

**Ward:** Bury East - Moorside

Item 01

**Applicant:** Vodafone

**Location:** H & A HOLDINGS, LIMEFIELD HOUSE, LIMEFIELD BROW, BURY BL9 6QS

**Proposal:** INSTALLATION OF 2 NO. REPLACEMENT ANTENNAS FOR USE BY O2 AND VODAFONE LTD, 1 NO. ADDITIONAL ANTENNA FOR USE BY O2 LTD AND ASSOCIATED ANCILLARY DEVELOPMENT THERETO

**Application Ref:** 46098/Full

**Target Date:** 17/05/2006

**Recommendation:** Approve with Conditions

### **Description**

The application site lies to the north of Limefield Brow and is occupied by Limefield House, a part two storey and 3 storey-high box-like building c.1960 constructed in red brick with a flat roof. The edge of the roof is occupied by around 13 telecommunications installations a number of which were installed prior to the need to apply for planning permission.

Limefield House is set within an industrial courtyard but the area surrounding it is predominantly residential. The levels around the site mean that the application site stands above the houses to the west on Mather Road whilst the houses to the east look down on the building.

Two previous applications have been submitted by O2 and Vodafone to install 3G masts or antennae on top of the building. Application 43585 sought permission for a 6 metre monopole on top of the highest part of the roof of Limefield House and application 44158 sought consent for two poles and 3 antennae. However, these applications were both refused and dismissed at appeal owing to their visual impact.

The current proposal is for a site share arrangement which would result in a net gain of one additional rectangular antenna mounting on the roof of Limefield House which would be the same size, shape and height as the existing installations.

The applicant has submitted details of the pre-application discussions with the Council, comprehensive history of the current scheme, site search and plot coverage as well as an ICNIRP certificate.

### **Relevant Planning History**

38128/01 - Prior approval determination for Telecommunication Equipment Cabin, Meter Cabinet - Granted 22/08/01

42606 - Telecommunication Development Involving 5 No.pole mounted antennae and equipment cabin - Approved 28/07/2004

43585 - Installation of 1 No. 6 metre High Flag Pole, 3 Antennae, an internal equipment room and associated development - Refused 21/12/2004 - Dismissed at appeal on the grounds that the flag pole would be a prominent and intrusive feature owing to its height. No

reference was made to health risk fears.

44158 - (Resubmission of 43585) Erection of Two Poles; 3 Antennae; A Meter Cabinet & Associated Development - Refused - Dismissed at appeal on the grounds that the new new antennae would reinforce the unco-ordinated clutter of visual elements and thereby harmful to visual amenity. The perception of fear of harm to health was a contributory factor, in the opinion of the Inspector, due to the prominence of the antennae.

45506 - Replacement and Upgrading of 2 Existing Vodafone Antennae; 2 Additional 02 Antennae & Associated Ancillary Development - Withdrawn pending the appeal decisions on 43585 and 44158.

### **Publicity**

147 adjoining occupiers notified within a 100 metre radius - 9 letters/ emails received, the communications with addresses on came from the occupiers of 2, 4, 15 & 17 Severn Close, 1 Threshfield Close and 19 & 21 Wheatfield Close, who object to the proposal on the following grounds:

- There are an excessive number of antennae on the roof at Limefield House
- Their cumulative impact is detrimental to the character and visual amenity of the area
- Health issues of masts close to housing why can't it be located in the open countryside
- Perception and fear of the health related issues from such masts

### **Consultations**

Borough Environmental Services Officer - Current Government advice on telecommunication masts, which reflects the present scientific knowledge on this matter, is that if a proposed development meets the ICNIRP Guidelines for public exposure, it should not be necessary for a planning authority, in processing an application, to consider the health effects further.

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

PPG8 PPG8 - Telecommunications  
EN1/10 Telecommunications  
EN1/2 Townscape and Built Design

### **Issues and Analysis**

The main considerations of the application are the technical justification and need for the antennae and their visual impact.

The applicant has submitted substantial information regarding the site search although this site would allow for a site share which is favoured by planning policy. The application includes details of pre-application discussions and the coverage plots demonstrate that there is a need for the facility. Information has been submitted to confirm that the cumulative output of the masts on the building would be within the ICNIRP guidelines. As such, there is a need for the installation as part of the roll out of the 3G Network and a justification for the antennae and for them to be placed in this building is considered to have been made.

The two previous appeals dismissed by the Planning Inspectorate were on the grounds of the cumulative effect of the number of antennae on the roof of Limefield House and in the case of the 6 metre-high flag pole its visual impact on the surrounding area. However, the current proposal would result in a rationalising of the existing Vodafone antennae by

removing the existing installation and replacing it with a dual-user antenna. The dual-user antennae would be used by Vodafone and O2 which would result in no increase in the number of rectangular fittings around the top of the roof. The second part of the proposal would include the introduction of one additional pole mounted antenna for O2 on the north elevation. It is considered that the efforts made by the two companies to share the proposed equipment has resulted in an improved outcome over the previous proposals and the introduction of one additional pole-mounted antenna would not, on balance, materially harm the visual amenity of the surrounding area.

