

<b>Title</b>	<b>Planning Applications</b>
<b>To:</b>	<b>Planning Control Committee</b>
<b>On:</b>	<b>16 December 2014</b>
<b>By:</b>	<b>Development Manager</b>
<b>Status:</b>	<b>For Publication</b>

### Executive Summary

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

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

### This report has the following implications

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

**Policy:** Identified in each case.

**Resources:** Not generally applicable.

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

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

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

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

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

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

## **Development Manager**

### **Background Documents**

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

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

<b>01</b>	<b>Township Forum - Ward:</b> Radcliffe - East	<b>App No.</b> 56744
<b>Location:</b>	Land at Bury Road/York Street, Radcliffe, Manchester, M26 2WH	
<b>Proposal:</b>	Hybrid full planning application for the erection of 153 no. dwellings together with associated works including the laying out of public open space, and the undertaking of engineering operations to remediate the site, raise the levels, construct an emergency access and development platform for future commercial development; Outline planning application for erection of a Class B1/B2 & B8 development of 7435 m2	
<b>Recommendation:</b>	Minded to Approve	<b>Site Visit:</b> N
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<b>02</b>	<b>Township Forum - Ward:</b> Bury East - Redvales	<b>App No.</b> 57830
<b>Location:</b>	The Trafalgar, Manchester Old Road, Bury, BL9 0TB	
<b>Proposal:</b>	Change of use from public house to 5 no. flats with first floor extensions to side and rear and new access from Baron Street for parking (resubmission)	
<b>Recommendation:</b>	Approve with Conditions	<b>Site Visit:</b> N
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<b>03</b>	<b>Township Forum - Ward:</b> Radcliffe - West	<b>App No.</b> 57837
<b>Location:</b>	40 New Road, Radcliffe, Manchester, M26 1LS	
<b>Proposal:</b>	Single storey side extension	
<b>Recommendation:</b>	Approve with Conditions	<b>Site Visit:</b> N
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<b>04</b>	<b>Township Forum - Ward:</b> Whitefield + Unsworth - Pilkington Park	<b>App No.</b> 57950
<b>Location:</b>	Land at side of 3 Myrtle Grove, Radcliffe, Manchester, M45 7RR	
<b>Proposal:</b>	Erection of new detached house	
<b>Recommendation:</b>	Approve with Conditions	<b>Site Visit:</b> N
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<b>05</b>	<b>Township Forum - Ward:</b> Ramsbottom + Tottington - Tottington	<b>App No.</b> 58088
<b>Location:</b>	Land at rear of 44 & 46 Moorside Road, Tottington, Bury, BL8 3HW	
<b>Proposal:</b>	Siting of static caravan for office/rest room/canteen ancillary to proposed equine business on site (resubmission)	
<b>Recommendation:</b>	Approve with Conditions	<b>Site Visit:</b> N
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<b>06</b>	<b>Township Forum - Ward:</b> Bury East - Moorside	<b>App No.</b> 58153
<b>Location:</b>	34 Chesham Road, Bury, BL9 6LY	
<b>Proposal:</b>	Variation of condition no. 4 following grant of planning permission 52388: Amend from: No customer shall be permitted to be on the premises	

outside the following times: 08:00 - 20:30 Mondays to Saturdays and  
08:00 -18:00 on Sundays and bank holidays.

Amend to: No customer shall be permitted to be on the premises outside  
the following times: 08:00 - 22.30

**Recommendation:** Approve with Conditions

**Site Visit:** N



**Ward:** Radcliffe - East

Item 01

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

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

**Proposal:** Hybrid full planning application for the erection of 153 no. dwellings together with associated works including the laying out of public open space, and the undertaking of engineering operations to remediate the site, raise the levels, construct an emergency access and development platform for future commercial development; Outline planning application for erection of a Class B1/B2 & B8 development of 7435 m2

**Application Ref:** 56744/Full

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

**Recommendation:** Minded to Approve

### 16th December 2014 Committee Meeting

#### Recommendation:

**That Members confirm the resolution to be 'Minded to Approve' application 56744, subject to the revised employment commuted sum figure (£514,800 instead of £468,000) and the signing and completion of a Section 106 agreement for the timing and delivery of employment land and floorspace OR compensatory payment in accordance with SPD 14, which will require the delivery of 7435m2 of employment floorspace within 5 years or commuted sum payment of £514,800.00 (pro rata to floorspace delivered) pursuant to EC1/1/15 – Dumers Lane Employment Generating Area. Additionally, the construction, laying out, planting, timing and maintenance of 1.4ha of land for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan; and 15 affordable housing units in accordance with Policy H4/1 of the adopted Bury Unitary Development Plan. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Development Manager. Should the agreement not be signed and completed within the agreed period identified within the Planning Performance Agreement, it is requested that the application be determined by the Development Manager.**

#### Background

This application was presented to the Committee on 30th September 2014 and received a resolution of 'Minded to Approve' subject to the signing of a s106 agreement with respect to employment provision and recreation provision as detailed below. It has come to light that the extent of the total available employment land was incorrectly calculated which, in turn, has implications for the amount of compensation that would be payable in the event that the employment floorspace was not delivered. The correct area of employment land is 1.32 hectares which, under the terms of SPD14, would require an overall one-off payment of £514,800 and not £468,000.00 as was previously presented to Committee.

On this basis, this application is being represented to the Committee to enable the amended figures to be approved, which would form the basis of the s106 employment contribution should the employment unit(s) not be delivered within the 5 years as set out in the supporting application documents.

The original report is reproduced below for the avoidance of doubt.

#### Original Report Recommendation

*It is recommended that this application is Minded to Approve subject to the signing and*

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

## **Description**

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

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

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

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

To facilitate the development and for issues concerning flooding, the housing site would be raised by approximately 1.5m and the employment land platform would be some 2.0m above the existing ground levels.

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

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

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

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

### **Relevant Planning History**

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

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

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

### **Publicity**

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

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

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

### **Objections**

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

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

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

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

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

### **Consultations**

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

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

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

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

**Waste Management** - No objections.

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

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

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

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

Fire Service HQ Greater Manchester

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

**Greater Manchester Ecology Unit (GMEU)** - The developers have provided an updated ecological report as the existing survey information is more than 2 years old in order to reassure us there have been no material changes on site. GMEU are satisfied that the level of re-assessment. This has identified no additional ecological constraints.

**GM Police designforsecurity** - No objections in principle. They highlight the need for defensible fencing and planting (fencing heights to open space area should be 2.1m high).

**The Ramblers Association (Bury)** - No comments made.

**Manchester & High Peak Ramblers** - No objections.

**Peak & Northern Footpaths Society** - No comments made.

**The Open Spaces Society** - No comments made.

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

EC1	Employment Land Provision
EC1/1	Land for Business (B1) (B2) (B8)
EC2	Existing Industrial Areas and Premises
EC2/1	Employment Generating Areas
EC6/1	New Business, Industrial and Commercial
H1	Housing Land Provision
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity



EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN9	Landscape
OL5/2	Development in River Valleys
OL5/3	Riverside and Canalside Development in Urban Areas
RT1/1	Protection of Recreation Provision in the Urban Area
RT2	New Provision for Recreation in the Urban Area
RT2/1	Provision of New Recreation Sites
RT2/2	Recreation Provision in New Housing Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD16	Design and Layout of New Development in Bury
NPPF	National Planning Policy Framework

### **Issues and Analysis**

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

**Principle** - The application site lies within the Dumers Lane Employment Generating Area (EGA) and is subject to Unitary Development Plan (UDP) Policies EC2/1 and EC2/1/9. Currently the application is a hybrid with permission sought in full for the housing and engineering works and outline for the employment development. The emergency access is to be formed in two parts, one with a dedicated emergency route to be shared along the westerly edge of the site and an emergency vehicular access in the unlikely event of a catastrophic failure on York Street, running through the Wincanton site, which is owned by the applicant.

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

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

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

the residential use of this part of the site is appropriate, subject to the imposition of appropriate controls.

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

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

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

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

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

In the Council's view, the scale of the residential alone is such that it cannot realistically be regarded as limited development. However, paragraph 22 of the NPPF specifies that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H2/1 - The Layout of New Residential Development and H2/2 - The Layout of New Residential Development, provides the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finish materials. As the housing is

currently seeking full permission, these matters are shown in details.

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

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

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

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

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

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

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

in Bury needs to occur within areas at risk of flooding".

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

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

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

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

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

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

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

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

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

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

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

Displacement of Water and Residual Risks - The proposals would result in the way that water flows across the site in the event of flooding at both the 1 in 100 and 1 in 1000 years levels. The scheme presents a betterment for surrounding land to the south of the site including the residential properties on York Street and the modelled rates and directions of

flows have been accepted by the Environment Agency. The reasoning for the better is that the development of the site would change the flows across the site and in many ways slow the flow rates down. This would ensure that water dissipates more readily rather than areas becoming inundated and unable to dissipate the water. On this basis the modelling and predictions together with the redevelopment of the site would result in an improved situation.

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

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

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

The Traffic Section agree to the proposals for York Street serving as the main access route into the site. However, the issue centres upon when traffic signalling is needed on the York Street/Dumers Lane junction, bearing in mind the approved Property Alliance Group scheme. The Transportation Unit in Manchester were consulted on the previous application and given the lesser density of this scheme compared to the consented, but lapsed scheme, in terms of the Transport Assessment and have raised no fundamental objections to the proposals.

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

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

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

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

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

Birds are present on site nesting within vegetation and buildings. Given the particularly

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

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

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

- Details of replacement water bodies including location design, construction and landscaping;
- Details of proposed grassland, scrub, and woodland enhancement and creation for the entire site including large scale plan and species composition;
- Measures to protect and enhance the local amphibian population including timing of works and habitat creation;
- Specific species measures including kestrel nesting sites, translocation of soft shield fern, introduction of black poplars and habitat management for reed bunting;
- Measures to ensure the integrity of the wildlife corridor is maintained; and
- Buffering of the SBI.

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

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

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

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

The site lies within 250 metres of a landfill site known as Bury Road, Radcliffe Landfill with is located to the north west. The River Irwell flows along the eastern boundary of the site, while Bealeys Goit is located adjacent to the western boundary. The site is situated within

an area that could be affected by a major flood according to the EA flood map. A number of ponds are located to the west of the site with three reservoirs marked as being present on the site itself (within the former dye works). The site is underlain by alluvial deposits over Middle and Lower Coal Measures Secondary A aquifer. A fault cuts the site from north west to south east towards the south.

