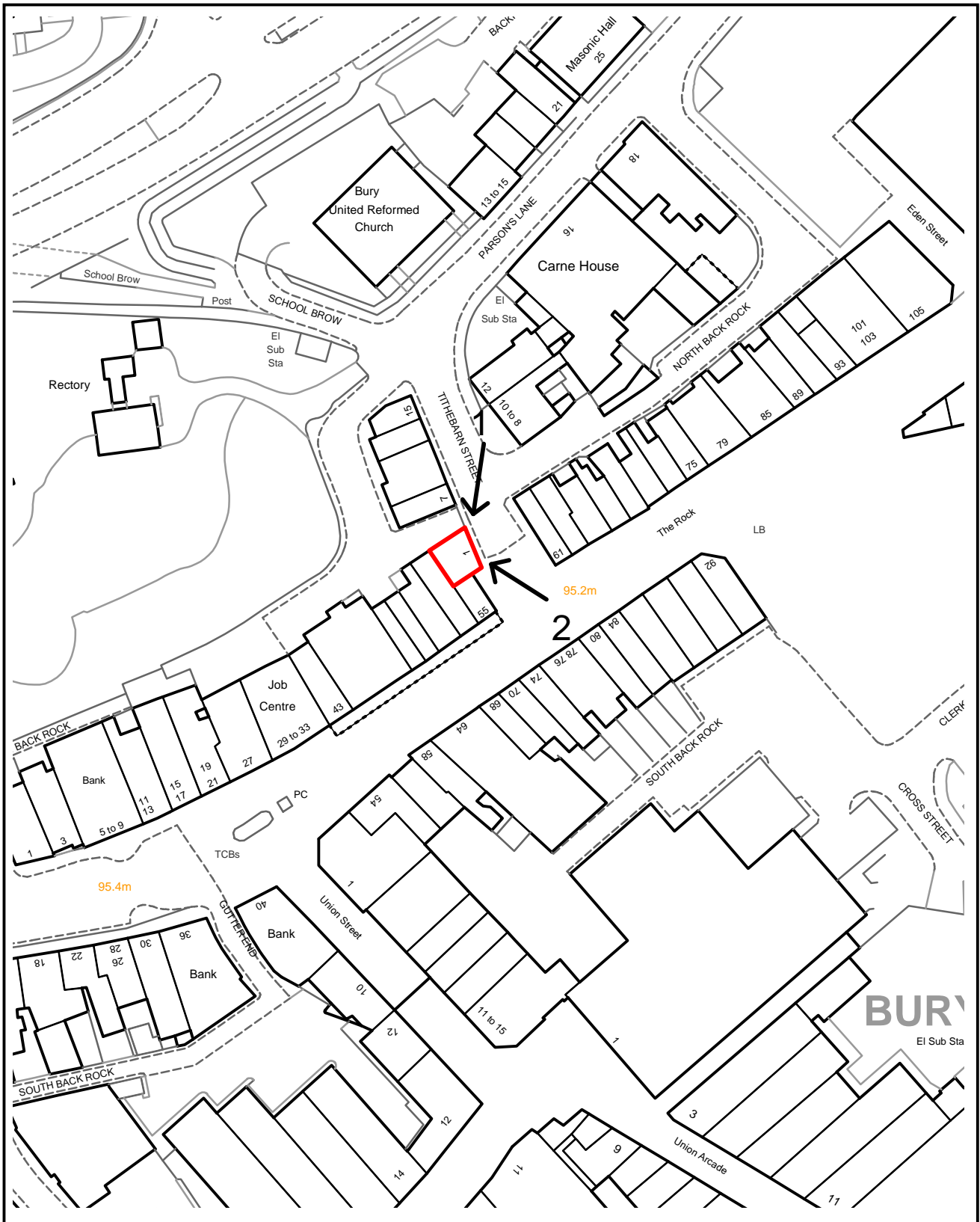
PLAN TM6796/5  
 DATE 21.01.13  
 DRAWN KLM  
 SCALE NTS

**ENVIRONMENT & DEVELOPMENT SERVICES**  
 Operations Division  
 Traffic & Road Safety Services  
 3 Knowsley Place  
 Duke Street,  
 BURY BL9 0EJ  
 Tel: 0161 253 5353  
 Fax: 0161 253 7963



PHOTOGRAPHIC COPY LIABLE TO DISTORTION IN SCALE

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 60645**

**ADDRESS: 1 Tithebarn Street  
Bury**

**Planning, Environmental and Regulatory Services**

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60645

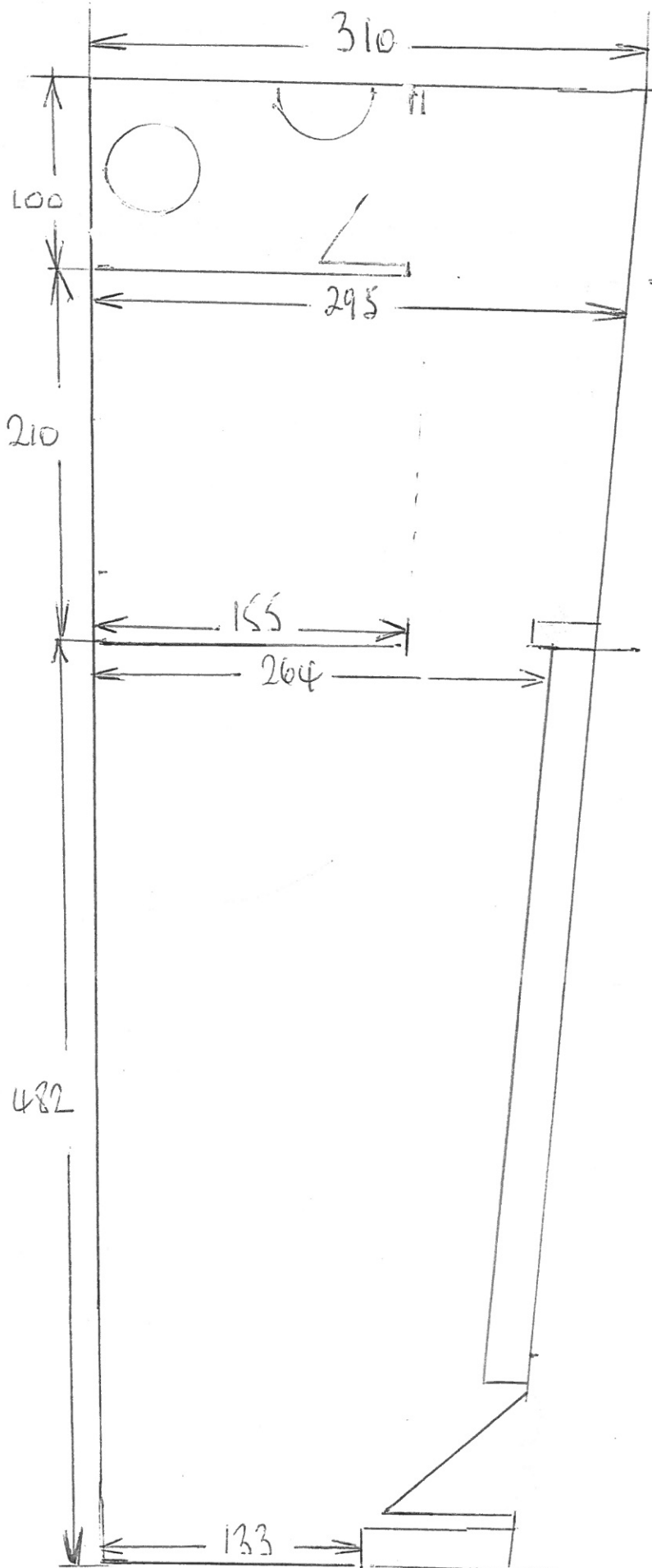
Photo 1



Photo 2



1 Littebarn Street





**Ward:** Radcliffe - North

Item 11

**Applicant:** LJL Group LTD.

**Location:** 20 Moss Shaw Way, Radcliffe, Manchester, M26 4NN

**Proposal:** Change of use from A1(shop) to A5 (hot food take away) with flue to rear elevation

**Application Ref:** 60675/Full

**Target Date:** 15/12/2016

**Recommendation:** Approve with Conditions

### **Description**

The application site is 20 Moss Shaw Way, Radcliffe. It is a single storey shop unit within a row of seven commercial properties which forms the Neighbourhood Centre NC32 - Moss Shaw Way and is sited between Arran Grove to the west and Northlands to the east. It is designated in Appendix 2: Shopping Hierarchy of the adopted Bury Unitary Development Plan (UDP). It is currently vacant, although was until March 2016 part of the adjacent (No.20) hairdressers after which it was repartitioned into two units. The hairdressers continues to trade in the single unit of No.20. The rest of the row consists of a 230 square metre general store, barber shop, news agent, hairdressers, bakery and hot food takeaway.