In response to the points raised by the letters of objection, whilst there are a number of antennae on the roof of the building, this solution reduces the likelihood of further applications for such development. The proposal is considered to be a suitable compromise which would not materially increase the impact of the antennae on the surrounding area. The antennae need to be placed close to where there are gaps in coverage thus placing them at some distant in the open countryside would not achieve their aim. The perception of fear of telecommunications equipment is can be a material planning consideration. In this instance, given that the antennae would not be especially prominent and in part replaces an existing set of antennae, the perception of fear of health risks cannot be given much weight.

### **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:

The applicant has demonstrated a need for the proposed development, has justified the location of the equipment, has stated that the radiation from the site would be within Government limits by the submission of a cumulative ICNIRP certificate and the proposal would not demonstrably harm the visual amenity of the surrounding area.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings date stamped 22 MAR 2006. The development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The colour of and the external finishes to be used for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
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. Within 28 days of the development hereby approved ceasing to be used for the reception and/ or transmission of microwave radio energy, the antennae, pole mounting and cable trays shall be removed from the site.

Reason: In the interests of visual amenity pursuant to policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

For further information on the application please contact **Adrian Harding** on **0161 253 5322**

**Ward:** Bury West - Church

Item 02

**Applicant:** Morris Homes Ltd

**Location:** FORMER ELTON VALE WORKS, ELTON VALE ROAD, BURY, BL8 2RZ

**Proposal:** RESIDENTIAL DEVELOPMENT - ERECTION OF 15 NO. 2 & 2.5 STOREY  
DETACHED DWELLINGS

**Application Ref:** 45689/Full

**Target Date:** 07/04/2006

**Recommendation:** Refuse

### **Description**

The application is a resubmission of an earlier refused application which is now the subject of an appeal. The site is that of a former mill, now demolished, within the valley of the Elton Brook. There is a reservoir with an earth dam, in separate ownership, to the west of the site. Surrounding the area formerly occupied by the buildings the land slopes upwards on 3 sides and contains mature trees protected by a Tree Preservation Order. Access is via a narrow unadopted road from Elton Vale Road.

It is proposed to erect 15 detached houses around a new cul de sac. Ground levels would be raised by approximately 3.5 metres. There would be improvements to the access road but, in view of the length of the cul de sac that would be formed, the Fire Officer has agreed that the houses would be protected by individual sprinkler systems. The layout includes a private access road to the adjoining land to the north. A detailed tree survey identifies the trees to be removed or retained

The application is accompanied by a planning statement that was originally submitted with the 2004 planning application and a unilateral undertaking to pay the commuted sum for recreation provision. There is also a transport statement and an arboricultural survey.

Revised plans and additional information have been submitted including the following matters; landscaping and trees, details of reservoir remedial works; details of access track to adjoining land; confirmation of compliance with secured by design; confirmation of provision of adequate drainage to access road.

A letter from the applicant's planning consultant is summarised in the issues below. An email from the applicant is also referred to.

### **Relevant Planning History**

40555/03 - Outline planning application for residential development withdrawn in May 2003.

42770/04 - Application from current applicant for 15 dwellings withdrawn in September 2004 to enable further information to be provided.

43838 - Application for 15 houses refused in March 2005 on the recommendation of the Environment Agency because of the risk of flooding and the absence of a flood risk assessment. A Public Inquiry to consider the appeal against the refusal is scheduled for 4 July 2006.

## **Publicity**

The application has been advertised as a major development and neighbours notified. ? objections have been received from the residents of 15 Birkdale Drive, 2 Foulds Avenue, 6 Elton Vale Road, Elton Grange and Councillor Walker on behalf of 2 of the neighbours. Points raised include the following:-

- Elton Vale Road and adjoining gardens are subject to flooding from the Elton Vale Sports Club land and adequate drainage needs to be provided to the newly surfaced road. The applicant is aware of the problem and has confirmed that the road will be provided with new gullies to collect the water.
- The road is already used by Chantlers Primary School and the sports club. Elton Vale House is being converted into flats. The lane is used by school children and other pedestrians. Additional traffic would justify refusal.