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

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

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

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

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

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

**Recommendation:** Minded to Approve

#### **Conditions/ Reasons**

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

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



3. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the layout, appearance and the landscaping of the site.  
Reason. To ensure the satisfactory development of the site and because this application is in outline only.
4. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and the Flood Risk Assessment (FRA) from Weetwood (Ref 1510/FRA\_v1.3 dated 4 February 2011), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

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

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

5. As part of the submission of the first reserved matters for the employment site, an Air Quality Assessment report of the impact of the development both during and after the construction phase on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall determine measures to minimise the impacts upon air quality arising from the development and the measures as approved shall be incorporated into the development.  
Reason - The roads leading to the planned development are within the Air Quality Management Area (AQMA). The AQMA in this locality is an area predicted to exceed the objectives for nitrogen dioxide as detailed in the Air Quality Regulations 2000 and (Amendment) Regulations 2002. UDP Policy EN 7/1 - Atmospheric Pollution considers that it is a requirement that this development does not lead to, or significantly add to predicted exceedences of any of the objectives detailed in the Air Quality Regulations 2000 and (Amendment) Regulations 2002.
6. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*) and Giant Hogweed (*Heracleum Mantegazzianum*) including measures to ensure that no harm occurs to otters, is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority. This condition can be satisfied in phases.  
Reason. To ensure that the site is free from Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape.
7. No development shall take place until an area of land has been defined and an otter habitat enhancement plan produced for otters. The scheme including details

of holt construction, timing for implementation and maintenance thereof shall be submitted before any groundworks to the employment platform are commenced and the holt shall be available for use in accordance with the approved timetable. Reason - To ensure that appropriate steps are employed to mitigate any potential impacts upon otters their resting points, habitat and wellbeing pursuant policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

8. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year unless otherwise agreed in writing with the Local Planning Authority.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

9. No development shall take place until a detailed biodiversity mitigation and enhancement proposal and master plan including avoidance, timing of implementation and habitat creation and enhancement has been submitted and approved in writing by the Local Planning Authority. The plan shall include:

- Details of replacement water bodies including location design, construction and landscaping;
- Details of proposed grassland, scrub, and woodland enhancement and creation for the entire site including large scale plan and species composition;
- Measures to protect and enhance the local amphibian population including timing of works and habitat creation;
- The design, quantity, location and implementation of artificial bat roosts;
- Specific species measures including kestrel nesting sites, translocation of soft shield fern, introduction of black poplars and habitat management for reed bunting;
- Measures to ensure the integrity of the wildlife corridor is maintained; and
- Buffering of the Site of Biological Importance.

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

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

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

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

- Monitoring of pond establishment and water levels
- Grassland mowing regimes

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

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

12. Details relating to a scheme for a travel plan shall be submitted as part of the reserved matters relating to the layout of the site. The development shall be carried out in accordance with the approved scheme and the travel plan shall accord with the Travel Plan Frameworks, which establishes the developer and occupier travel plan objectives and targets and includes an implementation programme. The approved scheme and its measures shall be implemented before each phase of the development is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority. This condition can be satisfied in phases.

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

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

- The buildings are located away from the 20 metre easement as per section 3.1.2.
- The external and internal levels are set as per sections 4.1.2 and 4.1.3.
- Identification and provision of safe routes into and out of the site to an appropriate safe haven as per section 4.1.4.
- The preparation of an emergency evacuation plan, including the registration with Floodline to receive a Flood Warning as per section 4.1.5.
- Flood-proofing measures as per section 4.3.

Reason - To reduce the risk of flooding to the proposed development and future occupants, to ensure safe access and egress from and to the site and to reduce the impact of flooding on the proposed development and future occupants pursuant to UDP Policy EN5/1 - New Development and Flood Risk and NPPF Chapter 10 Meeting the challenge of climate change, flooding and coastal change.

14. No development shall take place until a scheme for the provision and management of an 20 metre wide undeveloped buffer zone alongside the River Irwell shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be approved in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme including planting schedule largely based on native species.
- details demonstrating how the buffer zone will be protected during development
- details of any proposed footpaths, fencing, lighting etc.

Reasons - Development that encroaches on watercourses and linking riparian greenspace has a potentially severe impact on their ecological value. New built encroachment of river corridor can inhibit riparian species movement along key ecological network pursuant to UDP Policy EN5/1 - New Development and flood risk, EN6/4 - Wildlife links and corridors and Flood Risk and NPPF Chapter 10

Meeting the challenge of climate change, flooding and coastal change.

15. No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- detail of all land reprofiling works within existing greenspace and riparian corridor to accommodate flood risk issues.
- detailed site soil management strategy which integrates the ecological, recreational and flood risk issues of site.
- details of maintenance regimes
- details of any new habitat created on site
- details of any new surface water treatment from commercial site that is preferably based on Sustainable Urban Drainage principles.
- details of long term management responsibilities including adequate financial provision and named body responsible for management plus production of detailed conservation management plan.

Reason - To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site pursuant to UDP Policy EN5/1 - New Development and flood risk, EN6/4 - Wildlife links and corridors and Flood Risk and NPPF Chapter 10 Meeting the challenge of climate change, flooding and coastal change.

16. **Conditions relating to the FULL PLANNING PERMISSION relating to the Housing Site and Employment Platform**

17. In relation to the proposed housing part of the site and the employment platform, 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.

18. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*) and Giant Hogweed (*Heracleum Mantegazzianum*) including measures to ensure that no harm occurs to otters, is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority. This condition can be satisfied in phases.

Reason. To ensure that the site is free from Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape.

19. The employment platform shall be implemented and available for unit construction and its services before the commencement of housing development.

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

20. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and the Flood Risk Assessment (FRA)

from Weetwood (Ref 1510/FRA\_v1.3 dated 4 February 2011), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

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

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

21.
  - The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from Weetwood (Ref 1510/FRA\_v1.3 dated 4 February 2011) and the following mitigation measures detailed within the FRA:
  - The external and internal levels are set as per sections 4.1.2 and 4.1.3.
  - Identification and provision of safe routes into and out of the site to an appropriate safe haven as per section 4.1.4.
  - The preparation of an emergency evacuation plan, including the registration with Floodline to receive a Flood Warning as per section 4.1.5.
  - Flood-proofing measures as per section 4.3.

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

22. Notwithstanding the submitted proposals, no housing development shall commence unless and until full details of the emergency access route through the Wincanton site from the junction with Bury Road to its junction with the proposed estate loop road adjacent to Plots 35 & 36, so designed to ensure that it is capable of carrying fire tender vehicles to carry out emergency operations and emergency general usage for the housing estate, have been submitted to and approved in writing with the Local Planning Authority. Its specification and details relating to the construction, security of the route, continued availability of the route to and from the Wincanton site shall also form part of the submitted details.

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

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

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

- The phasing in relation to the ecology shall be implemented in accordance with the provisions to be satisfied within conditions 7 to 11 inclusive;
- The phasing in relation to the remediation of the existing former Unify Dyeing Site and land raising thereto, shall be implemented in accordance with the provisions to be satisfied within conditions 7 to 11 inclusive;

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

24. The residential development hereby approved shall not be occupied unless and until the site access improvements to York Street have been implemented to an approved specification and to the written approval of the Local Planning Authority.  
Reason - To ensure good highway design in the interests of road and pedestrian safety pursuant to Unitary Development Plan Policy HT6/1 - Pedestrian and Cyclist Movement and H2/2 - The Layout of New Residential Development.
25. The visibility splays indicated on the approved plans, shall be implemented and be available for use before first occupation of the housing hereby approved and subsequently be maintained free of obstruction above the height of 0.6m.  
Reason - To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Unitary Development Plan Policy HT6/1 - Pedestrian and Cyclist Movement and H2/2 - The Layout of New Residential Development.
26. Notwithstanding the provisions of the approved plans, the timber fencing between the residential plots and the open space only (all other fencing otherwise is as proposed) shall be 2.1m high and not 1.8m as shown.  
Reason - To minimise the effects of crime upon residential plots that adjoin the open space pursuant to NPPF Chapter and UDP Policy EN1/5 - Crime Prevention and SPG3 - Planning out Crime in new Development.
27. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
28. Provision for lifetime homes shall be incorporated into the development in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved commencing. The development shall then be carried out incorporating the measures in accordance with the approved scheme.  
Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policies UDP policies HT5/1 – Access for Those with Special Needs, PPS25 - Development and Flood Risk (exceptions test) and SPD 16 Design and Layout of New Development.
29. Notwithstanding the submitted proposals, no development shall commence unless and until full details of the proposed mitigation measures comprising of the upgrading of the definitive footpath to a cycle route and new connection onto Bury Road have been submitted to and approved in writing with the Local Planning Authority. The approved measures shall be implemented before the development hereby approved is first brought into use.  
Reason - To ensure that the development provides for sustainable transport objectives in pursuant to NPPF Chapter 4 - promoting Sustainable Transport and

in the interests of highway safety pursuant Unitary Development Plan Policy HT6/1 - Pedestrian and Cyclist Movement and H2/2 - The Layout of New Residential Development.

30. Notwithstanding the details indicated on approved plan reference SK346-PL01 Revision E, no development shall commence unless and until full details of the following have been submitted to and agreed in writing with the Local Planning Authority:
- Timing, routeing and access arrangements for construction traffic associated with the land raising operation;
  - Visibility splays appropriate for a speed of 20mph in accordance with the standards in Manual for Streets at the junctions of the site accesses with York Street, at all internal junctions and at the junctions of the driveways serving Plots 140 - 150 with the proposed estate roads, with no obstructions above the height of 0.6m within the splays;
  - A 20mph traffic calming and white lining scheme on the proposed estate roads including the existing adopted highways used to access the site (York Street & Bealey Avenue);
  - Vehicle restraint measures/barriers between the turning head/private driveways fronting York Street and the amenity land/adopted highway in view of the anticipated level differences;
  - Long sections through the proposed accesses onto York Street confirming gradients on and at the interface with the adopted highway.
  - Street lighting scheme for the residential development and the section of York Street abutting the development;
  - Swept path analysis of the proposed estate roads to ensure a refuse collection vehicle can pass a private car.

The details subsequently approved shall be implemented to the written satisfaction of, and to a programme approved by, the Local Planning Authority.

Reason - To ensure the intervisibility of the users of the site and the adjacent highways, to ensure good highway design and to maintain the integrity of the adopted highway in the interests of highway safety pursuant to Unitary Development Plan Policy HT6/1 - Pedestrian and Cyclist Movement and H2/2 - The Layout of New Residential Development.

31. The car parking indicated on the approved plan SK346-PL01 Rev. E received 23/9/14 shall be surfaced, demarcated and made available for use prior to the extension 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.
32. For dwellings with a garage, a minimum hardstanding of 5.5m measured between the highway boundary and any proposed garage doors. In the event of no garage being constructed, a minimum hardstanding length of 5.0m, sufficient to accommodate a vehicle clear of the adjacent footway, shall be provided within the curtilage of each dwelling.  
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.
33. The turning facilities indicated on the approved plans (or similar alternative provision that enables construction traffic to enter and leave the site in a forward gear agreed in writing with the Local Planning Authority) shall be provided before

construction of the dwellings is commenced and shall subsequently be maintained free of obstruction at all times.

Reason - To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Unitary Development Plan Policy HT6/1 - Pedestrian and Cyclist Movement and H2/2 - The Layout of New Residential Development.

34. The Developer, within one week of the commencement of development, shall ensure that there is provision to be made for the parking on site of operatives' and construction vehicles together with storage on site of construction materials. The provision shall be retained and used for the intended purpose for the duration of the construction period and that area shall not be used for any other purposes other than the parking of vehicles and storage of construction materials respectively.

Reason - To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Unitary Development Plan Policy HT6/1 - Pedestrian and Cyclist Movement and H2/2 - The Layout of New Residential Development.

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

The scheme shall also include:

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

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to UDP Policy EN5/1 - New Development and flood risk, EN6/4 - Wildlife links and corridors and Flood Risk and NPPF Chapter 10 Meeting the challenge of climate change, flooding and coastal change.