There no alterations to the shop front proposed but there would be an extraction flue on the rear elevation 300 mm in diameter and projecting 300mm above the flat roof of the unit.

The proposed hours of operation are Monday to Friday 11:30 to 21:00, Saturday 0:900 to 21:00 and Sundays and Bank Holidays 0:900 to 17:00.

The application site fronts a 16 space free public car park. There are residential properties to the rear of the site. This small commercial row of seven properties serves local needs and passing trade.

The servicing and access arrangements are as existing via an access road at the rear which serves all seven units. There is no on-site parking.

Neighbourhood Centre NC34 - Coronation Road is located approximately 480m from the application site.

### **Relevant Planning History**

28123/93 - change of use from hairdressers to hot food takeaway - Refused 22/4/16.

### **Publicity**

Notification letters were sent on the 21/10/16 to 14, 16, 18, 22, 23, 24, 25, 26, 26A, 27 Moss Shaw Way, 2 Arran Grove and 16, 17, 18 Northlands.

One letter of objection has been received from 17 Northlands and in summary is:-

- Already suffer with the strong smell from the existing hot food takeaway and the "shanty style" food storage area built on the back.
- The collection of waste is another area of complaint as this will mean another collection from waste companies who do not care what time they pick up the rubbish
- This affects the residential value of properties in the area it means another area for people to congregate.
- Who will be picking up the extra rubbish that will be being dropped outside the residents houses. As our property sits at the side of the shops on Moss Shaw Way the suggested

'flue' will be around 10 foot away.

- Smells that are likely to add to the existing smells this will make our garden uninhabitable

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

### **Consultations**

Planning Policy Manager - No comments received

Traffic Section - No comments received

Environmental Health - Commercial Section - Recommends conditions for flue use.

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

S1/5 Neighbourhood Centres and Local Shops

S2/6 Food and Drink

EN1/1 Visual Amenity

HT2/4 Car Parking and New Development

HT5/1 Access For Those with Special Needs

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.

**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, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within

the margin of discretion afforded to the Council under the Town & Country Planning Acts.

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

**Principle** - S1/5 - Neighbourhood Centres and Local Shops

The Council will seek to retain retailing (Class A1), as the predominant use in small neighbourhood centres and in new or existing local shops, to cater primarily for the day to day needs of residents and businesses.

Neighbourhood centres, as listed in Appendix 2 and indicated on the Proposals Map, and traditional corner shops provide a similar role to those in local centres, being easily accessible to all the community, convenient and located within residential areas. Local neighbourhood centres and local shops can also cater for the daily or casual needs of the nearby residents or those passing by, thus reducing the need for additional trips and assisting in the pursuit of sustainability.

Within this tier of the shopping hierarchy it is recognised, however, that it may not always be possible to safeguard existing facilities or retain shops, especially where there is not enough consumer demand to make a shop viable. The duration of vacancy of shop premises will therefore be taken as an indication of likely viability. The Council will, however, try to retain and encourage essential convenience goods shops and local services within reasonable walking distance of every home (a maximum distance of 800 metres (half a mile)).

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 unit is currently unoccupied and has been so since March 2016. The unit has been marketed since January as a retail unit but has had no serious interest shown. The application does not say how vigorously the unit was marketed as a retail use but it is considered that bringing it back into an appropriate use is better than the unit being vacant.

The proposal would result in a loss of a retail use in a Local Neighbourhood Centre. However the Centre would still remain predominantly in retail use, with five out of seven units being in retail use and there would still be a permitted change back to retail use.

This Neighbourhood Centre is 480m from the Neighbourhood Centre NC34 - Coronation Road. The parade of shops also has a 230 square metre general store. As such local needs would still be catered for and the viability of the neighbourhood centre would not be harmed.

The scale and character of the use would not be detrimental to the area as it is in an existing commercial row and would be complimentary to the remaining retail uses and is a small.

The proposal would not result in an over concentration of hot food takeaways, there being only one other in the row. As such the change of use would comply with UDP Policies S1/5 - Neighbourhood Centres and Local Shops and S2/6 - Food and Drink.

**Residential Amenity** - The application site has a residential property (17 Northlands) to the rear separated by the service yard to the row of shops. The proposed flue would be sited 9 metres from the boundary of this property and will be operated in accordance to current regulations. A condition of the planning permission will require the flue to be installed and operated to comply with or exceed the minimum requirements for odour control. As such the operation of the flue would not be detrimental to the residential amenity of the occupiers of No.17 Northlands.

The objector also expressed concerns over the cumulative effect of smells from the flue of the existing hot food takeaway. That is not a matter for this application. As an existing operation it should be reported to the Councils' Environmental Health Team to ensure it is being operated within the control regulations.

People travelling on foot to the proposal would not have to pass exclusively the objection address to arrive at the application site. As such there would be a number of potential sources for litter. The applicant would not be responsible for litter away from the site and there is already a litter bin directly outside the unit. As such proposed use would not create any more litter than might already exist either near to or away from the site.

To further protect the residential amenities of nearby occupiers a condition will be added to restrict the hours of operation to 21:00.

As such the proposed change of use would comply with UDP Policy S2/6 - Food and Drink.

**Visual Amenity** - The proposed flue by virtue of its siting, size and design and when viewed within the context of the existing service yard area would not be any more detrimental than the yard itself to the visual amenity of nearby occupiers. A condition will be added to ensure the flue is painted black to match the existing roof fascia board and further mitigate its visual impact. As such the proposed flue would comply UDP policy EN1/1 - Visual Amenity.

**Parking and Access** - No on-site parking is proposed, however there is a 16 space free public car park directly opposite the unit. On the basis of the Council's guidance, 5 spaces for an A5 use with a public area of 39 square metres would be required in a high access area. The guidance however does state that parking should be assessed on an individual basis, depending on the nature of the site. On this basis, the proposal complies with UDP Policy HT2/4 and Supplementary Guidance Note 11 relating to parking.

**Bin Storage and Servicing** - The existing yard area would serve as a bin store. It is assumed that the proposed business would be serviced as the other properties on the row. As an existing unit there would not be any extra waste collections and they would take place under current arrangements. As such the proposal would not lead to an increase in noise and disturbance during collection than already exists. As such, it is considered that the rear yard area would be sufficient to comply with the requirements of UDP policy HT2/4 with regard to refuse and servicing.

**Other Planning Material Considerations** - Application 28123/93 - change of use from hairdressers to hot food takeaway was refused on 22/4/16. The reason was as follows:

"The development would be seriously detrimental to the residential amenities of nearby occupiers, by reason of the noise, smell, disturbance and general activity associated with the proposed use"

The officer recommendation report stated that 4 individual objections had been received as well as a 64 name petition based on the problems caused by youths gathering in front of the

shops, the problems relate to noise, disturbance, litter, late opening hours and general nuisances in the area.

The report also states a previous application for a "similar application on 22 Moss Shaw Way was refused but that application had less objections" and "that this (28123/93) application is identical and the relevant circumstances have not changed at all".

Based on the above the proposal was recommended for refusal and that recommendation was approved by Planning Control Committee on 27/5/93.

An application C/21863/88 on 16 Moss Shaw Way for a change of use to a hot food takeaway was given permission by the Council on 10/11/88 with a condition allowing it to open up to 23:30 daily. That unit is still in use as a hot food takeaway.

Since the submission of the applications above the National Planning Policy Framework (NPPF) has come into force and is a significant policy change orientated towards economic development. Paragraph 14 of the NPPF states "at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking".

This current application is for a sustainable development and unless material considerations indicate otherwise permission should be granted. Notwithstanding the planning history above the proposal can be made acceptable by the imposition of conditions to protect the residential amenity of nearby occupiers in relation to control of smells and odours, noise and disturbance.

### **Response to objections**

- There has been no "shanty style" food storage area built at the back of the unit.
- The value of property is not a planning material consideration.
- No evidence has been put forward that people are congregating in front of the shops or that it is a problem or incidences of anti-social behaviour have been occurring. If this is the case then it is a pre-existing problem, that needs to be reported to the appropriate agencies.

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. This decision relates to unreferenced plans showing existing and proposed plans and elevations and the development shall not be carried out except in accordance with the drawings hereby approved.

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

3. The use hereby permitted shall not be open to customers outside the following times: 11.30 to 21.00 on Monday to Friday; 09.00 to 21.00 on Saturdays and 09.00 to 17.00 on Sundays and Bank Holidays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.