The owner of the reservoir and the land to the north of the site has written several letters to support the scheme and to confirm that the remedial works to the reservoir, which would be on his property, are acceptable. He sets out the qualities of the 5 reservoirs which he owns and his future intentions. His objective is to use water resources to best advantage to the environment, including angling and wildlife. His proposals include a car park at Lowercroft, and a bailiff's cottage and disabled facilities next to the current application site. Notice has been served on him by the Environment Agency to carry out safety work on the reservoir which would include works on the dam, repairs to the spillway and the provision of an emergency draw down facility. The works would also benefit the developer who is prepared to fund them. The emergency draw down facility would have to be through the Morris Homes site. The Environment Agency will enforce its powers in the interests of safety. In the absence of emergency draw down facilities there could be an uncontrollable rush of water. If the repair works are not carried out it will be necessary to drain the water from the reservoir, impacting on the wildlife corridor and SBI. He has approached the Environment Agency, DEFRA and GMEU for support. There are references to UDP policies and guidance note 7 in support of the application.

The liquidator for the company owning of the site has written explaining the conditional contract with Morris Homes which depends on gaining planning permission. The site is the company's only asset and any funds have been used for demolition, site security etc. There is a shareholders' meeting on 9 June to discuss the future of the site. Any commercial/industrial use would not generate sufficient return after all costs have been taken into account. There may be problems with access for a commercial use. If planning permission is not granted, Morris Homes would no longer be involved but the preferred option would be to retain the site in its present condition and reapply for residential development when policy changes. However, there have been constant problems with trespass and fly tipping but no funding available to maintain the site. It is contended that the development of the site will benefit the local community in the following ways:-

- The site, which is presently an eyesore, will become an attractive development.
- Any contamination from previous usage will be dealt with.
- The access will be improved.
- Vandalism and fly tipping will be removed.
- There will be an acceptable draw down facility for the reservoir.
- The level of water in the reservoir will be maintained at its present level, providing an amenity for the area.
- The breeding facility for the local bird population (some of which are protected) will be maintained.
- Traffic on and off the site will be substantially less than if there was a commercial development.

## **Consultations**

Borough Engineer - No objection on highway grounds subject to recommended conditions including the need to comply with the Fire Officer's requirements. No objection on drainage grounds.

Borough Environmental Services Officer - Recommends contamination conditions and identifies presence of Japanese Knotweed.

Operational Services Manager - Curtilage collection for waste bins is acceptable.

Landscape Practice - Comments on trees to be retained and new landscaping have been addressed by revised plans from the applicant's landscape architect.

Greater Manchester Police - Comments are based on the remote position of the site and the need to include adequate security measures. The applicant has confirmed that the suggested details will be included in the layout and in the houses themselves.

Greater Manchester Fire and Rescue Service - Refer to earlier letter confirming no objection based on the installation of domestic sprinkler systems to the dwellings.

Environment Agency - After initial objection it has been confirmed that the proposals to address reservoir safety issues are acceptable subject to recommended conditions. The applicant has submitted additional plans and correspondence to demonstrate what is proposed. The works would be carried out on the dam and adjoining land outside the boundaries of the site and would ensure the retention of the reservoir.

A subsequent email, following an approach from the owner of the reservoir, points out that "the Environment Agency's general strategy is to seek preservation of all reservoirs and their associated habitats where these are of ecological value".

A copy of a letter dated 28 April to the owner of the reservoir has been provided by the EA. This refers to 2 Notices served under the Reservoirs Act 1975 in June 2005 requiring a flood study; investigation of the outlet pipe system; clearance of vegetation from the dam; reconstruction of the crest of the dam; increasing the flood discharge capacity of the reservoir and by-wash system; clearance of vegetation and remediation of the spillway. Work has not commenced in accordance with the specified dates and the owner is in breach of one of the notices. The main works are required to be commenced by 24 June 2006 and the case will be reviewed for possible enforcement action. Failure to comply could lead to a fine of up to £5000 or 2 years in prison. It would not be necessary to carry out the works if the volume of the water in the reservoir was reduced.

United Utilities - No objection subject to detailed comments.

Greater Manchester Ecology Unit - The response refers to the possibility of trees supporting bat roosts, the adjacent Site of Biological Importance and the Wildlife Corridor. There is no objection subject to recommended conditions. A subsequent email states that, if it could be demonstrated that a water draw down from the reservoir would inevitably result from a refusal of planning permission and if it could be demonstrated that it would lead to a deterioration of the ecological quality then the effect on the SBI may be of strategic significance.

## **Unitary Development Plan and Policies**

H1 Housing Land Provision

H1/2 Further Housing Development

SPD7 DC Policy Guidance Note 7: Managing the Supply of Housing

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN6/4	Wildlife Links and Corridors
EN5/1	New Development and Flood Risk
EC2/2	Employment Land and Premises
RT2	New Provision for Recreation in the Urban Area
EN6/2	Sites of Nature Conservation Interest LNR's
EN8/1	Tree Preservation Orders
PPG3	PPG3 - Housing
RSS 13	Regional Spatial Strategy for the North West

### **Issues and Analysis**

*Principle of Development:-* The land is unallocated on the Unitary Development Plan but, as a site used for employment purposes, it needs to be considered against Policy EC2/2 (Employment Land and premises outside the EGAs). In assessing the site against the policy it is accepted that in land use terms the site is unsuitable for continued employment use given its location and restricted access. The previous planning application (43838) was refused only because of a technical objection from the Environment Agency that has now been resolved.