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

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

Reason - To reduce the risk of flooding to the proposed development and future occupants, to ensure safe access and egress from and to the site and to reduce the impact of flooding on the proposed development and future occupants pursuant to UDP Policy EN5/1 - New Development and flood risk, EN6/4 - Wildlife



links and corridors and Flood Risk and NPPF Chapter 10 Meeting the challenge of climate change, flooding and coastal change.

37. No development shall take place until a scheme for the provision of a minimum 12 metre wide buffer zone alongside the River Irwell shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:
- plans showing the extent and layout of the greenspace buffer zone
  - details of all riverside works including land reprofiling to accommodate flood risk and/or invasive remediation requirements that shall include a minimum of 3 cross sections through River Irwell corridor and adjoining new residential development.
  - details of any land remediation of old mill site to accommodate new riparian greenspace.
  - details demonstrating how the buffer zone will be protected during development
  - details of any proposed footpaths, fencing, lighting etc along riparian wildlife corridor.

Reason - Development that encroaches on watercourses has a potentially severe impact on their ecological value by impacting on key ecological networks and reducing its value as a key wildlife corridor pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment and EN6/4 - Wildlife Links and Corridors.

38. **CONDITIONS IN RELATION TO ALL PARTS OF THE PLANNING APPLICATION SITE**

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

This condition can be satisfied in phases.

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

40. Following the provisions of Condition 39 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

This condition can be satisfied in phases.

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

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

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

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

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

This condition can be satisfied in phases.

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

43. No development shall commence unless and until a Preliminary Risk Assessment report to assess the actual/potential ground gas / landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.

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

This condition can be satisfied in phases.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

44. Following the provisions of Conditions 39 to 44 of this planning permission, where

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

This condition can be satisfied in phases.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

45. In relation to both the residential and employment sites, before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction unless otherwise agreed in writing by the Local Planning Authority. This condition can be satisfied in phases.

Reason - To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant Unitary Development Plan Policy HT6/1 - Pedestrian and Cyclist Movement.

46. This decision relates to reports and drawings numbered

#### **Reports**

SK346-SS-01 - Proposed Street scenes - REV A  
Proposed site plan and sections- PPC\_02-AS227-02  
Existing Site plan and Sections - PPC\_01-AS227-01  
Proposed site plan and levels - PPC\_04-AS227-04  
Access and egress levels and sections - PPC\_05-AS227-05  
Proposed new build scheme (dwg no. PPC74-01)  
Flood risk assessment  
Flood Risk Assessment - 03/04/2014  
Proposed site plan (dwg no. SK346-PL01 rev E)  
Planning Statement  
Geo-Environmental Assessment, May 2007  
Geo-Environmental Assessment, Rev A, January 2011  
Extended Phase I Habitat Survey 03/04/2014  
Proposed Site Levels (Dwg No: PPC87\_04)  
Phase I & Phase II Geo-Environmental Site Investigation  
Existing Site Plan and Sections (Dwg No: PPC87\_01 Rev: A)  
Coal Mining Risk Assessment (Residential)  
Access and Egress Sections (Dwg No: PPC87\_05)  
Phase II Remediation Specification  
Air Quality Assessment  
Coal Mining Risk Assessment (Commercial) - 03/04/2014  
Transport Assessment Appendices - 06/12/2013  
Crime Impact Statement  
Noise impact assessment - residential  
Noise impact assessment - commercial  
Invasive species remediation method statement  
Ground investigation - residential area  
Supporting Document, Design and Access statement

#### **Plans**

Location Plan, SK346-LOC-01

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

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

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

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

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

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

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

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

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

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

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

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

Ellesmere floor plans; 14-01

Ellesmere elevations 6.1;  
Ellesmere 6.1 SEMI (A)  
Ellesmere (14)-6.01 SEMI (A)

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

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

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

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

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

47. No putrescible waste shall be brought onto the site at any time for the purposes of land raising or ground works.

Reason - In the interests of environmental amenity pursuant to UDP Policy MW3/2 Waste Recycling, MW4/1 Assessing Waste Disposal Proposals and MW4/2 Development Control Conditions (Waste).

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

**Ward:** Bury East - Redvales

Item 02

**Applicant:** Mr Anand

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

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

**Application Ref:** 57830/Full

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

**Recommendation:** Approve with Conditions

**This application was presented to the Planning Control Committee on 30th September 2014 where members resolved that they were Minded to Approve the application subject to the completion of a section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1.**

**On 28th November, the Government issued new guidance on Section 106 Planning Obligations which provides that 'tariff style' planning contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres. Tariff style contributions are defined as those which are collected towards 'pooled funding 'pots' intended to provide common types of infrastructure for the wider area'.**

**As the application had not been determined by before the 28th November, the new Government guidance must now be taken into account as a material consideration and therefore, the application is being reported back to Committee with a recommendation to Approve with Conditions as the Council can no longer require a recreation provision contribution for this development.**

### **Description**

The application was a resubmission following a previous application for a similar scheme - 56944 - which the Planning Control Committee was 'Minded to Approve' in February 2014. The application was subsequently refused on 08/05/2014 due to lack of progress on the S106 legal agreement concerning recreation provision. The applicant submitted this application with a view to completing the S106 legal agreement but with the publication of recent government guidance, this is now not required.

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

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

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

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

### **Relevant Planning History**

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

### **Publicity**

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

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

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

The objectors were notified of the Planning Control Committee meeting when the 'Minded to Approve' decision was made in September.

### **Consultations**

**Traffic Section** - No objection.

**Drainage Section** - No objection.

**Metrolink** - No objection.

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

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

### **Issues and Analysis**

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

specifically mentioned.

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

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

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

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

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

**Recreation Provision** - Off-site recreation provision through a S106 legal agreement is now not required.

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

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

**Recommendation:** 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 of 1, 2, 3, 5, 6 and 7 of 7 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. Details of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. A scheme to surfaced, demarcate the parking area within the site shall be submitted to and approved in writing by the Local planning Authority before development is commenced. Only the approved details shall be used in construction of the development. The parking shall be made available for use prior to the first occupation of the development.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
5. The construction of the footway crossing serving the new parking and turning area off Baron Street indicated on approved plan reference 3 Revision B shall be implemented to the written satisfaction of the Local Planning Authority before the flats hereby approved are first occupied.  
Reason. To ensure good highway design in the interests of pedestrian safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.
6. The turning facilities indicated on approved plan reference 3 Revision B, including the area to be infilled, shall be provided to the written satisfaction of the Local Planning Authority before the flats hereby approved are first occupied and the areas used for the manoeuvring of vehicles shall be subsequently maintained free of obstruction at all times.  
Reason. To ensure adequate turning movements of vehicles within the site in the interests of highway safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.

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

**Ward:** Radcliffe - West

Item 03

**Applicant:** Foycol Ltd

**Location:** 40 New Road, Radcliffe, Manchester, M26 1LS

**Proposal:** Single storey side extension

**Application Ref:** 57837/Full

**Target Date:** 19/12/2014

**Recommendation:** Approve with Conditions

### **Description**

The site relates to an existing building which operates as a carpet showroom, located on the southerly side of New Road. There is a car park to the front of the building and an enclosed yard and storage area to the east. The site is bounded by mature trees to the eastern and southern boundaries.

Directly to the west is a petrol filling station and shop, which has a shared access to the application site and to the east is No 64 New Road, a semi detached property elevated above the site due to the rise in New Road. The rear elevations of houses on Hollinhurst Road to the east face the side of the site and are also in an elevated position.

The proposal is for a 156.5 sq m extension (14.9m wide x 10.5m long x 7m high) to provide storage space for the existing carpet showroom, on an area currently occupied by the yard area to the east of the existing building. It would comprise a portal steel frame, with brickwork and cladding to the elevations and profile sheet roof. There would be a roller shutter door on the front elevation facing New Road for deliveries and a pedestrian door on the side elevation.

The parking provision would be increased from 12 space to 15 spaces. Vehicular access for deliveries and customers would continue via the existing entrance/exit directly off New Road.

Background - A previous application for an extension to the showroom (ref 53390) was refused by the Local Planning Authority in 2011. This was for a 247sqm building. It was refused for 5 reasons, relating to -

- Highway safety issues as a result of deliveries to the site;
- Inadequate servicing and car parking provision;
- Impact on residential amenity due to height, size and position;
- Insufficient information to satisfy acceptability in retail policy terms;
- Impact on trees.

An appeal was lodged against the refusal. In his report, the Planning Inspector concluded that the proposal would not harm the viability and vitality of the town centre, would not cause harm to the living conditions of nearby residential occupiers, nor should be refused for the absence of a tree survey. The appeal was dismissed on highway safety grounds and inadequate servicing and parking arrangements only. The current application seeks to address the highways concerns.

### **Relevant Planning History**

53390 - Single storey side extension - Refused 19/01/2011. Appeal dismissed 31/8/2011.  
51988 - Single storey extension at side - Refused 07/01/2010  
51814 - Externally illuminated totem sign - Approve with Conditions 19/11/2009  
12/0532 - Untidy front - 19/11/2012

### **Publicity**

64 letters sent on 28/10/2014 to properties at Nos 1-39 (odds) Queen Street, 2-36 (evens) Hollinhurst Road, Flats 66-78 St John's Court New Road, 64, 66 New Road, 9 Beechfield Avenue 17-27 (odds) Duke Street.

6 letters of objection received from Nos 64 (2 letters) and 66 New Road, 9 Beechfield Avenue (3 letters), which raises the following issues:

- By reason of its height, size and massing would have an unacceptably adverse impact on residential amenity, represent un-neighbourly impact and an overbearing effect (reduction in sunlight and daylight) and loss of privacy, particularly Nos 64 and 66 New Road;
- Noise pollution caused by the roller shutter and deliveries and particularly trading on a Sunday;
- Unsympathetic to the environment;
- The site only has one restricted access for vehicles. Car parking and internal circulation within the site would create unacceptable conflicts of vehicular movement, ie delivery lorries, vans, customer cars and conflict with users of the BP garage. It would lead to an increase in business exacerbating problems;
- Large delivery vehicles often ignore the right of way with the BP garage by exiting from the designated entrance which on a busy road is dangerous;
- The business has disregarded Council's rules by siting containers in the yard area and excavating the land without consent;
- The business attitude towards the storage of trade waste has been poor;
- Detrimentially alters the street scene being across the road are 2 parks which are areas of natural beauty;
- Impact on wildlife and interfere with the flight path of bats following installation of bat boxes to Hollinhurst Road;
- Proposed parking facilities look to be overstated and not achievable;
- The proposal would result in a change of use from retail to warehouse-not applied for here;
- Inappropriate design for a residential area;
- There is no fence at the side with No 64 New Road
- The site is not secure;
- The showroom and BP garage are built on a filled in lodge and stream and the impact of erecting another building on a natural soakaway could be massive;
- Proposal states single storey but in reality it would be taller than most 2 storey buildings.

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

### **Consultations**

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

**Drainage Section** - No objection subject to a condition to submit a drainage scheme.

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

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

S2/1	All New Retail Proposals: Assessment Criteria
S4/2	Assessing Out-Of-Centre Retail Development
H3/2	Existing Incompatible Uses
HT2/4	Car Parking and New Development
EN1/2	Townscape and Built Design
EN8	Woodland and Trees
SPD11	Parking Standards in Bury
S4/1	Retail Development Outside Town and District Centres
EC6/1	New Business, Industrial and Commercial
NPPF	National Planning Policy Framework

## **Issues and Analysis**

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

**Principle** - The proposal involves a 156 sqm extension to an existing retail unit. The unit occupies an out-of-centre location.