3. No development shall commence unless and until a scheme for treating, diluting and dispersing fumes and odours has been submitted to and approved in writing by the Local Planning Authority, which shall include:

a written statement from a suitably qualified person that is a member of the Heating and Ventilation Contractors Association (HVCA), which demonstrates compliance with the measures proposed in the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems :DEFRA 2005 (or if applicable such superseding guidance as shall prevail at the time of commencement of the development); and the relevant manufacturer and installer instructions for any associated equipment with details of maintenance requirements .

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

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

4. The scheme as approved shall be fully implemented and all equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.

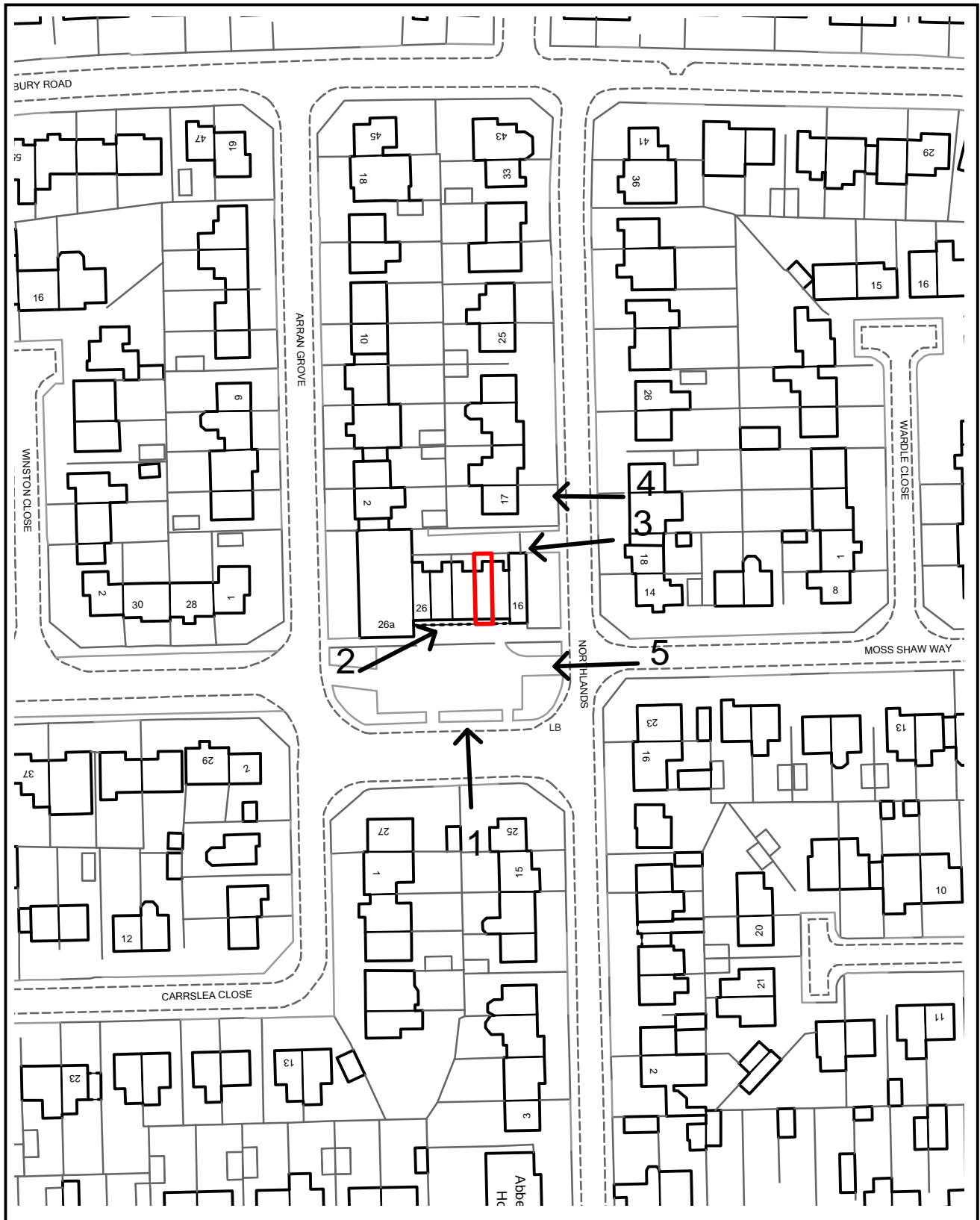
Reason – To protect the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to UDP Policy S2/6 - Food and Drink.

5. The flue hereby granted consent shall be powder coated colour black.

Reason. To protect the visual amenity of nearby occupiers in accordance with adopted UDP policies EN1/1 - Visual Amenity.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 60675**

**ADDRESS: 20 Moss Shaw Way  
Radcliffe**

**Planning, Environmental and Regulatory Services**

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60675

Photo 1



Photo 2





Photo 3



Photo 4



Photo 5

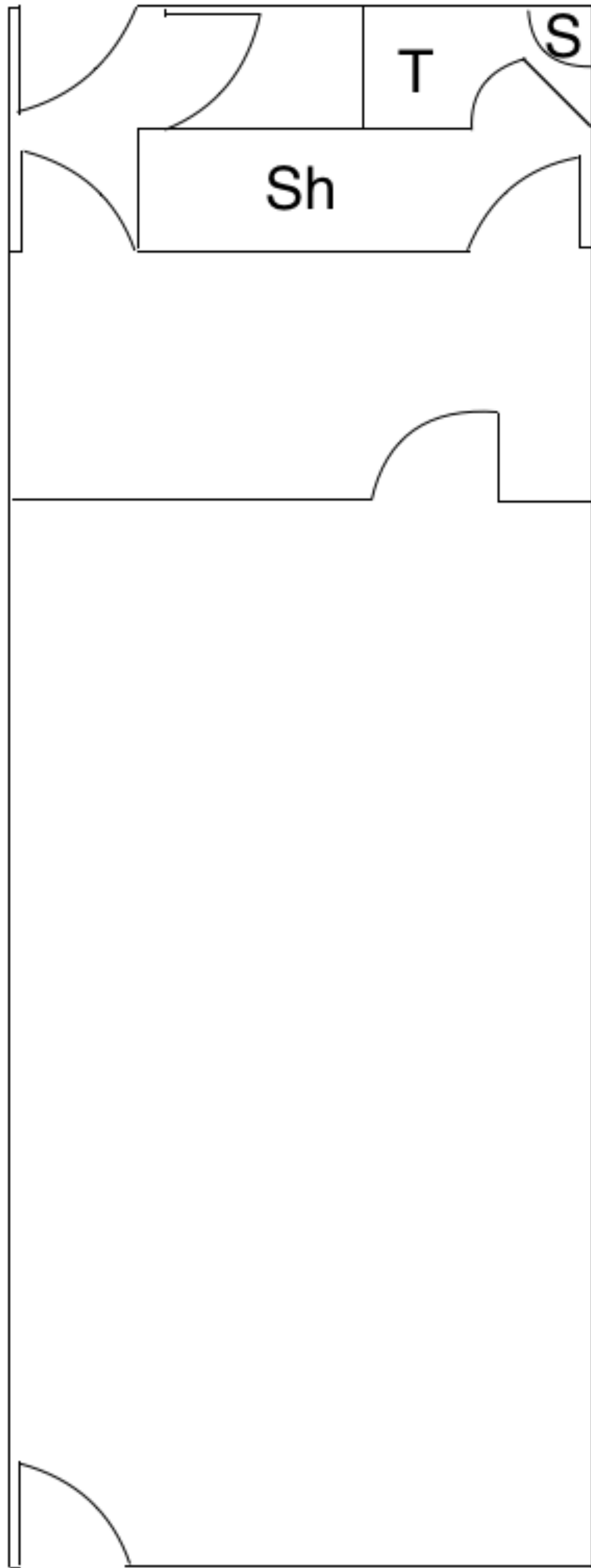


ORIGINAL FLOOR PLAN FOR 20 MOSS SHAW WAY

PAPER SIZE A3 - SCALE 1:30

1 METER SCALE BAR

- Key  
T = Toilet  
S = Sink  
Sh = Shower



FLOOR PLAN FOR 20 MOSS SHAW WAY

PAPER SIZE A3 - SCALE 1:30

1 METER SCALE BAR

Key

- T = Toilet
- S = Sink
- B = Bench
- O/H = Oven/Hob
- F/F = Fridge/Freezer
- HS = Hand Sink
- SF = Small fridge
- HSOC = Hot serve over counter
- G = Griddle
- E = Extraction Canopy
- D = Ducting
- DE = Ducting Exit