*Housing Restriction Policy -* The Council has adopted a Housing Restriction Policy based on regional planning guidance since the refusal of the previous planning application and before the submission of the current application. Unless the development can be considered as an exception to the policy the application should be refused. The exceptions include "residential developments outside the identified regeneration areas and town centres **only in exceptional circumstances and where it can be clearly demonstrated that the scheme would have significant and strategic economic, environmental or regenerative benefits**".

The applicant, through their planning consultant, argues that the development should not be subject to the Housing Restriction Policy because of ongoing discussions with the Environment Agency at the time of the previous refusal that continued up to the time of the submission of the current application. It is claimed that such an approach would be similar to that for an application (44834) that was approved at Greenbrook Mill, Chesham. It is further claimed that there would be significant amenity and regeneration benefits with the development of a derelict and contaminated site subject to fly tipping, improvements to the road, removal of knotweed, alleviation of flood risk and improved access to the reservoir.

An email has been received from the developer pointing out that the site and the adjoining reservoir were previously in one ownership although they are still linked by pipes and overflows. In their opinion, the concerns of the Environment Agency cannot be overcome without the cooperation of the owner of Vale Works that is in receivership. The link between the housing site and the reservoir is claimed to be of regional significance because of the biodiversity and ecological value.

*Density of Development -* The application is for 15 units on a site with a stated area of just under one hectare. Government Guidance would suggest a density of at least 30 units but the developable area is restricted by the wooded slopes and the length of the access road. The number of houses is considered to be acceptable.

*Access -* The site is accessed by a narrow private road leading from an unadopted section of highway with a cul de sac length of over 250 metres. Improvements are to be made with the making up of the unadopted section including the installation of proper drainage to overcome residents' concerns about flooding. Initial objections from the Borough Engineer and the Fire Officer have been overcome with the installation of domestic sprinkler systems.



*Layout and Design* - It is proposed to raise site levels which will enable a larger part of the site to be used for development. The layout and design of the houses is acceptable with adequate garden sizes and separation distance between dwellings.

*Trees and Landscaping* - The removal and retention of trees has been agreed together with a landscaping scheme and the removal of Japanese Knotweed.

*Recreation Provision* - The applicant has submitted a unilateral undertaking to pay a commuted sum for recreation provision in the area.

*Conclusion* - In land use terms the principle of residential development on the site is acceptable. The developers have worked hard to produce an attractive and workable scheme and to overcome the constraints of the access and the concerns of the Environment Agency. The benefits of the development have been outlined by the developer, the liquidator for the owner and the adjoining landowner and these are summarised earlier in the report. These would include the bringing into use of a vacant site and prevention of potential problems from fly tipping and dereliction. The site is adjacent to a reservoir which requires essential maintenance work to ensure its retention. The reservoir is bordered by a Grade B Site of Biological Importance. It has not been demonstrated that the SBI would be harmed by draining the water and it is not an inevitable conclusion that the reservoir would be drained if planning permission is refused. The area of water is an attractive asset to the area, supports bird life and is used by anglers. Its possible loss would be of local significance but would not be significant in terms of the Borough as a whole or the wider area.

The previous application for residential development on the site was refused in March 2005 only because of the recommendation from the Environment Agency and their concerns would be overcome by the proposed remedial works. However, since that date, Development Control Policy Guidance Note 7 "Managing the Supply of Housing Land in Bury" has been formally adopted by the Council. Despite the case made by the developer's planning consultant, the guidance note must be taken into account. The approved Housing Restriction Policy is intended to restrain housing supply and to allow new development only in exceptional circumstances. The potential loss of the lodge would be regrettable but it has not been "clearly demonstrated that the scheme would have significant and strategic economic environment or regenerative benefits" and the application is therefore recommended for refusal.

### **Summary of reasons for Recommendation**

**Recommendation:** Refuse

#### **Conditions/ Reasons**

1. Sufficient sites have been identified within the Borough to meet the Regional Spatial Strategy for the North West housing requirements and to release this site would add to the oversupply of housing in Bury to the detriment of regional regeneration priorities. Therefore, the release of this site for residential development would be contrary to Policy H1/2 - Further Housing Development of the Bury Unitary Development Plan and central government guidance in PPG3 - Housing and the Regional Spatial Strategy for the North West.