Broadly, the NPPF seeks to support the vitality of existing centres by prioritising them as locations for main town centre uses, such as retail.

Paragraph 24 of the NPPF states that Local Planning Authorities (LPA's) 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. LPA's 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 LPA's should demonstrate flexibility on issues such as format and scale.

Paragraph 26 of the NPPF goes on to state that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, LPA's should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

In terms of the sequential assessment and how this should be applied to extensions, the former PPS 4 included a 200 sqm threshold. Whilst the NPPF does not refer to such a threshold, paragraph 24 does state that LPA's should demonstrate flexibility on issues such as scale. In this respect, it is considered that a threshold of 200 sqm remains an appropriate benchmark. Given that this proposed extension falls below this threshold, it is considered acceptable for there to be no sequential assessment in conjunction with this application.

Likewise, the proposal falls well below the NPPF's threshold for requiring an impact assessment.

In principle, therefore, the proposed extension is in accordance with the NPPF.

In his appeal decision, the Inspector concluded that the proposal would be for a modest extension of an existing business use which shares a site with another such established use. Whilst the Inspector assessed the proposal against the now obsolete PPS 4, he did acknowledge the policies of the then emerging draft NPPF. In view of its size, impact, and that a sustainability assessment would not be required, the conclusion was that it would not harm the vitality and viability of the town centre.

**Residential amenity** - The proposed footprint of the extension has been reduced in size from the previously refused scheme of 247 sqm to 156 sqm and as a result would be set back further into the site than previously proposed.

The building would be 8.5m to the south west of the nearest house, No 64 New Road and set behind its rear elevation. It would also stand on land which is approximately 1.5m lower. Although the ridge height of the new build would be higher by 1.5m than the existing showroom, it would be slightly lower than the eaves height of No 64. The extension would

also be set at an oblique angle to this property and there would be no direct relationship from any habitable room windows. There is existing boundary treatment between the 2 sites which would provide some screening and is to be retained, and whilst there are gaps in the planting, a landscaping scheme to improve the screening would be sought by condition and is considered acceptable.

Given the proposed position of the extension together with the scale and massing of the building and its relationship to No 64, it is considered there would not be a significant impact on the residential amenity of the occupiers.

In relation to the houses on Hollinhurst Road, there would be a distance in excess of 26m from the proposed building. Together with the boundary planting on the site and landscaping scheme to be imposed by condition, it is considered there would be no resultant loss of outlook from the rear windows of these houses or gardens.

The building would become the main storage area for the carpets sold in the showroom and as such the majority of the deliveries would be unloaded in front of this building via the roller shutter opening which would be located at the end of the building closest to No 64. However, deliveries already take place in this area and the activity in the service yard area would not be significantly closer to this property than the existing situation.

The Appeal Inspector concluded that in the respect of the relationship of the extension to No 64 New Road and Hollinhurst Road, there would be no material loss of outlook as a result of the development. In the context of the ambient noise levels of the area, it was considered the operations associated with the development would not result in unacceptable harm to the living conditions because of noise.

Given the extension would be reduced in footprint from the previous scheme, its position, scale and massing and relationship to the nearby properties, together with the boundary treatments which can be imposed by condition, it is considered there would not be a detrimental impact on the residential amenity of the nearby properties and would comply with EC6/1 - Assessing New Business, Industrial and Commercial Development and H3/2 - Existing Incompatible Uses.

The conclusions of the Planning Inspector's appeal decision also holds substantial weight in the respect of residential amenity and is a material planning consideration.

**Highways issues** - Access to the site would be via the existing entrance off New Road. For delivery vehicles, a plan with a tracked vehicle demonstrates an 8.7m rigid vehicle could safely enter and manoeuvre within the car park to deliver directly to the front of the extension and the roller shutter opening, without compromise to the parking spaces provided for customers. The vehicle would exit the site in a forward gear from the same access point onto New Road and would not require any use of the petrol filling site for manoeuvring or access purposes.

What is not clear from the plans is how far the hardstanding would be extended to accommodate the additional servicing and parking area, although the layout drawing does indicate there would be no encroachment on any of the lower part of the embankment. As such, it is considered a condition would be reasonable to indicate the details of this aspect of the development and this has been recommended by the Highways Section.

In terms of the highways issues, the applicant has overcome the previous reasons for refusal and the Highways Section is satisfied with these arrangements subject to conditions.

As such, the proposal are considered to be acceptable and in compliance with UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development.

DCPG Note 11 - Parking Standards in Bury states that A1 non-food retail uses requires maximum standards of 1 space per 30 sqm of development. The existing showroom is 250

sq m in area which equates to 8.3 spaces.

There are currently 12 spaces provided and it is proposed to increase this to 15. The proposal would result in an additional 156 sqm of floor space which equates to an additional 5.2 spaces. As such, a maximum of 13.5 spaces would be required for the extension and existing showroom in total. As such, the maximum parking standards would be met and the proposal would be in compliance with SPD 11.

**Visual amenity** - The extension would be built in the same materials as the existing showroom, namely a mix of brick and cladding. It would be set back 19.5m from New Road which is a busy main road and throughroute to Radcliffe Town Centre and as such not considered to be detrimental to the visual amenity or character of the area.

**Trees and boundary treatment** - The site has trees and shrubs planted along the eastern boundary of the site, none of which are under a TPO. The applicant states that in terms of boundary treatment, the existing fencing to the rear and east would be retained, together with the shrubs and trees which are planted on the embankment adjacent to the boundary with No 64 New Road.

The Inspector concluded in his appeal decision that there was adequate distance between the proposed eastern elevation of the extension and the site boundary to provide a substantial planting screen which could fill in the existing gaps or replace any trees or shrubs which may be lost to allow for construction or due to their condition. It is considered that this could be reasonably secured by a landscaping condition which would be included as part of the grant of a permission.

As such the proposal would comply with EN8/2 - Woodland and Tree Planting.

**Response to objectors** - The issues raised relating to residential amenity, visual appearance, highway safety, access and parking have been covered in the above report.

Wildlife - The site is not within a sensitive ecological area or designated as such within the UDP.

Unauthorised containers - Enforcement investigations were carried out following complaints of the unlawful siting of containers within the yard area (on the site subject of this planning application). It was concluded that due to the passage of time and possible exemption, it was not expedient to pursue. Should planning permission be granted however, the containers would be removed from the area to accommodate the building. This would 'tidy up' an unsightly part of the site to the benefit of the visual amenity of the area.

Drainage - Whilst there are no details of drainage in relation to the proposed extension, a condition to submit a scheme for approval has been recommended by the Drainage Section which would satisfy this aspect.

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

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

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

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

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

2. This decision relates to drawings numbered - Location plan 2964/5; Swept path analysis dwg 1205504; Area of yellow hatching dwg 1205505; Elevations as existing 2964/2; Proposed warehouse extension layout; Proposed elevations received 24/10/14; Design and Access Statement received 16/9/14 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. Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.

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

4. No development shall commence unless and until details of surface water drainage aspects have been submitted to and approved by the Local Planning Authority. This must include an assessment of potential SuDS options for surface water drainage with appropriate calculations to support the chosen solution. The approved scheme only shall be implemented and thereafter maintained.

Reason. To ensure there would be an adequate and sufficient drainage scheme associated with the development on the site pursuant to chapter 10 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

5. A landscaping scheme shall be submitted to, and agreed 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.

6. Notwithstanding the details shown indicatively on approved plans references 1205504 and 1205505, no development shall commence unless and until full details of the following have been submitted to and agreed in writing by the Local Planning Authority:

- extents and level of the proposed hardstanding adjacent to the adopted highway at New Road and along the easterly site boundary adjacent to No. 64 New Road, including boundary treatment, retaining walls if required and landscaping works;
- demarcation of the proposed extended car park;
- demarcation of the proposed turning/servicing area.

The details subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development hereby approved is brought into use.

Reason. To ensure good highway design and maintain the integrity of the

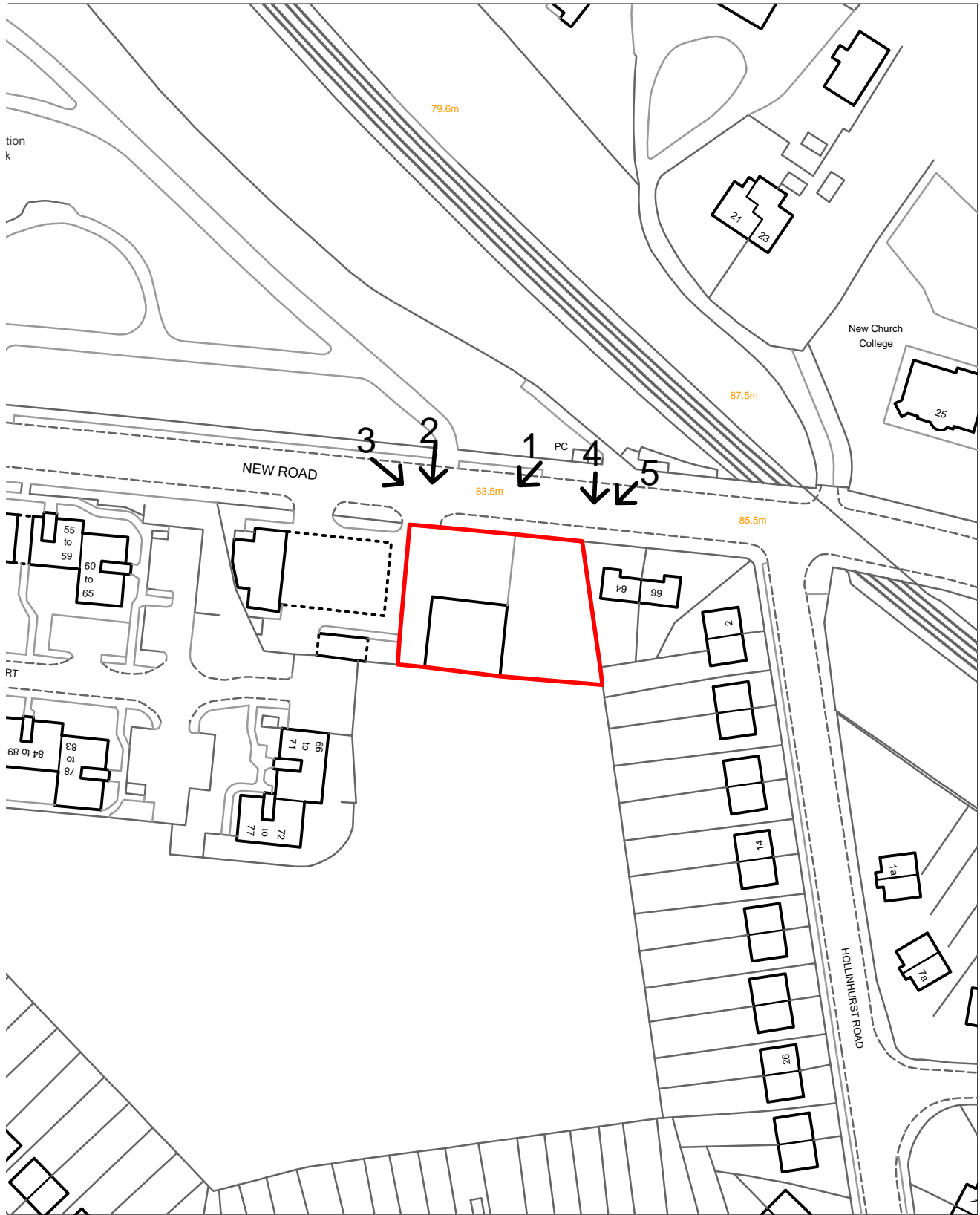
adopted highway in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EC6/1 - Assessing New Business, Industrial and Commercial Development and H3/2 - Existing Incompatible Uses.