Dimensions

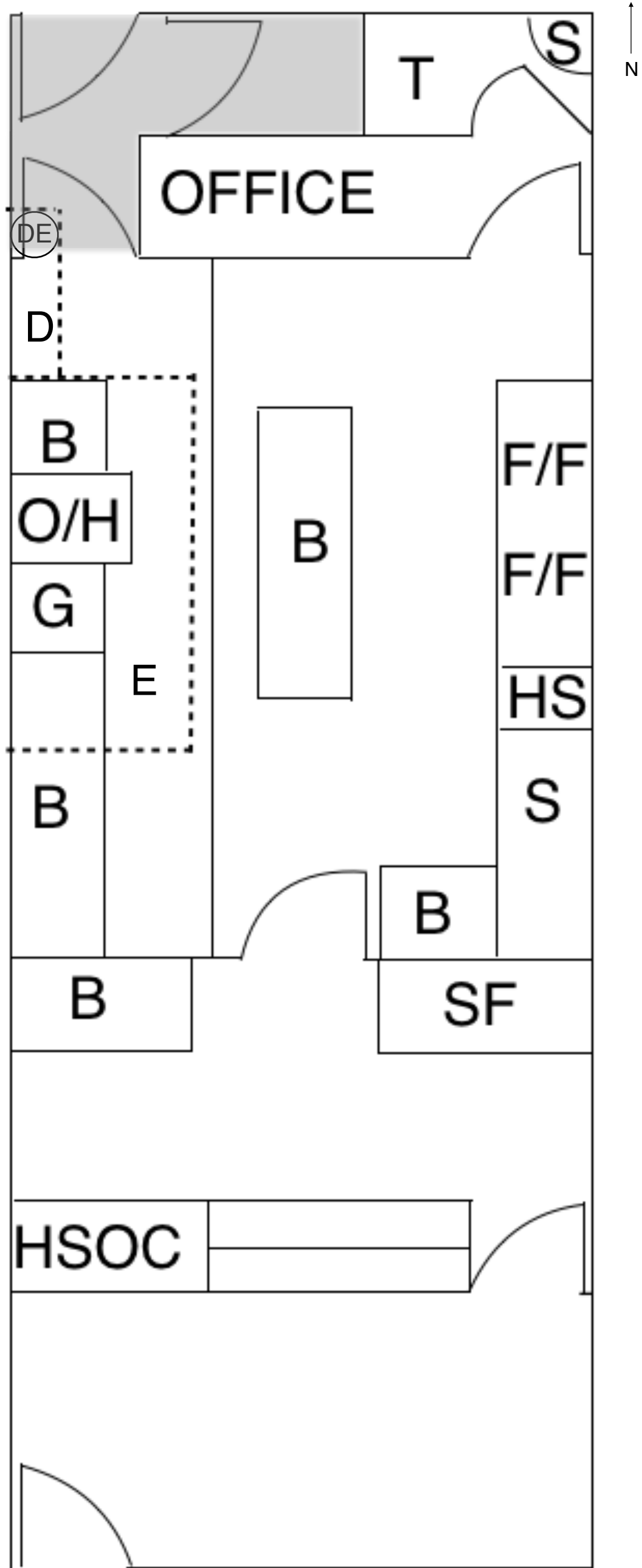
- Extraction Canopy - 2500mm wide x 1200 deep
- Oven/Hob - 600mm wide x 800 deep
- Griddle - 620mm wide x 600mm deep
- Ducting - 300mm diameter

The greyed area to the rear of the property is a non-permanent structure which is already there.

Ducting will exit through the wall above the door and bend 90 degrees upwards where there will be a chimney.

We will have a **HCBB/4-355H fan** which will run at **55dba** and will be fitted internally at **3m above the ground**. We will have a carbon box with a **0.02 second holding time** with a **pre filter** to filter out the odours.

All appliances will be electric.



This is a plan of the the west wall of the property if you were stood inside the property facing it.  
The purpose of this document is to show the dimensions of the extraction canopy, the ducting and where it would be exiting the building.

**KEY**

- C = Counter
- B = Bench
- G = Griddle
- O/H = Oven/Hob
- E = Extractor
- F = Fan
- FB = Filter Box

**DIMENSIONS**

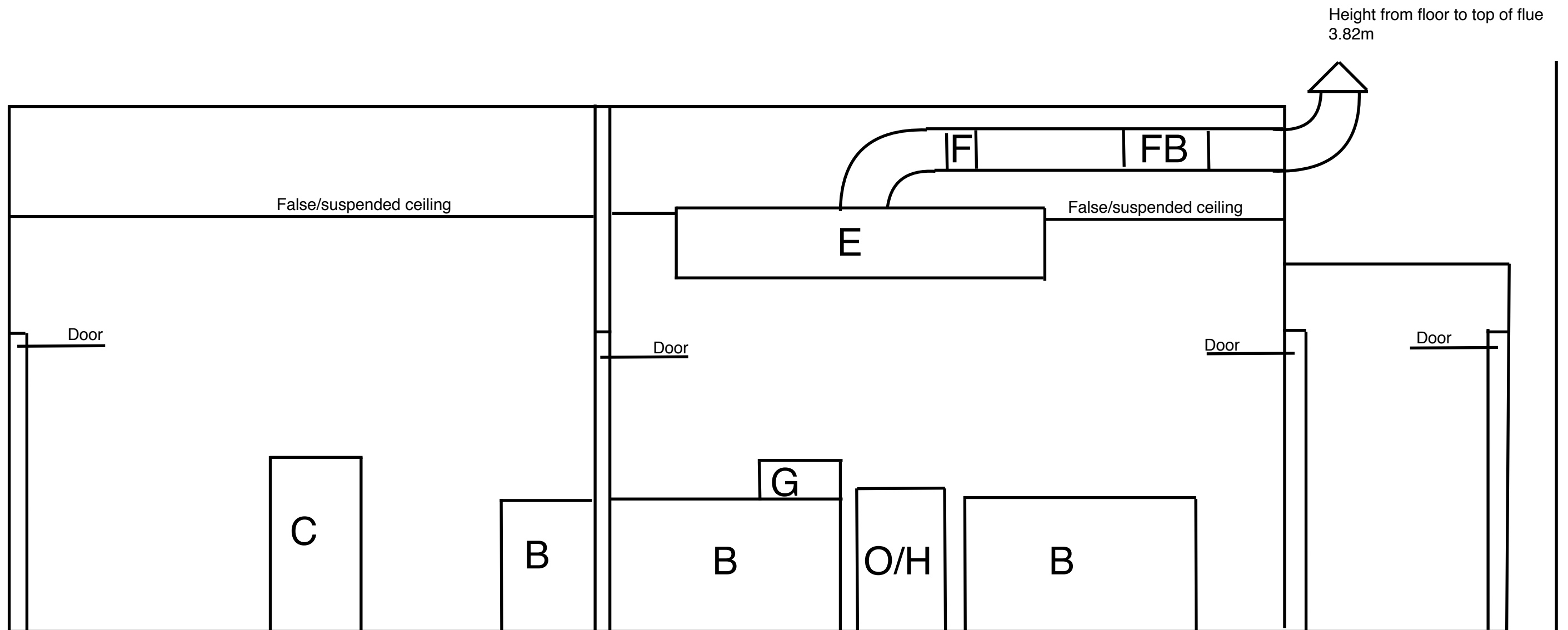
Extraction canopy - 2500mm x 1200mm x 500mm(back) x 400mm(front)

Ducting - 300mm diameter

Scale 1:29

1 metre bar

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**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 12

**Applicant:** Mr Aspen

**Location:** Land At Garden Street, Ramsbottom, Bury, BL0 9BQ

**Proposal:** Construction of 4 no. industrial units (B1 business and light industrial and B8 storage and distribution) with offices at first floor following demolition of existing workshop(B2).

**Application Ref:** 60681/Full

**Target Date:** 06/12/2016

**Recommendation:** Approve with Conditions

### **Description**

The application relates to an existing industrial site (0.16ha) within an Employment Generating Area on the north side of Ramsbottom. The site also falls within Ramsbottom Conservation Area. Other than the residential area to the south west, the site is surrounded by industrial land and premises. The East Lancashire Railway runs in a north south direction between the site and the River Irwell to the east. Garden Street, running south from the site, is adopted. Athol Street, running west, remains unadopted.

There is a stone built single storey garage/workshop on the west side of the site with a concrete hardstanding to the east and south. The existing access onto Garden/Athol Streets is in the south west corner. There are a number of small trees on top of the existing retaining wall along the eastern boundary with the railway which comprises a palisade fence.

It is proposed to demolish the existing stone built garage/workshop and construct a block of four small industrial units with a mezzanine office above each. Each unit would have a ground floor footprint 9m by 7m, an eaves height of 5.2m and a maximum ridge height of 6.6m. The elevations would comprise a random stone built lower section with composite steel cladding above. The roof would be composite grey sheets. A new access road/hardstanding would be formed to provide 14 parking spaces including two disabled spaces. There would also be a small grassed areas adjacent to the parking areas.