For further information on the application please contact **John Hodkinson** on **0161 253 5323**

**Ward:** Bury West - Church

Item 03

**Applicant:** O S Communications

**Location:** LAND AT DAISYFIELD, WELLINGTON STREET, BURY

**Proposal:** CHANGE OF USE OF LAND TO CONTRACTORS YARD; AREA OF OPEN STORAGE, DISTRIBUTION AND RECYCLING OF CONSTRUCTION MATERIALS; TRAINING AREA FOR PLANT OPERATORS; ACCESS ROAD; BOUNDARY FENCING; LANDSCAPE WORKS; ANCILLARY OFFICES; STORAGE & LIGHTING

**Application Ref:** 46054/Full

**Target Date:** 14/06/2006

**Recommendation:** Approve with Conditions

**Description**

The site, measuring 2.13 hectares is situated at the southern end of Wellington Street, within Bury Bridge/Daisyfield industrial area approximately 1.6km from Bury Town Centre. The land to the south and west is open countryside and forms Daisyfield Site of Biological Importance (SBI) There are three categories of SBI, A, B and C. Daisyfield is categorised as Grade B. To the east is the culverted Bury Bolton Canal and Hinds Mill. To the north are businesses on Wellington Street, within the rest of the industrial estate. An overhead electricity line runs over the centre of the site.

The site is currently vacant although recently there has been an amount of tipping of soils, clays and other waste on the northernmost part of the site, close to the entrance. The site is zoned as industrial B1 business, B2 general industrial and B8 storage and distribution.

The application proposes to split the site into three separate zones.

1. Importing, open storage of contract building materials within separate areas - aggregates, secondary aggregates, soils, topsoil and cold planings. Unsorted material would be sorted by hand. Distribution from site. The applicant indicates that this area would accommodate a maximum of 50,000 tonnes of material per annum.
2. Training area for users of plant and machinery associated with building/civil engineering.
3. Storage (part covered) of various stone sand, soils and materials awaiting recycling associated with the construction industry. Recycling/repackaging of materials and sorting by hand.

Access to each of the separate areas would be from Wellington Street via a new access road. Each area would have a HGV and car parking area, turning area and a small prefabricated office. Lighting would be from floodlights to a maximum height of 5m.

The perimeter of the site would be secured by a 2.4m high paladin fence. Each of the three zones would be similarly separated by a paladin fence. The perimeter of the site would also comprise a combination of a low level bund with planting.

Hours of working would be 6am to 7pm. Sundays would be for maintenance only. There would be 35 full time staff.

It is estimated that there would be 30 movements into and 30 HGV movements and 10 visitor/other vehicles out of zones 1 and 3 per day. In zone 2 (training area) there would be up to 10 movements into and 10 movements out per day of HGV and up to 6 visitor/other vehicles.

It is noted that a waste management licence will be required for the proposed use.

### **Relevant Planning History**

**Temp Stop Notice 175** - Cease tipping of soils, clays and other waste materials **Served on applicant 22/02/2006**. Activity ceased.

**Planning Contravention Notice - Issued 25/04/2006** Served to obtain further information relating to the above Enforcement Notice.

**37102/00** - Road Extension **Approved 16/05/01**

**32506/96** - Manufacturing/Office Unit with associated servicing and car park. **Approved 04/02/97**

### **Publicity**

Immediate neighbours notified, site notice displayed and press advert posted - Letters of objection were received from three individual businesses on Wellington Street. Objections are summarised.

Possible detrimental impact on the environment.

Detrimental impact on nearby businesses from dust/ pollution from the storage facility.

Impact of heavy goods vehicles to and from the site along Wellington St.

### **Consultations**

Environment Agency - No comment to date.

Borough Engineer (traffic) - No objection.

Borough Engineer (drainage) - No objections.

Environmental Health - No objection subject to conditions relating to ground contamination.

Chief Fire Officer - Emergency access road would not be necessary given the nature of the land use.

GM Ecology Unit - No comment to date.

United Utilities - No objection.

National Grid - No comment to date.

British Waterways - No comment to date.

Greater Manchester Bird Group - The industrial zoning of the site within the UDP is unfortunate. Whilst the site does not encroach upon the SBI, the noise, dust and general activity will not be helpful to birds, in particular the rare Spotted Flycatcher.

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

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

EN1/5 Crime Prevention

EN6 Conservation of the Natural Environment

EN6/4 Wildlife Links and Corridors

EN6/2 Sites of Nature Conservation Interest LNR's

EC1 Employment Land Provision

EC2/1 Employment Generating Areas

EC4 Small and Growing Businesses

EN7 Pollution Control

EN7/1 Atmospheric Pollution

EN7/2 Noise Pollution

EN7/3 Water Pollution

EN7/4 Groundwater Protection  
PPG10 PPG10 - Planning and Waste Management  
PPG23 PPS 23 - Planning and Pollution Control

### **Issues and Analysis**

**Principle.** Unitary Development Plan Policies EC1 -Employment Land and Provision and EC2/1 - Employment Generating Areas, seek to retain existing industrial areas in employment uses where environmentally acceptable. The site is designated as part of an existing Employment Generating Area in which B1 Business, B2 General Industrial and B8 warehousing are considered to be appropriate. Although the proposed uses, together would be categorised as sui generis (ie not falling within a specific use category), given the industrial nature of the operations, it is considered that the use would be appropriate in principle in this location subject to environmental safeguards.