7. The demarcated turning facilities indicated on approved plan references 1205504 & 1205505 (or similar alternative provision agreed with the Local Planning Authority in order to satisfy Condition 6) shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and H3/2 - Existing Incompatible Uses.
8. The car parking indicated on the approved plans (or similar alternative provision agreed with the Local Planning Authority in order to satisfy Condition 6) shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained available for use at all times.  
Reason. To ensure adequate off street car parking provision for the duration of the construction period and thereafter, 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 **Jennie Townsend** on **0161 253-5320**



# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 57837**

**ADDRESS: 40 New Road  
Radcliffe**



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

**(C) Crown Copyright and database right (2013). Ordnance Survey 100023063.**

57837

Photo 1



Photo 2



Photo 3

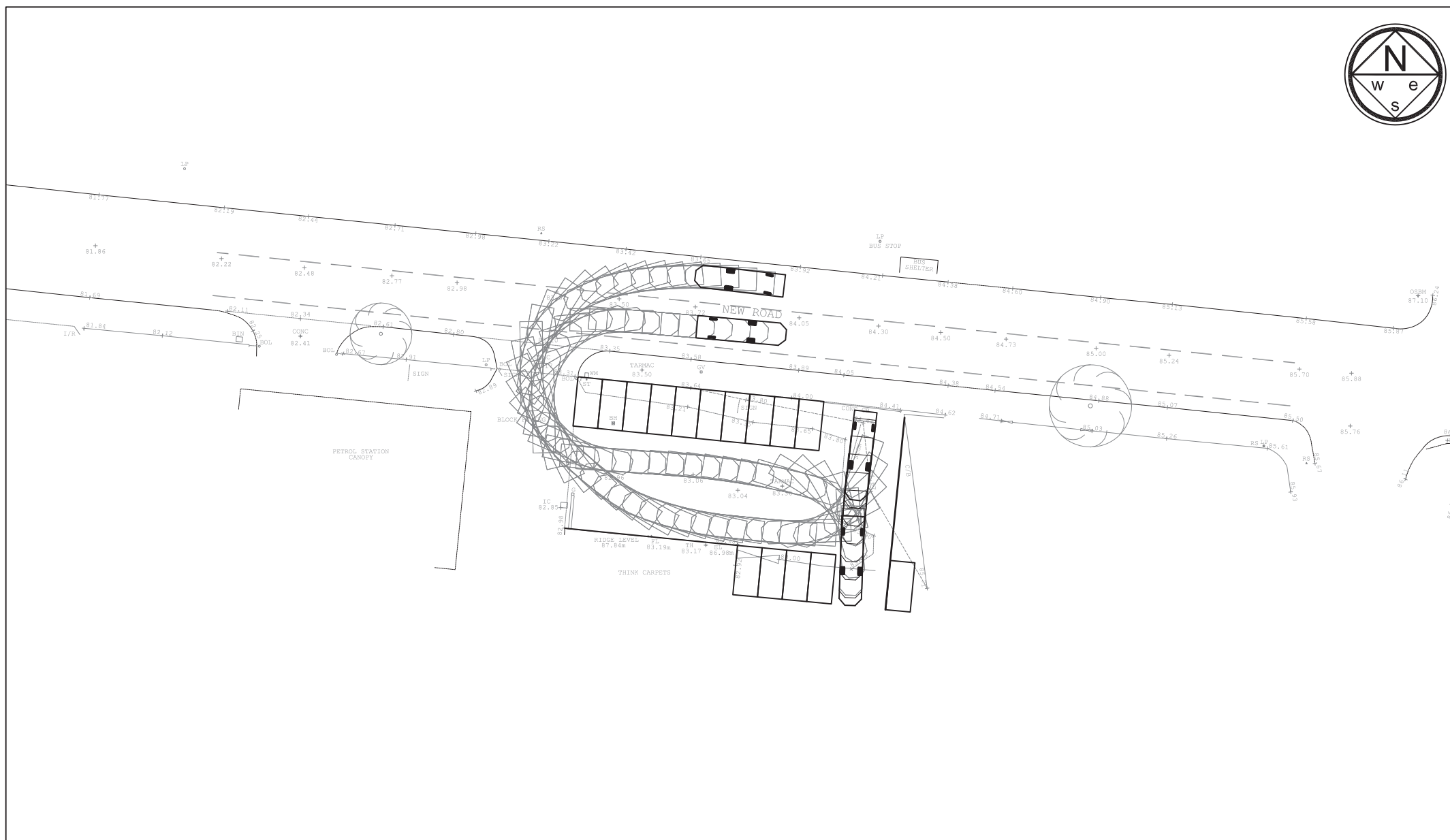


Photo 4



Photo 5





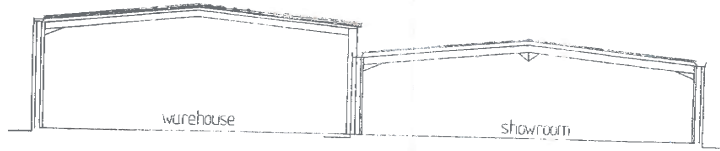
THIS DRAWING SHOWS THE PRELIMINARY DESIGN ONLY AND IS SUBJECT TO DETAILED DESIGN AND LOCAL AUTHORITY APPROVAL



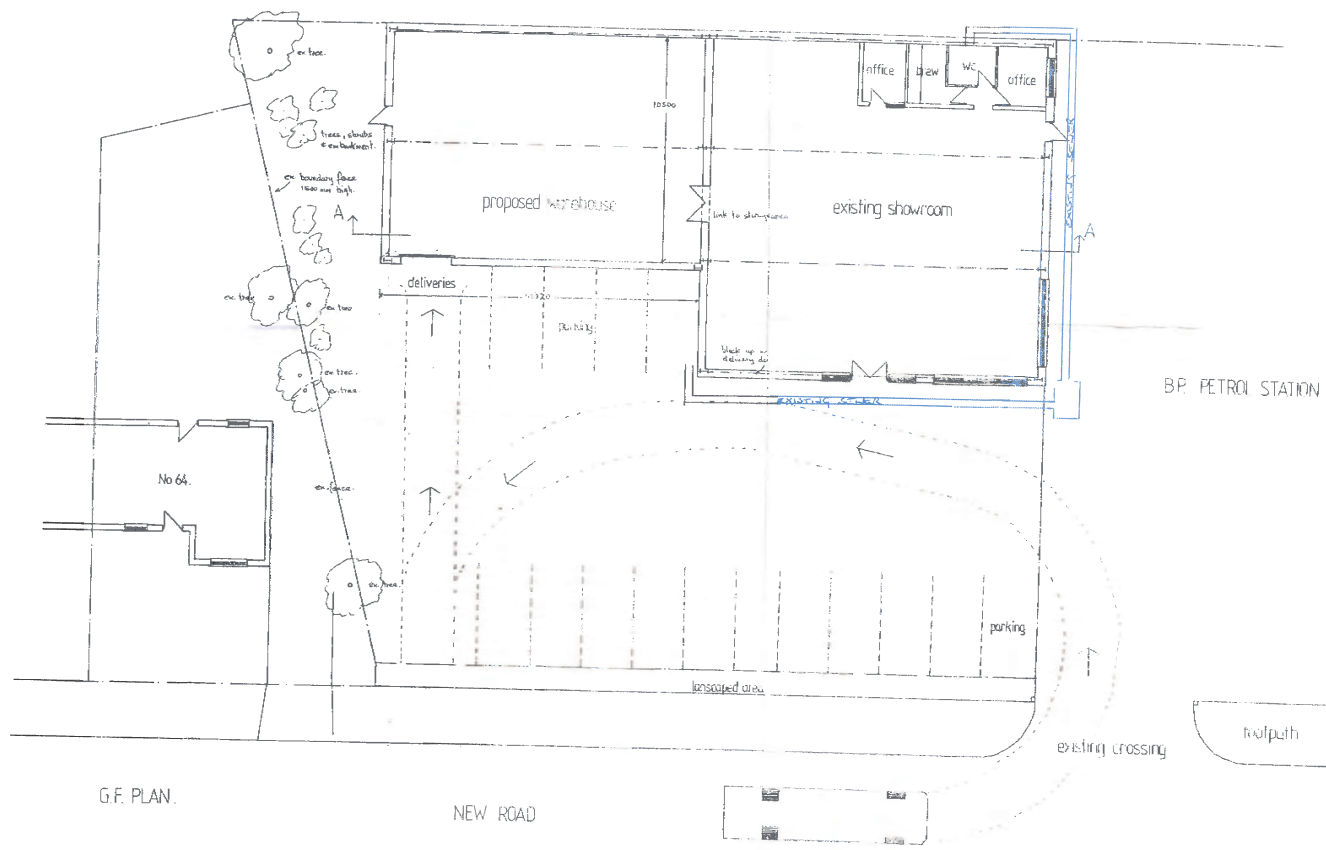
**HY CONSULTING Ltd**  
UNIT 2 THE OFFICE CAMPUS  
RED HALL COURT  
PARAGON BUSINESS VILLAGE  
WAKEFIELD WF1 2UY  
tel: 01924 291536  
email: mail@hyconsulting.com