### **Relevant Planning History**

01820/E Pre-application enquiry - Industrial Units 28/04/16

### **Publicity**

Site notice posted 18/10/16. Press notice posted in Bury Times 20/10/16. The following neighbours were notified by letter dated 14/10/16.

Ramenco Ltd, Ramsbottom Mill, Cadet Training Centre, Lancashire Welding, Pennine House, Garden Court, 7-11, 25-33(odd) Garden Street; Drill Hall, Unit 2, 4-44(even) Crow Lane; Irwell Saw Mills, 1-17 Harrison Street; 1-36 St Paul's Street; 8 and 10 Rook Street; Unit 1 Factory Street; Ramsbottom Swimming Pool; Peel Bridge Mill; Irwell Mill; 2- 9 Church Street.

Two representations received from occupiers of 7 and 11 Garden Court. Concerns are summarised:

- Is it going to block sunlight?
- Overlooking?
- Noise - starting and finishing times?
- Excessive dirt and dust
- Poor road surfaces would be made worse by HGV's.

- Traffic congestion at the end of Garden Street.  
Those making representations have been notified of the Planning Control Committee meeting.

## Consultations

**Traffic Section** - No objection in principle. Any recommendations will be included in the Supplementary Report

**Drainage Section** - No objection.

**Environmental Health** - No objection.

**Environment Agency** - No objection.

**Greater Manchester Police** - No objection.

**Fire Protection** - No objection.

**Greater Manchester Ecology Unit** - No objection.

**United Utilities** - No objection.

## Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/2	Townscape and Built Design
EC3/1	Measures to Improve Industrial Areas
EC4/1	Small Businesses
EC6/1	New Business, Industrial and Commercial
EN5/1	New Development and Flood Risk
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/3	Water Pollution
SPD14	Employment Land and Premises
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.

**Policies** - EC3/1 Measures to Improve Industrial Areas. The Council will be especially concerned with improving older industrial areas and premises, and will encourage and, where appropriate, implement measures to:

- improve the condition and appearance of buildings;
- improve access, servicing and car parking arrangements;
- bring into use derelict and vacant land;
- facilitate the re-use of vacant buildings and floorspace;
- improve the visual appearance and environment of the area;
- promote the introduction of new industrial development;
- promote good standards of design in all developments.

EC4/1- Small Businesses. 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.

EN2/1 - Character of Conservation Areas. The Council will take action as appropriate to preserve or enhance the character or appearance of the Borough's Conservation Areas. The Council will be especially concerned with encouraging and, where appropriate, implementing measures to:

- a) retain, replace and restore features of historical and architectural interest;
- b) retain and enhance existing landscape features including trees, parks and gardens;
- c) initiate and promote environmental improvement/enhancement schemes such as landscaping, refurbishment of street furniture, traffic management and pedestrian schemes;
- d) remove dereliction and bring unused land or buildings back into beneficial use;
- e) prepare and promote design guidelines to ensure sympathetic development.

EN2/2 - Conservation Area Control. Development within a Conservation Area will only be acceptable if it preserves or enhances the special character or appearance of the area. In considering proposals for development in Conservation Areas, regard will be had to the following criteria:

- a) the nature of the development in terms of its bulk, height, materials, colour, design and detailing;
- b) the relationship between the proposed development and the architectural and visual qualities of the surrounding area;
- c) where demolition is proposed, the contribution of any proposed new building to the character or appearance of the area as compared to the building to be demolished;
- d) in the case of the re-use of buildings or the introduction of new uses, the impact of the proposal on the character or appearance of the area and the fabric of the existing building.

**Principle** - The site is within a designated Employment Generating Area and the previous use was for industrial purposes. The redevelopment of the site would promote new or relocating businesses. The principle of the use is therefore acceptable and complies with UDP Policy EN2/1 Employment generating Areas.

**Visual Amenity and Character of the Conservation Area** - The NPPF paras 131-134 relate to the special character of Listed Buildings and Conservation Areas and considers that the consideration of development should be commensurate with the quality and character of what they affect. S.72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to preserve and enhance conservation areas.

The block of 4 small units are relatively modest in scale and not dissimilar in size of footprint to the existing building that would be demolished. The design of the building and the proposed finish, with the random stone walls at ground floor level would not be out of keeping with what is a small industrial site on the edge of the conservation area. The new development would be set down from the railway land to the east and effectively screened by the existing boundary wall and planting along this boundary. From the road side (west), the existing steel gate and boundary walls would also help screen the development. The proposal would not be out of keeping with the site and surroundings and would not have a detrimental impact on the conservation area within which is located. The proposal is therefore acceptable and complies with UDP Policy EN1/2 in terms of visual amenity, EN2/1



and EN2/ with regard to conservation areas.

**Residential amenity** - The site is in industrial use with unrestricted hours of operating and also currently used to park heavy goods vehicles. Given that the proposal is relatively modest in scale and involves the upgrading of the building form on site with better sound insulation, restrictions on hours of working, to 1900hrs, and the creation of more formal parking and access arrangements, there is unlikely to be any serious detrimental impact on the nearest residential properties (Garden Court).

With regard to dirt and dust during construction, a suitable condition would ensure a minimal amount of mud and materials is deposited on Garden Street. When completed there is likely to be less larger HGVs generated by the proposed small units than the current site and with restrictions on external storage and improved surfacing within the site dust and debris should be minimised.

Given the nature of the proposal and separation distances of around 35m to the nearest residential properties on Garden Street, there would not be any overshadowing from the new building. Overlooking is not an issue as the window openings in the mezzanine level face east, away from the residential properties.

The proposal is acceptable and complies with UDP Policies EC4/1 Small Businesses and EN7/2 Noise Pollution.

**Access and Parking** - The proposed access point onto Garden/Athol Street would be unchanged with parking and turning arrangements within the site formalised and improved. In terms of parking standards, the 14 spaces allocated for the industrial units are well in excess of that required by the Council's guidance (1 space per 60sqm).

Comments about the poor state of Garden Street, near the site entrance are noted. As this road is adopted, improvements to the surfacing would be a matter for the Traffic Section.

The proposal is acceptable in terms of parking and access and complies with the NPPF and UDP Policies EC3/1, EC4/1 and HT2/4.

**Contaminated Land** - Appropriate site investigation and suitable mitigation measures would be a condition of approval pursuant to UDP Policy and the NPPF.

**Flood Risk** - As the site is within Flood Zones 1-3 and is considered a sensitive location with respect to controlled waters, a Flood Risk Assessment was submitted with the application. The Environment Agency consider that planning permission should only be granted subject to suitable planning conditions relating to appropriate surface water drainage, restrictions on discharge to waters, permeable surfacing and ground contamination investigations. These would be included in any approval.

**Drainage** - In line with the Environment Agency comments and the Council's Drainage officer, an appropriate drainage condition would be attached to any approval to ensure a sustainable drainage scheme is in place pursuant to Section 10 of the NPPF and UDP Policies EC3/1 and EN7.

**Objections** - The concerns of the objectors 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 MA2-00, 01, 02, and 03 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. Details of the proposed stone and cladding to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.  
Reason. 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. Development shall not commence until details of foul and surface water drainage aspects have been submitted to and approved by the Local Planning Authority. This must include potential SuDS options for a surface water drainage scheme. The approved drainage scheme shall be implemented and thereafter maintained to the satisfaction of the Local Planning Authority.  
Reason: To reduce the risk of local flooding and water pollution by ensuring the provision of a satisfactory means of surface water disposal pursuant to the NPPF and UDP Policies EN5/1 New Development and Flood Risk and EN7/5 Waste Water Management.
5. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  - 1.A preliminary risk assessment which has identified:  
all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.  
Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.  
Reason. To protect the water environment and comply with the National Planning Policy Framework.
6. No occupation shall take place until a verification report demonstrating completion

of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason. To protect the water environment and comply with the National Planning Policy Framework.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.  
Reason. To protect the water environment and comply with the National Planning Policy Framework.
8. No work or other activity shall take place on the site outside the following hours:-  
0730 hrs to 1900 hrs, Monday to Saturdays inclusive.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to UDP Policies EC4/1 Small Businesses, EC6/1 Assessing New Business, Industrial and Commercial Development and EN7/2 Noise Pollution.
9. The existing garage as indicated on the existing site plan, shall be completely demolished prior to the commencement of the construction of the proposed new industrial units.  
Reason. For the avoidance of doubt and in the interests of highway safety Pursuant to UDP Policy EC4/1 Small Businesses.
10. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being brought into use.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
11. The proposed access and parking areas within the site shall be constructed of permeable/porous materials.  
Reason: To secure the satisfactory development of the site pursuant to UDP Policy EN5/1 New Development and Flood Risk.
12. There shall be no external storage within the site.  
Reason. In the interests of visual and residential amenity pursuant to UDP Policies EN1/2 Townscape and Built Design and EC4/1 Small Businesses.
13. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
  - Access route for construction traffic from the highway network;
  - Hours of operation and number of vehicle movements;
  - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
  - Parking on site or on land within the applicant's control of operatives' and construction vehicles together with storage on site of construction materials.