Where an industrial use such as that proposed abuts an area such as an SBI there is likely to be the potential for conflict. The operations within Zone 1 of the site, the open storage, recycling and distribution of building materials give cause for most concern. Such a use could be viewed as a dump for waste building materials, on the other hand it could also be viewed as a useful recycling facility in addition to its benefits as a local employer. To prevent the site becoming a dumping ground for builder's waste, it is important that appropriate safeguards, through conditions, are attached to any approval.

Policy EN6/2 - Sites of Nature Conservation Interest states that planning permission will not be granted for development which would damage either directly or indirectly, the nature conservation interests of sites of particular ecological significance such as SBIs unless conditions can be imposed that would acceptably mitigate those impacts. Such mitigation measures would include buffer zones, planting along boundaries for screening purposes.

In terms of pollution control Policy EN7 states that the Council will seek to control environmental nuisance and minimise pollution levels associated with development by limiting the environmental impact of pollution wherever possible. More specific policies relating to pollution EN7/1(Atmospheric Pollution), EN7/2(Noise), EN7/3(Water) and EN7/4 (Groundwater Protection) are also relevant.

Planning Policy Statement (PPS)10 relates to Planning and Sustainable Waste Management and promotes the recovery and re-use of materials if it accords with the overall strategy of waste management within the Local Authority.

Central Government guidance within PPS23 - Planning and Pollution Control indicates that Local Planning Authorities should take full account of the environmental impact of the proposed use. In this respect the any pollution concerns would be regulated by the Environment Agency and the Council's Environmental Health Officer.

**Environmental Impact.** The site is located on land adjacent to Daisyfield SBI to the west and south. The ecological report submitted with the application concludes that the impact on the adjacent SBI would be low, provided mitigation measures are incorporated to reduce potential impact on bird species, bats and water bodies. Mitigation measures included in the proposals include a bund with planting along the boundary. On the western boundary the landscaped buffer would be 7m wide. On the southern boundary the buffer would be 4m wide. In addition to the landscaping, there would be a 'no go' strip between the proposed storage material and the landscaped bund around zone 1 (storage/recycling and distribution). The maximum height of any pile of material within zone 1 would be 4m.

Illumination would be provided by lighting columns positioned along the proposed access road and on the eastern side of the site. No lighting columns would be positioned close to

the boundary with the SBI to avoid light pollution. To reduce dust the application states that water suppression using a fine spray will be applied in dry periods to loose materials and surfaces to ensure fine particles do not blow from the site.

Although there are no water bodies within the site, there are eight ponds, two reservoirs, a stretch of canal, three water courses and a wet ditch within 500mm radius of the site boundaries. There is no evidence of water vole activity or suitable habitat. Recent surveys have not found activity of great crested newts either.

In regard to noise it is stated in the accompanying report that sorting of mixed materials would be done by hand, without the need to employ heavy equipment such as stone crushers etc. All equipment and plant on the site would be fitted with silencers and operated in accordance with current health and safety legislation.

Contamination. The operators would require a waste management licence and activities would be controlled by the Environment Agency through that licence. Nevertheless it is considered that conditions relating to contamination mitigation measures should be attached to any approval.

Traffic. The new access road and turning head would be finished to an adoptable standard and form an extension to Wellington Street. It has been indicated by the Fire Officer that the emergency access would not be essential for a development of this nature.

The vehicular movements outlined earlier in the report are not considered to be inappropriate along Wellington Street, particularly given that the site is allocated for industrial purposes.

Objections. One of the main concerns appears to be the possible future misuse of the site by the applicant who has already tipped an amount of soil, clay and other material close to the entrance. This is a valid concern particularly in view of the serious problems caused by illegal tipping by other parties on land at Hinds Mill which is located to the east of this site. However the proper control of a use such as this can be secured by appropriate and enforceable conditions such as limiting the amount, height and location of materials to be stored, hours of operation, landscape and boundary treatment and the operation of large plant.

### **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason for granting permissions can be summarised as follows;-

The proposed use of the land is considered to be appropriate in this location. The site is within an existing Employment Generating Area and remote from residential properties. The impact on the surrounding SBI and surrounding areas could be mitigated to a satisfactory extent by safeguards such as boundary treatment and controls on the storage of materials. The proposal complies with policies listed. There are no other material considerations that outweigh this finding.

**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 P181-003, P181-004/1, P181-005, P181-006 P181-008, and the development shall not be carried out except in accordance with the drawings hereby approved.