**NEW ROAD, BURY**  
**8.7m RIGID VEHICLE  
SWEEP PATH ANALYSIS**

**SCALE: 1/500 @ A4**  
**DATE: NOVEMBER 2014**  
**DRAWING No: 1205504**



SECTION AA



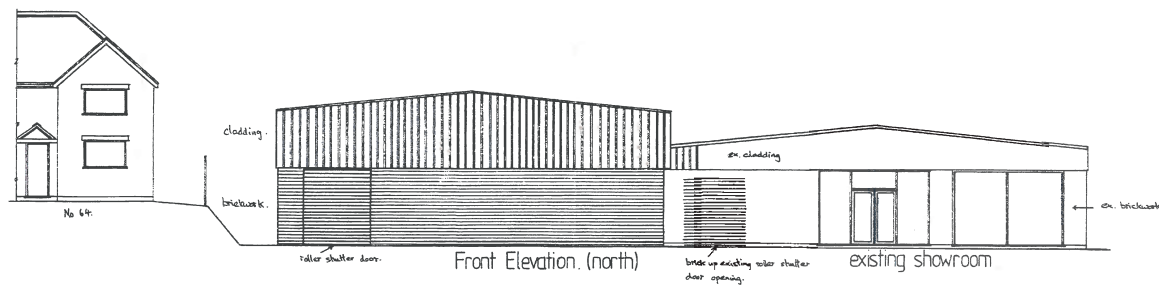
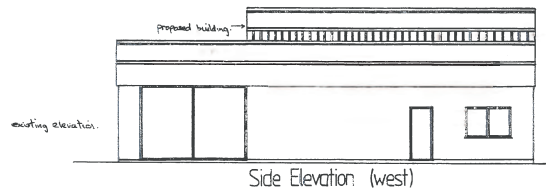
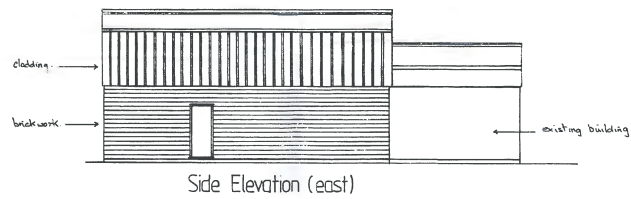
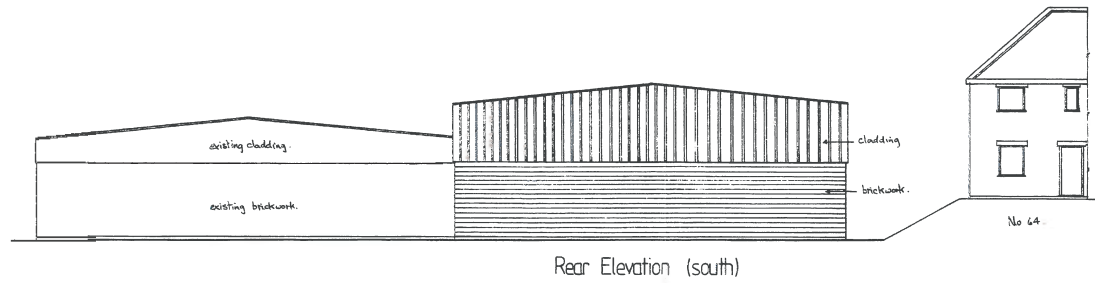
G.F. PLAN

WAREHOUSE EXTENSION,  
 PROPOSED PLAN for  
 Foycol Ltd.,  
 40, New Road,  
 Ruckliffe  
 Scale 1/100

Proposed Elevations for  
Warehouse Extension  
at,  
40, New Road,  
Radcliffe



Scale 1/100



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

Item 04

**Applicant:** Mr Paul Power

**Location:** Land at side of 3 Myrtle Grove, Radcliffe, Manchester, M45 7RR

**Proposal:** Erection of new detached house

**Application Ref:** 57950/Full

**Target Date:** 20/11/2014

**Recommendation:** Approve with Conditions

**This application was presented to the Planning Control Committee on 28th October 2014 where members resolved that they were Minded to Approve the application subject to the completion of a section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1.**

**On 28th November, the Government issued new guidance on Section 106 Planning Obligations which provides that 'tariff style' planning contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres. Tariff style contributions are defined as those which are collected towards 'pooled funding 'pots' intended to provide common types of infrastructure for the wider area'.**

**As the application had not been determined by before the 28th November, the new Government guidance must now be taken into account as a material consideration and therefore, the application is being reported back to Committee with a recommendation to Approve with Conditions as the Council can no longer require a recreation provision contribution for this development.**

### **Description**

The application relates to the side garden area of No.3 Myrtle Grove, a two storey red brick, semi-detached dwellinghouse on the north side of the road. The site measures approximately 275sqm. The property on the other side is a detached bungalow with a detached single garage adjacent to the boundary with the site. Along the front boundary there is a dwarf brick wall with planting and a dropped kerb with a driveway on the side adjacent to No.5. Beyond the rear boundary, the banking drops away quite steeply and is covered by rough shrubs and trees. The land beyond the rear boundary is part of a Sailor's Brow and Springwater Park Site of Biological Importance (SBI). There are two storey brick built houses across Myrtle Grove.

The proposed new 4-bed two storey dwelling would sit centrally within the site and have a footprint 12m by 8.7m with small 'cut away' in the NE corner. The design of the house would be conventional with red brick elevations and a tiled hipped roof with a rendered central gabled element on the front. The ridge line (7.8m) and eaves (5.3m) would generally line up with the houses on either side. There would be a permeable driveway from Myrtle Grove running up to an integral garage with garden at the front. The existing dropped crossing would need to be widened, and an existing telephone pole moved, to accommodate the proposed vehicular access.

### **Relevant Planning History**

None relevant.

### **Publicity**

Twenty two neighbours at 1-9, 11, 13, 15 and houses named Hafod, Lathom, Cloughside and Springside on Myrtle Grove, 1 and 2 Clough Grove and 1, 1A and 3 Spring Grove were



notified by letter dated 26/09/14. Objections have been received from 1, 5 and 9, Lathom and Hafod on Myrtle Grove and these are summarised below:

- The banking at the rear of the site would be at risk of slippage. The required piling would make matters worse and may cause damage to other properties.
- There are newts and bats in the area.
- Existing sewers in the immediate vicinity are in danger of collapsing and this would be made worse by HGVs involved in the building work.
- There is a telegraph pole in the way of the access so cars would have to park on the road.

The objectors were notified of the Planning Control Committee meeting when the 'Minded to Approve' decision was made in October.

### **Consultations**

**Traffic Section** - No objections subject to conditions to be included in the Supplementary Report.

**Drainage Section** - No objection.

**Environmental Health** - No objection.

**Greater Manchester Ecology Unit** - Any comments will be reported in the Supplementary Report.

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

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6/2	Sites of Nature Conservation Interest LNR's
EN7	Pollution Control
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
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
SPD1	Open Space, Sport and Recreation Provision
SPD16	Design and Layout of New Development in Bury
NPPF	National Planning Policy Framework

### **Issues and Analysis**

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

**Policy** - Policy H1/2 relates to the principle of new residential development outside sites identified in the UDP and states that proposals within the urban area, where there is available infrastructure and land is suitable in terms of land use and amenity, will be acceptable. In terms of Policy H1/2, the proposal is within the urban area with available infrastructure and considered to be acceptable.

**Siting and design** - Policies H2/1, H2/2 relate to the form and layout of residential development. The proposed site is considered to be of sufficient size to accommodate the proposed house without appearing to constitute overdevelopment or be out of character within the locality.

In terms of siting, the dwelling would be generally in line with properties along this side of Myrtle Grove.

In terms of appearance, there is a mix of house styles and designs along the road. Whilst the property to the east side (No.5) is a bungalow, it is set away somewhat from the side boundary and the design and appearance of the proposed house reflects the general form of the two storey properties to the east and across the road. The proposal is considered to be appropriate and not out of character on the streetscene.

It is recommended that 'permitted development rights' are removed from the new dwelling given that the garden area at the rear is more limited due to the embankment and in order for the Local Planning Authority to retain control over any future development on the site so as to ensure it will not impact adversely on the character of the area. The proposal is considered to be acceptable and complies with UDP Policies H2/1 and H2/2 with regard to its siting and design.

**Residential amenity** - There would be two windows on the west elevation of the new house - at ground floor an obscure secondary window and at first floor at bathroom window. On the east elevation there are no habitable room windows. As such there are no overlooking issues. There are windows in the side of No.3 Myrtle Grove but these are garage windows and first floor landing and bathroom. On the other side, the garage at No.5 would effectively block any views from windows. The site is not overlooked to the front or rear. The proposal is considered to be acceptable in terms of residential amenity and complies with UDP Policies H2/1 - The Form of Residential Development in this respect.

**Parking and Access** - The existing telephone pole on the footway next to the driveway would obstruct the proposed access and as such this would need to be moved at the applicant's expense. A condition attached to any approval would ensure this is done. Adopted guidance suggests a maximum of 2 spaces per house in new build development. As the proposal includes an integral garage and a 5m long driveway, it is considered that this would be adequate parking provision in this location. The proposal complies with UDP Policies H2/2, HT2/4 and SPD 11 relating to parking.

**Servicing** - The property would have walkways down either side with access to the rear. There would be sufficient space for bin storage at the rear of the garage, immediately adjacent to the garage and kitchen access.

**Contaminated Land** - A contaminated land desk top study was submitted with the application and there are no objections raised by Environmental Health subject to appropriate contaminated land conditions. The proposal is acceptable and complies with UDP Policy EN7 Pollution Control.

**Ecology** - Although there is an Site of Biological Interest to the north, the site itself is not within the SBI and, comprising the side lawn of No.3 Myrtle Grove, does have significant ecological value. Given the site's proximity to the SBI however, an impact statement from an ecologist has been requested. The findings and comments of the Greater Manchester Ecology Unit will be included in the Supplementary Report.

**Drainage and Flood Risk** - The site is not within a flood risk zone and if approved the house would be connected to the mains foul drains and a sustainable drainage system will be required for surface water and this will be secured by a condition should the proposal be approved.

**Recreation Provision** - Off-site recreation provision through a S106 legal agreement is now not required.

**Objections** - Concerns with regard to the stability of the site and the danger to neighbouring properties posed by piling would be addressed by building regulations rather than at the planning stage. It is noted that the house diagonally across Myrtle Grove was piled without

causing problems/damage to neighbouring properties. Potential damage to existing sewers is also not a valid reason to refuse the application.

The other issues relating to ecology and parking have been addressed in the above report.

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

The 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 1/1, 1/2, 2/1, 2/2 and 3 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. Details/Samples of materials to be used in the external elevations and areas of hardstanding (manufacturer, type/colour, finish 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. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. No development shall commence unless and until:-
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
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. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

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

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

8. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.

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

9. Development shall not commence until details of surface water drainage aspects have been submitted to and approved by the Local Planning Authority. This must include an assessment of the 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 UDP Policy EN5/1 New Development and Flood Risk and EN7/5 Waste Water Management.

10. The development hereby approved shall not be first occupied unless and until the footway crossing onto Myrtle Grove indicated on approved plan reference 'Dwg. No. 2/2' has been extended and affected telegraph pole has been relocated to the

written satisfaction of the Local Planning Authority.

Reason. To ensure adequate off-street car parking provision in the interests of road safety and to maintain the integrity of the adopted highway pursuant to UDP Policy H2/2 The Layout of New Residential Development.

11. The garage shall be fitted with a roller shutter door or a similar approved type which does not project outwards at any time during or after operation to the written satisfaction of the Local Planning Authority and shall thereafter be maintained.  
Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.
  
12. No development shall take place until a method statement to protect the Site of Biological Importance from any adverse impact of the proposed development has been submitted to the LPA for approval. Once approved the method statement shall be carried out in full.  
Reason. In order to protect the adjacent Site of Biological Importance pursuant to UDP Policy EN6/5 Sites of Biological Importance.

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

**Ward:** Ramsbottom + Tottington - Tottington

Item 05

**Applicant:** Miss Emma Scott

**Location:** Land at rear of 44 & 46 Moorside Road, Tottington, Bury, BL8 3HW

**Proposal:** Siting of static caravan for office/rest room/canteen ancillary to proposed equine business on site (resubmission)

**Application Ref:** 58088/Full

**Target Date:** 17/12/2014

**Recommendation:** Approve with Conditions

### **Description**

The application relates to an existing stables business on the western edge of Tottington Village. The site is accessed from Moorside Road, between Nos.44 and 46 and is located immediately to the east of Jackson Fold Farmhouse. There is a stable block on the south side of the access road as one enters the site and the other is situated further to the west. There is a sand paddock to the south. There are 4 steel containers on the site that have been used for incidental storage.