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

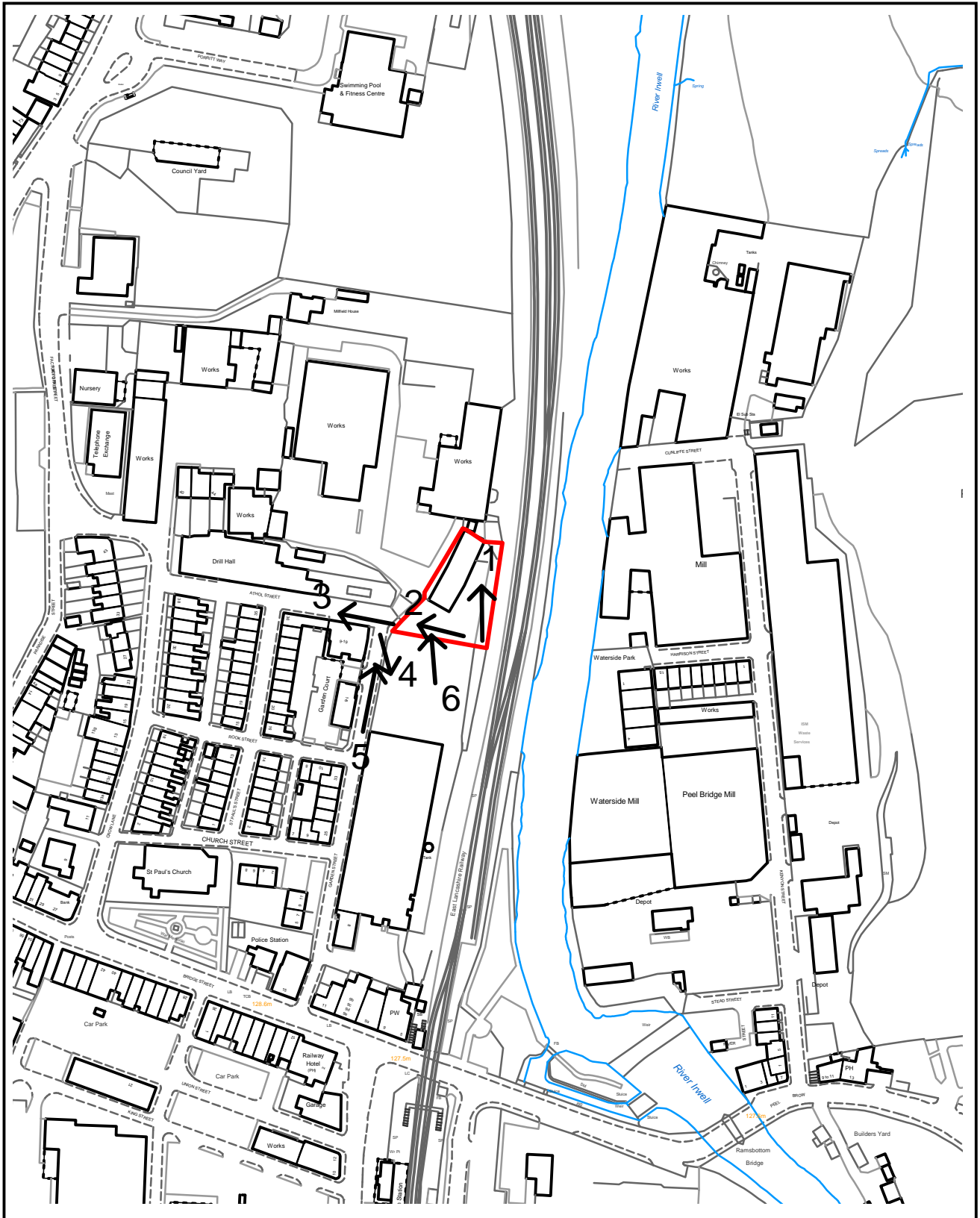
Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period, in the interests of highway safety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

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

Reason. The application contains no details of how this would be provided and to ensure that the adopted highways are kept free of deposited material from the ground works operations.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 60681

ADDRESS: Land At Garden Street  
Ramsbottom

Planning, Environmental and Regulatory Services

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**Bury**  
COUNCIL

60681

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6





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Land at Garden Street  
Ramsbottom  
BL0 9BG

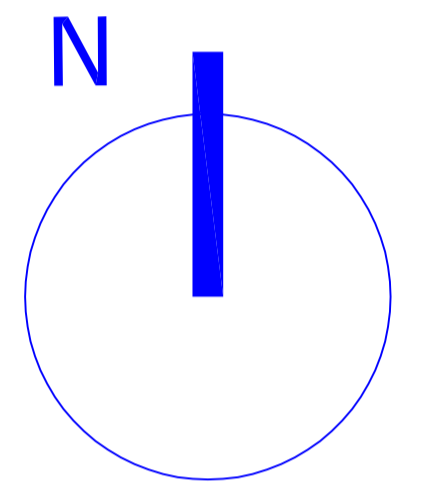
scale 1:200@A1  
August 2016

MA2-01A Existing Site Layout

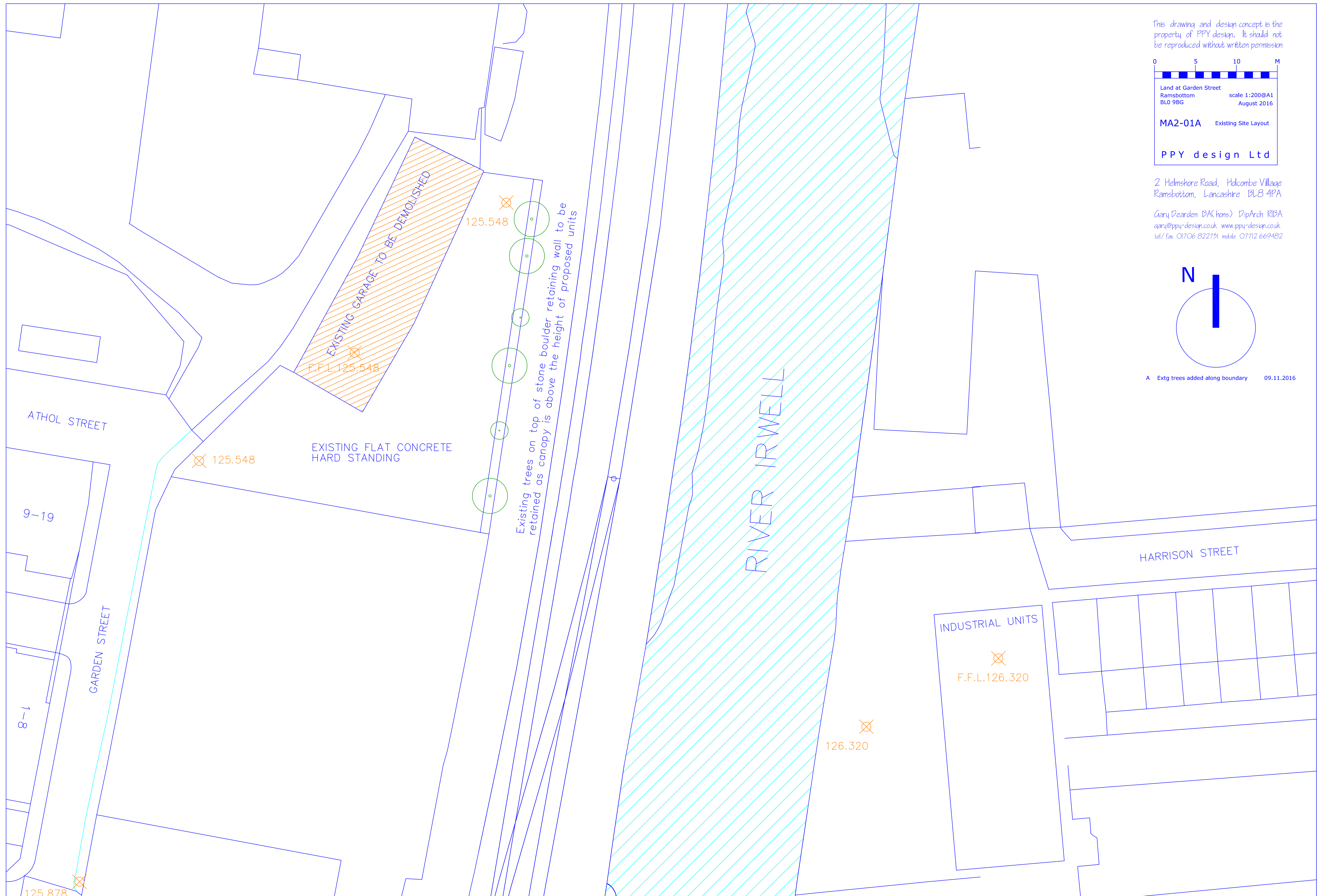
PPY design Ltd

2 Helmshore Road, Holcombe Village  
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gary@ppy-design.co.uk www.ppy-design.co.uk  
tel/fax 01706 822791 mobile 07712 669482