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

3. Prior to the development hereby approved commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground 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 risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
- Where remediation is 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 and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

5. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;

The approved contamination testing shall then be carried out and validity evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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

where appropriate:

- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;

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

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

7. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;  
A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.  
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. No development shall take place unless and until details relating to the proposed boundary fencing and bunding for the site have been submitted to and approved in writing by the Local Planning Authority. The approved fencing and bunding works shall be implemented prior to the commencement of the proposed use of the site.  
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
9. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the site 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.
10. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.  
Reason: To ensure a satisfactory means of drainage.

11. The car parking indicated on the approved plans P181-004/1 shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved being occupied and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
12. Notwithstanding the highway layout details indicated on approved plan reference P181-004 Rev1, the development hereby approved shall not be commenced unless and until full details of the proposed industrial estate road and turning head have been submitted to and approved in writing by the Local Planning Authority. The highway works subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use.  
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
13. The visibility splays/forward visibility envelopes indicated on the submitted plan P181-004/1 shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and shall subsequently maintained free of obstruction above the height of 0.6m  
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
14. The turning facilities indicated on the approved plan P181-004/1 within each of the three zones 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.
15. Notwithstanding the terms of the General Development Order 1995, or as subsequently amended, no development shall be carried out within the terms of Classes A to D of Part 8 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.  
Reason. To ensure that the Local Planning Authority retain control of the operations on the site in the interests of amenity and pursuant to the policies listed below.
16. Notwithstanding the maximum tonnage indicated on the approved plan P181-004/1, there shall be no storage of waste/recycled materials outside the designated areas hatched in green ((Area A) on the approved plans and no material shall be stored at a height in excess of 4m.  
Reason. In the interests of amenity pursuant to policies listed below.
17. Prior to the operations within Zone 1 commencing, each area within which materials are to be stored shall be demarcated by a concrete dividing barrier, the details of which shall be approved in writing by the Local Planning Authority prior to installation. Materials shall be stored in the specified bays indicated on the approved plans. There shall be no storage of mixed waste outside the area hatched brown (Area B) on the approved plans. The dividing barrier shall be maintained thereafter in situ.  
Reason. To prevent mixing of materials and in the interests of amenity pursuant to policies listed below.



18. The prefabricated offices and open storage bays hereby approved shall be finished in dark green to the satisfaction of the Local Planning, and thereafter they shall be maintained in this colour.  
Reason. In the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
19. No development shall commence unless and until full details of all lighting columns shall be submitted to and approved in writing by the Local Planning Authority. Only the approved scheme of lighting shall be implemented.  
Reason. In the interests of amenity pursuant to the policies listed below.
20. No pallets or skips on the site shall be stored at a height in excess of 4m.  
Reason. In the interests of visual amenity pursuant to the policies listed below.
21. The premises shall be closed on Sundays and Bank Holidays. Any activity on Sundays shall be limited to essential maintenance of plant and machinery and shall be restricted to the hours of 0900hrs to 1700hrs inclusive.  
All work and other activity on other days shall be confined to the following hours:-  
0600 hrs to 1900 hrs, Monday to Saturdays.  
Reason. In the interests of amenity pursuant to Policies of the Bury Unitary Development Plan listed below.
22. No development shall commence unless and until full details of wheel washing facilities on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to commencement of operations on site. All areas used for the washing of vehicles shall be contained and connected to foul sewers to prevent the discharge of contaminated drainage to underground strata or controlled waters.  
Reason: To prevent pollution of the surrounding area and in the interest of amenity.

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

**Ward:** North Manor

Item 04

**Applicant:** Summerseat Methodist Primary School

**Location:** LAND TO REAR OF SUMMERSEAT METHODIST PRIMARY SCHOOL,  
ROWLANDS ROAD, SUMMERSEAT, BL9 5NF

**Proposal:** LANDFILL TO FORMER QUARRY TO FORM EXTENSION TO EXISTING  
SCHOOL PLAYGROUND TO FORM PLAY AREA & INFORMAL TEACHING AREA

**Application Ref:** 45898/Full

**Target Date:** 31/05/2006

**Recommendation:** Approve with Conditions

### **Description**

The application relates to an uneven wooded area to the south east of the existing school playground and at a lower level. It appears to have been a quarry and there is an exposed rock face below the rear gardens of properties on Ashborne Drive to the east. To the west is an area used for parking by the school and accessed by a narrow lane from Rowlands Road. A public footpath from Rowlands Road to the north runs adjacent to the old churchyard and enters the site via steps. There is access to the cricket ground to the south of the site.

It is proposed to remove some of the vegetation and small trees within the site and to raise ground levels to level off part of the former quarry floor. The stone wall round the playground would be partially removed and repositioned. The hard surfaced playground would be extended and an informal teaching and play area created. A new brown coloured palisade fence would be erected on the eastern and southern boundaries of the area with a new stone surfaced footpath outside it. The existing significant trees are outside the application site and would not be affected by the development. There would be new tree and shrub planting within the fenced area. The parking area is outside the application site but the plans show it to be resurfaced in rolled stone.

The headteacher is investigating an alternative to the type of fence proposed.