The proposed caravan would not be a residential facility, as the previous proposal indicated, but would form an office/restroom and kitchen in association with the operation of the stables/livery business on the site. It would be situated between the two sets of stables, on the south side of the access track. The caravan would measure 11.3m by 3.6m. It would have an overall height of 2.7m.

The application is accompanied by a design and access statement and a business plan. The main points raised are as follows:

- The site has been used as a livery for 20 horses for over ten years.
- The owner proposes to develop the use of the site by providing various levels of livery, riding lessons and a stud service and reduce the existing 'self livery'.
- The nearest similar service is about 12-15 miles away in Accrington and Burnley.
- Although the business is owned by Mr and Mrs Scott, it would be run by their daughter who has various equestrian qualifications.

The applicant, who is based in Rossendale, has indicated that at present there are 14 horses stabled by individual owners on the site and currently each owner visits the site and arranges their own feed and bedding etc. As the new arrangement would involve management by the person on site, it is suggested that there would be less impact from the proposal than the existing stables in terms of traffic.

### **Relevant Planning History**

57814 - Siting of static caravan for key worker (equine) for a temporary period of three years  
- Refused 23/09/2014

### **Publicity**

Immediate neighbours notified by letter dated 23/10/2014. Objections received from the occupiers of 46 Moorside Road and from the Tottington District Civic Society.

- The use of the site for residential purposes is not appropriate in the Green Belt.
- The existing access is restricted in width and increased traffic would result in parking problems on Moorside Road.
- Refuse/waste disposal is a concern as the business grows.
- There has been flooding in the past and drainage is inadequate.

The objector and the Civic Society have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objection.

**Drainage Section** - No objection.

**Environmental Health** - No objection.

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

OL1	Green Belt
OL7/2	West Pennine Moors
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
EN1/1	Visual Amenity
EN1/5	Crime Prevention
EN7	Pollution Control
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
SPD10	Planning for Equestrian Development
SPD11	Parking Standards in Bury
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
OL4/7	Development Involving Horses
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.

**Need** - The applicant has set out in the business plan and the Design and Access statement the justification for the static caravan to be located on the site. The main reason is to have a suitably qualified person(s) on site to manage the stables and livery, exercise the horses in lieu of owners. Other services would include giving riding lessons and organising stud facilities/procedures. With these services comes the need to provide appropriate office and restroom/refreshment and toilet facilities in the form of the proposed caravan.

In the light of the applicant's business plan and current lack of facilities on site, it would seem reasonable to have a modest ancillary facility that would serve the business. However given that the business has not been established, it is recommended that the facility is allowed for a limited period of two years. After this time the Local Planning Authority can reassess the proposal based on how the business is progressing.

**Principle** - Although part of an existing stabling business, the site has not been previously built upon and therefore classed as 'greenfield' land within the Green Belt.

Paragraph 89 of the National Planning Policy Framework states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions include buildings for agriculture and forestry and facilities for outdoor recreation.

The site is considered to be an outdoor recreation facility and whilst a residential caravan

may be inappropriate, requiring 'very special circumstances' (VSC) to be proven, the use of the caravan as an ancillary facility for the management of the livery would be acceptable in principle, particularly when the following factors are also considered:

The five existing steel containers, which are unsightly, would be removed from the site. The volume of the proposed caravan would be significantly less than the combined volume of these steel containers.

The facilities that the caravan would provide would enable the business to develop.

The caravan would be sited close to the existing stables and would not be particularly prominent when viewed from the surrounding area. The caravan would be finished in a colour appropriate to the location.

**Visual amenity, character and openness of the Green Belt** - Given that the caravan would be located next to the stables and the existing five unsightly containers would be removed from the site, the proposed facility would be appropriate in that it would help manage the livery business without having a seriously harmful impact on the character and openness of the Green Belt in which it is located.

The proposal is acceptable and complies with the NPPF, UDP Policies OL1/2 New Buildings in the Green Belt and associated guidance.

**Residential amenity** - Given the nature of the proposal and the siting of the static caravan in relation to the immediate neighbours, there are no residential amenity issues arising. As such the proposal, in terms of residential amenity, is acceptable and complies with UDP Policies H2/1 and H2/2 relating to the form and layout of residential development.

**Traffic** - The impact of the traffic generated by the proposed livery business as opposed to the individual stables is difficult to gauge. However this is not the main issue as the use of the stables for a managed livery business would not require a change of use. In comparison to the traffic generation from the existing stables, it is not considered that the traffic generated by the additional management facility would be significant.

**Public Footpath** - Footpaths 87 (Tottington) runs past the proposed caravan and crosses the site in the south east corner. Footpath No.80 runs adjacent to the site boundary on the west side. Whilst the proposed static caravan may not block the footpath, its proximity would have an adverse impact on the use of the footpaths as a route through this part of the countryside around Tottington which also is within the Green Belt, West Pennine Moors and a Special Landscape Area.

**Servicing** - Refuse bins would be either collected by a private contractor or by the Council. A condition attached to any approval would require the horse waste, which is currently collected by a private contractor, to be stored and dealt with appropriately. Further to this, the Council's Environmental services, under separate legislation, control the waste management from the stables.

Waste water from the caravan would feed into the main sewage system via the drains on site. Notwithstanding this, a condition requiring waste water drainage details is considered to be appropriate to any approval.

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

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

The Local Planning Authority worked positively and proactively with the applicant to identify



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

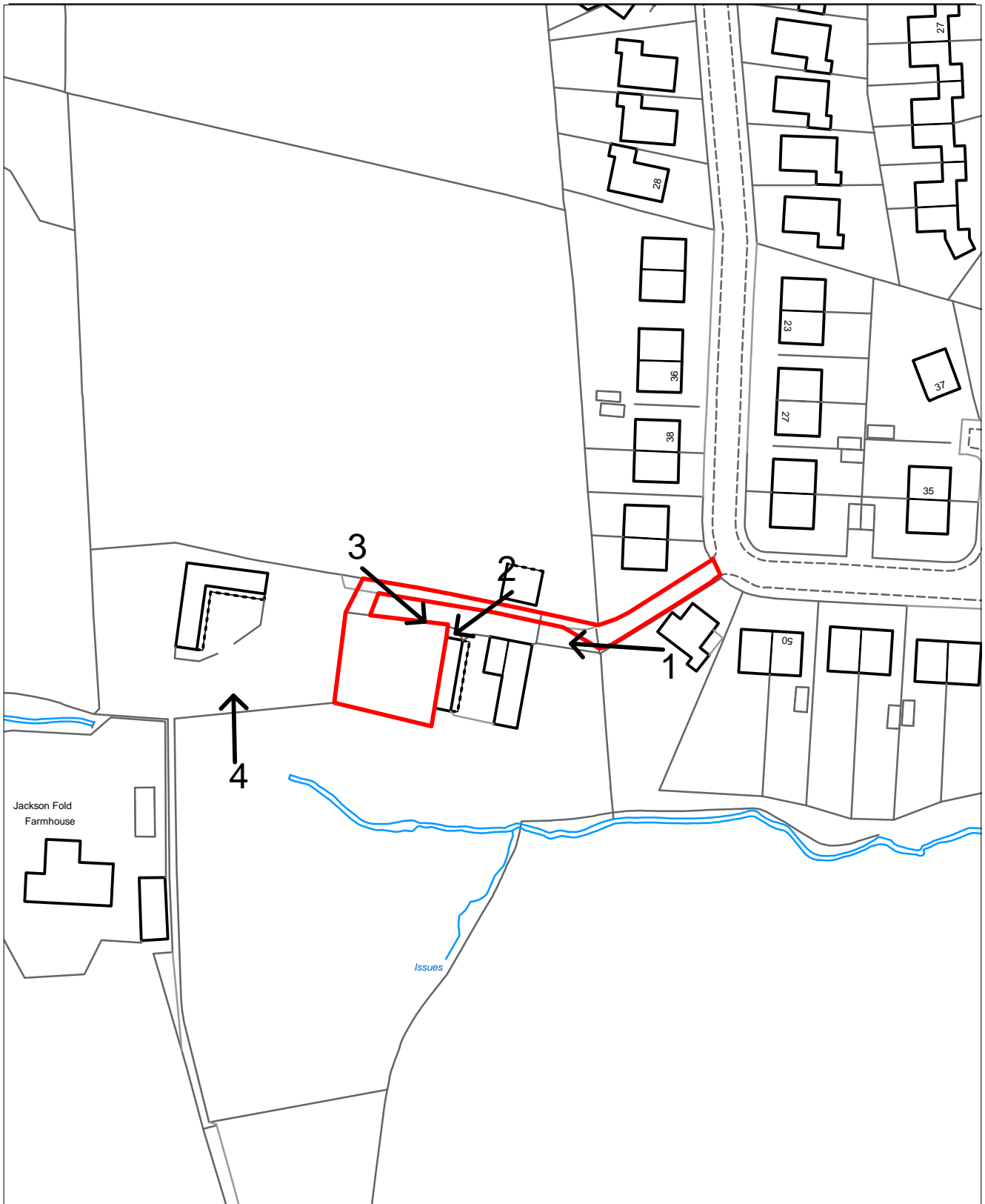
**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. Permission is hereby granted for a limited period only, namely for a period expiring two years from the date of this decision, and the caravan and any associated works for which permission is hereby granted is required to be removed at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its continued retention.  
Reason. The development is of a temporary nature only.
2. This decision relates to drawings numbered ML/ES/5362 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 static caravan shall only be used in association with the adjacent stables and livery business and shall at no time be used for residential purposes.  
Reason. In order to prevent inappropriate development within the Green Belt pursuant to the National Planning Policy Framework.
4. No development approved by this permission shall be commenced until, a scheme for the containment and storage of manure, has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed, in accordance with approved plans.  
Reason: To prevent the pollution of the environment pursuant to Policy OL4/7 Development Involving Horses and SPD 10 Equestrian Development.
5. No development approved by this permission shall be commenced until a scheme for the disposal of foul water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and completed in accordance with the approved plans and maintained thereafter for the period that the caravan is in situ.  
Reason: To ensure a satisfactory means of drainage pursuant to UDP Policy EN7/5 Waste Water Management.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 58088**