A Extg trees added along boundary 09.11.2016



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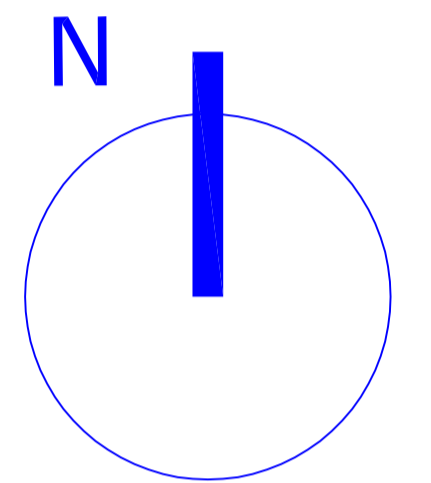
Land at Garden Street  
Ramsbottom  
BL0 9BG  
scale 1:200@A1  
August 2016

MA2-02A Proposed Site Layout

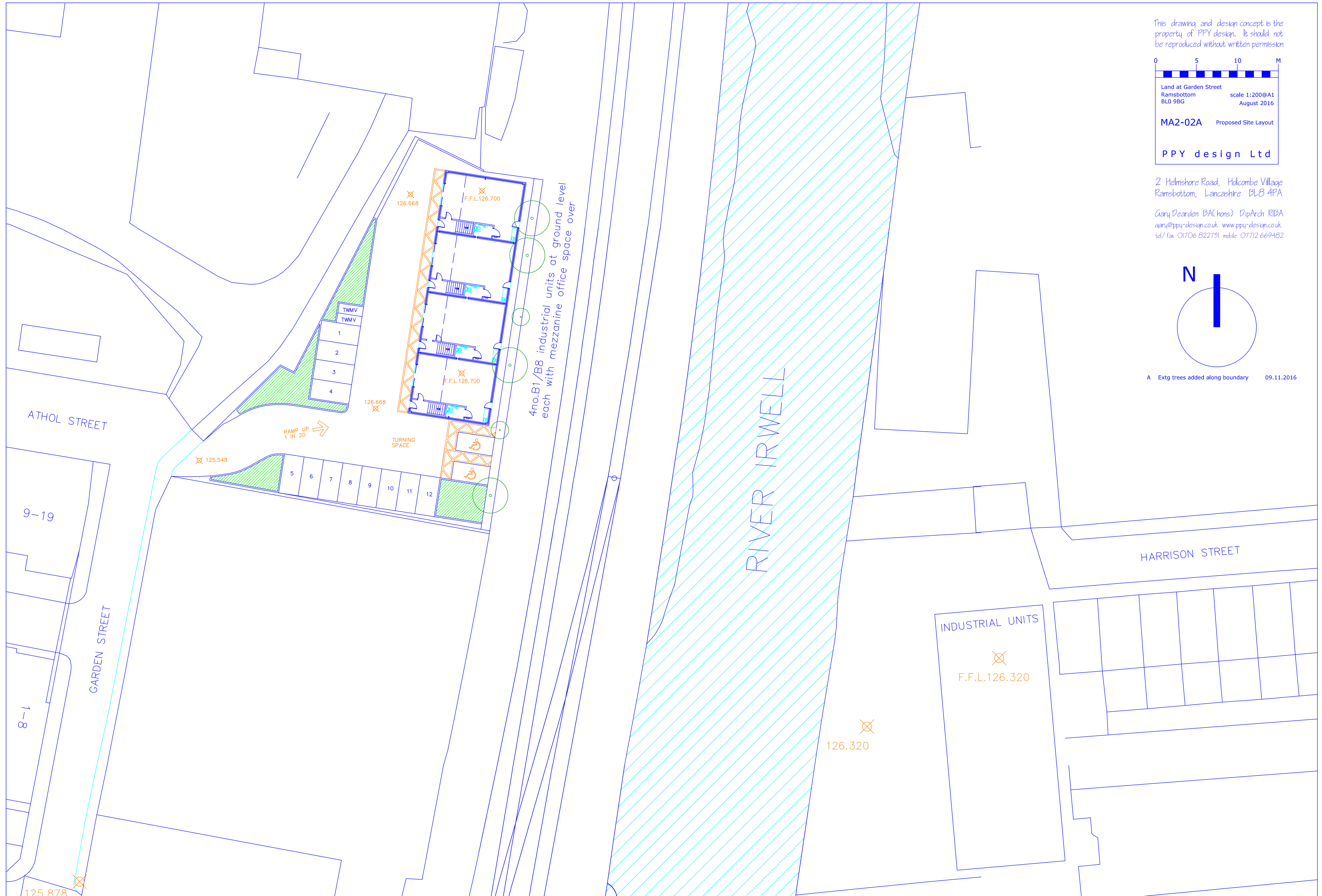
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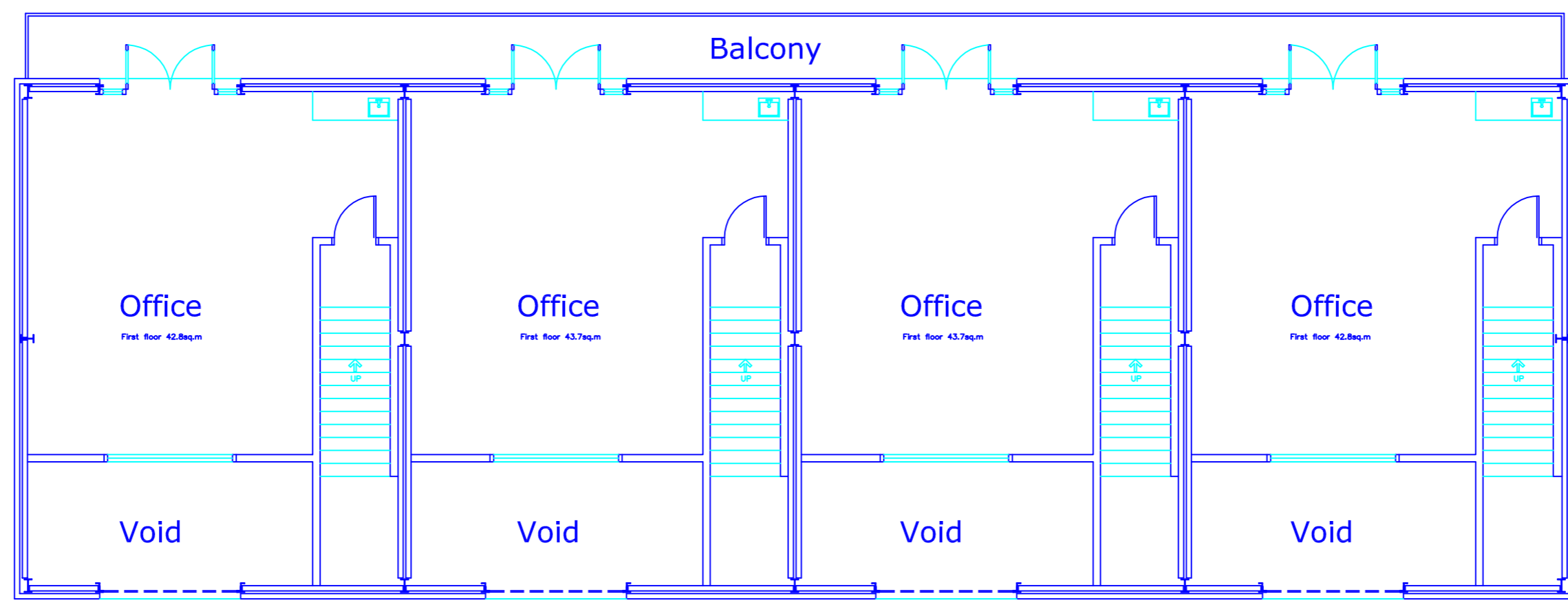
2 Helmshore Road, Holcombe Village  
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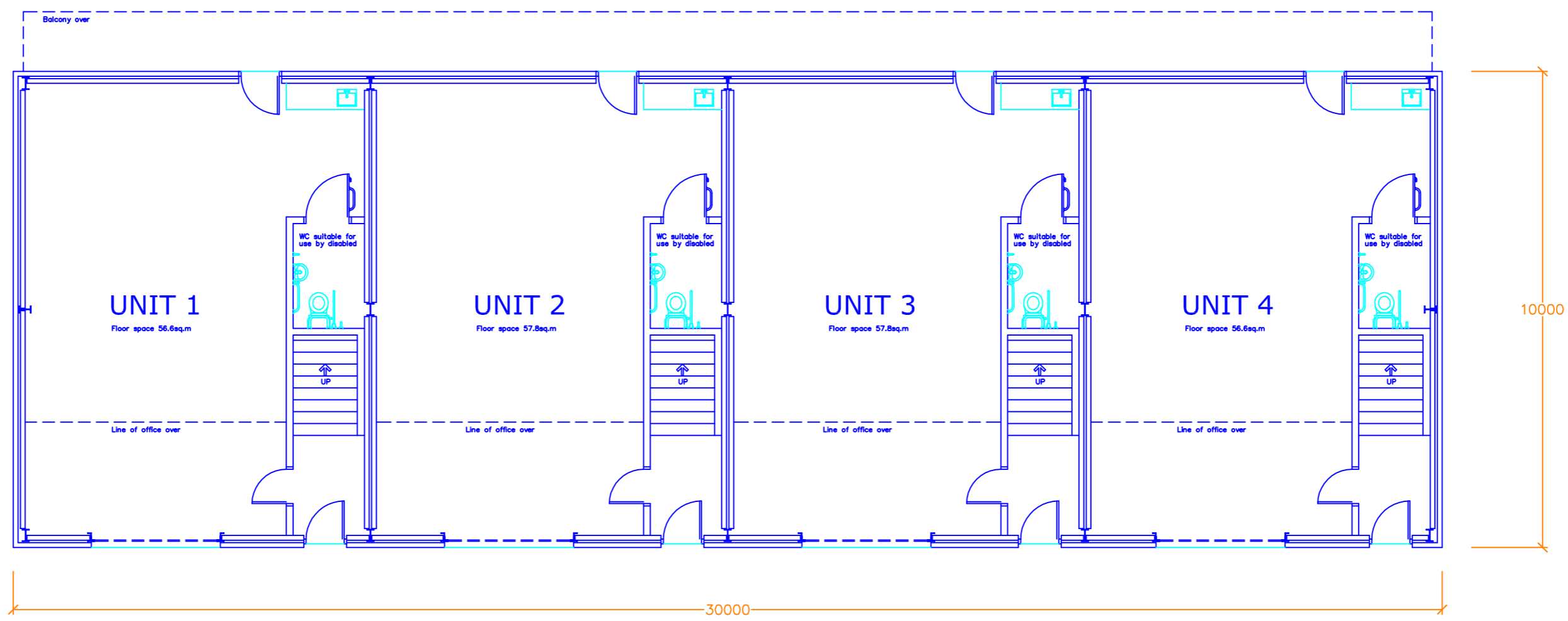