**ADDRESS: Land at rear of 44-46 Moorside Road  
Tottington**



**Bury**  
COUNCIL

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

**(C) Crown Copyright and database right (2013). Ordnance Survey 100023063.**

58088

Photo 1



Photo 2

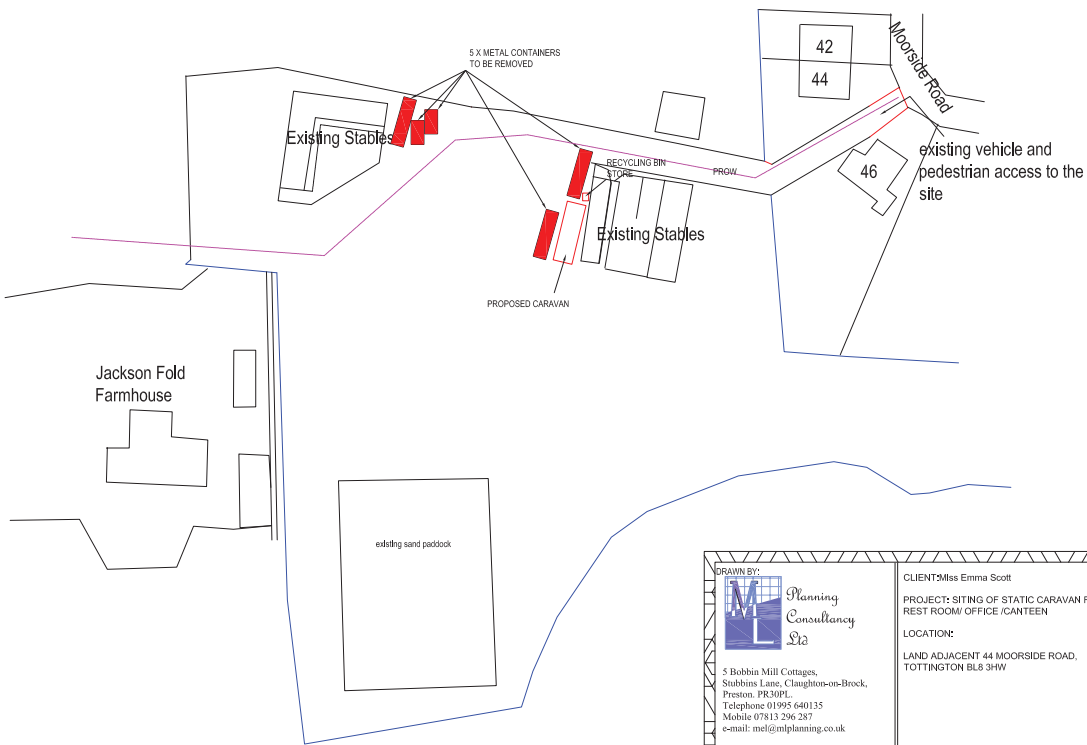
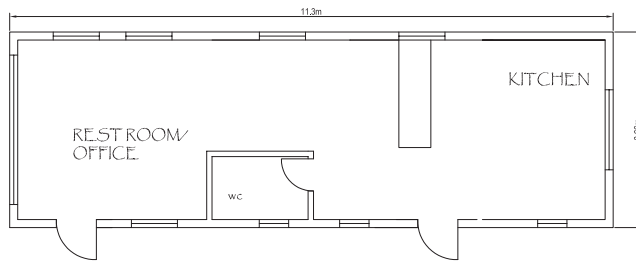
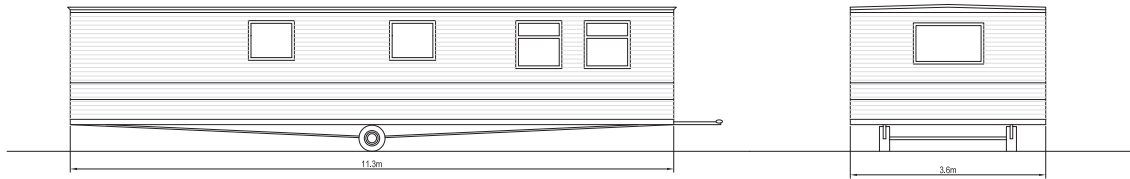
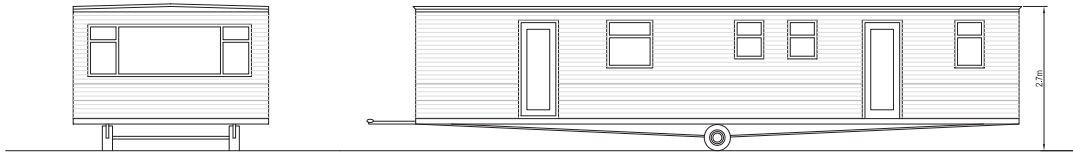



Photo 3



Photo 4





DRAWN BY:  Manning Consultancy Ltd 5 Bobbin Mill Cottages, Stubbins Lane, Cloughton-on-Brook, Preston PR3 9PL Telephone 01995 640135 Mobile 07813 296 287 e-mail: mel@manning.co.uk	CLIENT Miss Emma Scott	DATE: 16 OCTOBER
	PROJECT: SITING OF STATIC CARAVAN FOR REST ROOM/OFFICE /CANTEEN	DWG NO. ML/ES/5362
LOCATION: LAND ADJACENT 44 MOORSIDE ROAD, TOTTINGTON BL8 3HW		A1

**Ward:** Bury East - Moorside

Item 06

**Applicant:** Mr S Khan

**Location:** 34 Chesham Road, Bury, BL9 6LY

**Proposal:** Variation of condition no. 4 following grant of planning permission 52388:  
Amend from: No customer shall be permitted to be on the premises outside the following times: 08:00 - 20:30 Mondays to Saturdays and 08:00 -18:00 on Sundays and bank holidays.  
Amend to: No customer shall be permitted to be on the premises outside the following times: 08:00 - 22.30

**Application Ref:** 58153/Full

**Target Date:** 05/01/2015

**Recommendation:** Approve with Conditions

### **Description**

The site relates to a premises trading as a hot food takeaway (Class A5) which is located within a Neighbourhood Shopping Centre as designated in the Bury Unitary Development Plan. The centre comprises other shops which include a launderette next door (No 32) and a sandwich shop, hairdressers and off license/convenience store opposite. The rest of the area is residential and there is an access alleyway to the rear beyond which are houses on Back Chesham Road South.

Planning permission for the A5 use was granted by the Planning Appeal Inspectorate following the refusal of a planning application (reference 52388) by the Local Planning Authority to change the use to a hot food takeaway from a newsagents (Class A1). A condition of the permission related to the opening hours, which restricted customers to be on the premises outside the following times: 8am to 8.30pm Mondays to Saturdays and 8am to 6pm on Sundays and Bank Holidays.

A complaint was received by the Enforcement Team alleging a breach of the approved opening hours.

The applicant states in the supporting statement that the business is not generating enough trade during the permitted hours to cover the costs of remaining open. Consequently, this application has been submitted to vary the hours condition to extend opening times. The applicant originally proposed a 10.30pm close, but this has been subsequently changed to 9.30pm Monday -Thursday, Sundays and Bank Holidays and 10.00pm Friday and Saturday. The proposed condition would therefore read as follows:

The permitted use shall not be open to customers, nor shall any deliveries to customers be carried out, outside the following times: 08:00 to 21.30 Monday to Thursday inclusive, Sundays and Bank Holidays and 08.00 to 22.00 Friday and Saturday.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S1/5 – Neighbourhood Centres and Local Shops and S2/6 – Food and Drink of the Bury Unitary Development Plan.

### **Relevant Planning History**

52388 - Change of use from newsagents shop (A1) to fish and chip shop, eat in and takeaway (A3/A5). New shop front. Extraction flue at rear. - Refused 14/05/2010. Upheld on appeal 27/10/2010.

12/0571 - Breach of condition 3 & 5 Planning approval 52388 - 17/12/2012

14/0388 - Breach of condition of opening hours.

## **Publicity**

Forty letters sent on 11/11/2014 to properties at Nos 18-52 (evens) 19-41 (odds) Chesham Road; 2 Greenbrook Street; 2,4,6,8,10 Back Chesham Road; 1 Clarence Close; 90 Brookshaw Street.

Two letters of objection received from No 1 Clarence Close and No 38 Chesham Road which raises the following issues:

- Since opening the shop has been trading beyond 10pm and 10.30pm every night and if later hours are passed, this could result in opening until 11pm or midnight;
- The chimney on the rear of the property already creates considerable noise up to 10pm;
- Can only assume staff are in the premises after this for cleaning purposes therefore planning consent has already been breached;
- Noise and disturbance due to passing trade;
- Recommends enforcement of the current hours condition;
- Already have gangs of youths hanging round the premises more at weekends and school holidays and longer opening times will further encourage this, creating more noise;
- Not fair local residents should have to pay the price of longer opening hours and all the problems associated with it.

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

## **Consultations**

**Environmental Health Pollution Control** - No objection. Recommend a condition to restrict the noise levels of the flue as this was not included as a condition of the original planning permission.

## **Unitary Development Plan and Policies**

S1/5	Neighbourhood Centres and Local Shops
EN1/2	Townscape and Built Design
S2/6	Food and Drink
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
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.

**Residential amenity** - On granting planning permission, the Appeal Inspector concluded it was reasonable to condition the hours applied for by the applicant to avoid anti social hours. In his report, the Inspector was not concerned the operation of an A5 use would assume that the generated levels of customer activity could not be reasonably accommodated within this residential environment, subject to the restrictions on opening times.

Being located within a Neighbourhood centre, shopping provision tends to cater for the daily or casual needs of nearby residents or those passing by, reducing the need for additional trips and primarily catering for local needs whereby customers are likely to visit by foot. Although the prolonged hours are likely to generate more activity to the area at a later time, a 9.30 pm closing time during the week and on a Sunday is considered to be reasonable, and would still be at a time when people carry out their evening routines. A 10pm closing time on Friday and Saturday would be in line with the convenience store opposite and not excessively late for a weekend. As this would be the only other commercial premises open

in the immediate area, the cumulative activity in the area from comings and goings of customers to these shops is not anticipated to result in significant disturbance or disruption to local residents. The business is comparatively small in scale and any activities which would be required to be carried out after closing time would be moderate.

There are many examples of hot food takeaways in the Borough which are located in similar neighbourhood centres directly adjacent to residential properties, without causing conflict.

Whilst this application has come about as a result of a complaint to the Enforcement Team, the Pollution Control department have no record of any complaints made regarding the use itself or the operation of the flue.

As such, it is considered that the extension to the opening hours of the A5 use would not be seriously detrimental to the amenity of the local residents and would comply with S1/5 and S2/6.

**Flue** - A flue has been erected on the rear of the property and the condition imposed by the Planning Inspector relating to its acceptability, has subsequently been discharged.

The Pollution Control Section have raised no objection to the application. There is separate legislation under the Environmental Protection Act which controls and regulates noise and this would be an issue for the Pollution Control Section. Notwithstanding this, a condition has been recommended to limit noise emissions associated with the flue equipment be included as part of an approval, given that the opening hours would extend later into the evening.

The Inspector did not include a noise condition of the original permission and it is considered that it would not be unreasonable to add it to a grant of permission in this case.

As such, the proposal is considered to be acceptable and would comply with UDP Policy EN7/2 - Noise Pollution.

**Response to objectors** - The issues raised regarding increased noise and disturbance from customers and the flue installation have been covered in the above report.

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

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

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. The permitted use shall not be open to customers, nor shall any deliveries to customers be carried out, outside the following times: 08:00 to 21.30 Monday to Thursday inclusive Sundays and Bank Holidays and 08.00 to 22.00 Friday and Saturday.



Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S1/5 – Neighbourhood Centres and Local Shops and S2/6 – Food and Drink of the Bury Unitary Development Plan.

3. Noise emissions associated with any proposed plant shall not exceed NR (Noise Rating) curve 25 in the bedrooms of adjacent properties with the windows of those properties open in the normal manner for ventilation purposes.

Reason. In the interests of residential amenity pursuant to Bury Unitary Development Plan Policies EN7/2 - Noise Pollution and S2/6 - Food and Drink.

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



58153

Photo 1



Photo 2



Photo 3