A Extg trees added along boundary 09.11.2016

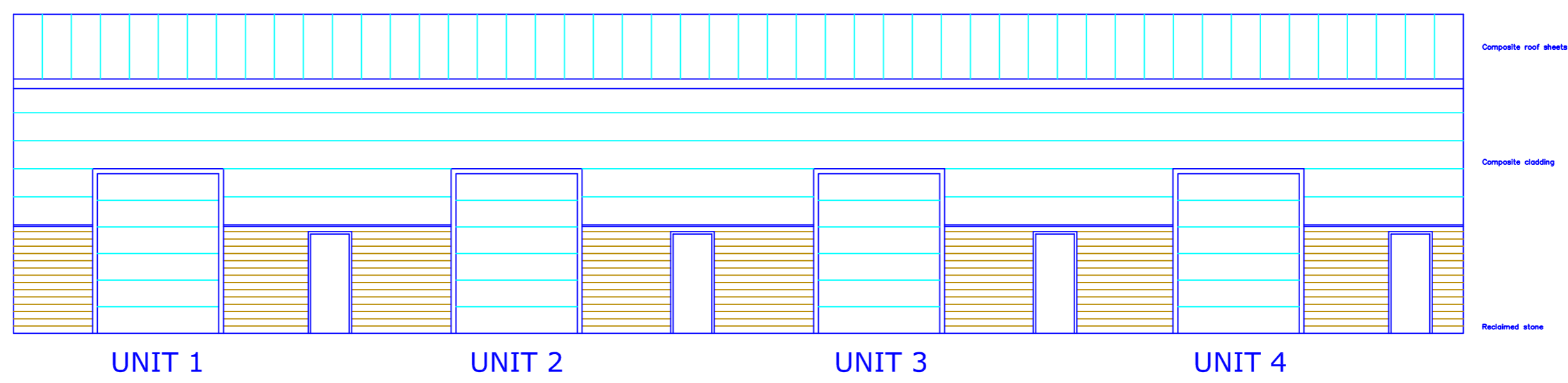




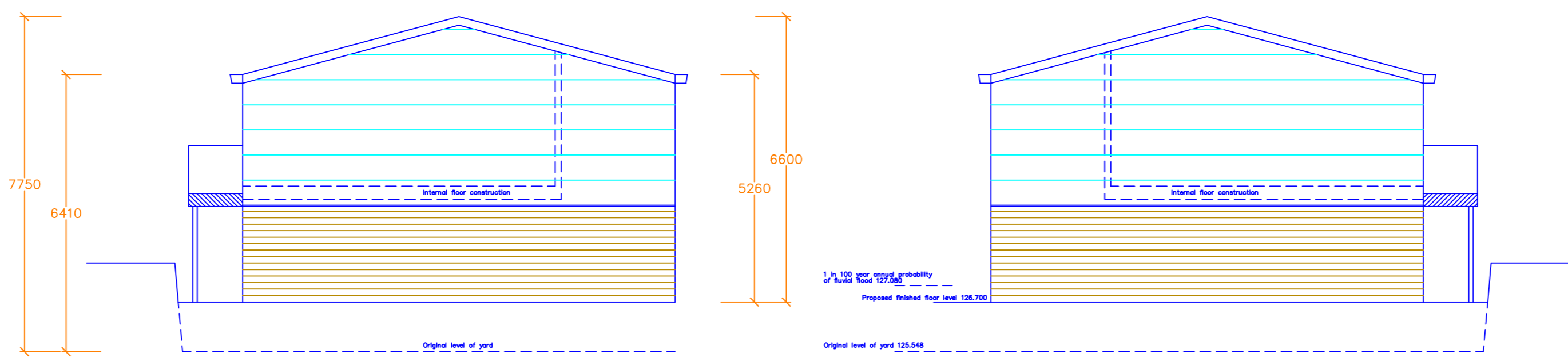
Proposed First Floor Plan



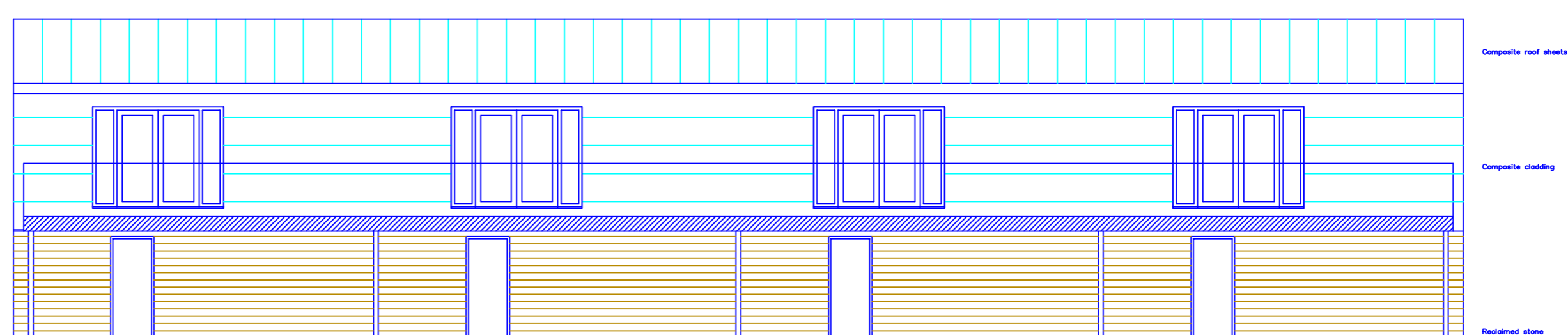
Proposed Ground Floor Plan



Proposed West Elevation with sectional doors facing car parking



Proposed North Elevation Proposed South Elevation



Proposed East Elevation with first floor offices overlooking the river

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Land at Garden Street  
Ramsbottom  
BL8 9BG scale 1:100 at A1  
October 2016

MA2-03 Proposed Layout Plans  
and Elevations

PPY design Ltd