### **Relevant Planning History**

None recorded for the application site.

41201 - A new church has been built on land to the north of the site in accordance with permission granted in December 2003.

### **Publicity**

The application has been advertised as affecting the Brooksbottoms/Rowlands Conservation Area and a public right of way. Objections have been received so far from residents of 8 and 12 Ashborne Drive. Points raised include:-

- The proposals should not affect the stability of land at the rear of Ashborne Drive.
- Trees should be retained rather than removed and the development should be on a smaller scale.
- Assurances are sought that the mature trees at the rear of Ashborne Drive would be retained.

- The proposed fencing would be unsightly.
- It is considered that the path should not be a right of way and that fencing should also be erected on its eastern side to prevent fly tipping.
- Assurance is sought that the facilities should not be used by groups or organisations outside school hours.
- Assurances are sought that there should be no lighting which would be disruptive to residents.
- The site appears to be used by bats and the habitat should be retained.

Councillor Higgin has received an objection on the basis that local children and adults should be able to continue to use the site and that they are not happy with the 2m high metal palisade fencing.

### **Consultations**

Borough Engineer - The application affects a non definitive right of way.

Borough Environmental Services Officer - Recommends conditions requiring investigation into possible contamination.

Landscape Practice - There is no objection to the removal of trees but there is some concern about the detail of the landscaping scheme including the species of plants that are specified.

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

EN2/2 Conservation Area Control  
 OL1/5 Mineral Extraction and Other Dev in the Green Belt  
 EN9/1 Special Landscape Areas  
 EN8 Woodland and Trees  
 CF2 Education Land and Buildings

### **Issues and Analysis**

The area of land covered by the application is disused and, although superficially attractive, is uneven from former tipping and contains no significant trees. The land would be brought into beneficial use by the school which at present only has a limited play area. Despite the objections, the appearance of the site as a generally wooded area would be retained and there no environmental grounds for recommending refusal. The use and appearance of the land would preserve the character of the Brooksbottoms/Rowlands Conservation Area.

The land is set well below the properties on Ashborne Drive with a screening of mature trees and the amenities of residents would not be affected.

### **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;- The proposed use will preserve the character of the Brooksbottoms/Rowlands Conservation Area and will not harm the residential amenities of occupiers of adjacent property. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 5 APR 2006 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Notwithstanding the details shown on the approved plan, details of new tree and shrub planting shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The landscaping scheme 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.
4. Notwithstanding the detail shown on the approved plan, the type and colour of the fence to be erected shall be agreed in writing by the Local Planning Authority prior to the development commencing.  
Reason To protect the visual amenities of the area.
5. Prior to the removal of the trees permitted by this approval, a survey shall be conducted, and the survey results established as to whether the affected trees are utilised by bats. A programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority and all mitigation measures shall be fully implemented prior to the commencement of the works and to remain in situ on the site for an agreed period of time.  
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.
6. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground 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 risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
  - Where remediation is 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 and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

7. Following the provisions of Condition 6 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 conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.  
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
  
8. 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 works commencing on site, and;  
The approved contamination testing shall then be carried out and validity evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.  
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
  
9. 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 Planning Policy Statement 23 - Planning and Pollution Control.
  
10. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown

necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;

A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

11. Details of any proposed lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation.

Reason To protect the visual and residential amenities of the area.

For further information on the application please contact **John Hodgkinson** on **0161 253 5323**

**Ward:** North Manor

Item 05

**Applicant:** J D Homes Ltd

**Location:** WALMERSLEY BREWERY, WALMERSLEY ROAD, BURY

**Proposal:** PART CONVERSION/PART DEMOLITION & NEW BUILD TO CREATE 23 RESIDENTIAL UNITS (RESUBMISSION)

**Application Ref:** 46049/Full

**Target Date:** 13/06/2006

**Recommendation:** Minded to Approve

**Minded to approve subject to S.106 Agreement requiring payment of a commuted sum for recreation provision in the area.**

**Description**

There is also an application (46060) on the agenda for Conservation Area Consent to demolish part of the buildings on the site.

The buildings were originally erected as a brewery and have been used until recently by an oil company. They have left the premises but parts of the site are contaminated by spilt oil. The original brewery buildings dating from the 1830s are built mainly in stone and would be retained. More recent brick buildings would be demolished.

The site is part of a small conservation area based on Christ Church to the north. The external walls of the existing buildings are on the boundaries of the site which is set higher than adjoining land with a tennis court to the west and the rear gardens of houses to the south.

It is proposed to convert the brewery buildings into 7 units, including the retention of the brewery chimney.. The two storey brick buildings next to the south and south east boundary of the site are heavily contaminated with oil and, although they are of domestic scale, it is not possible to retain them. It is proposed to replace them with 7 new houses of similar size and height in the same position, including a high wall to ensure privacy for the existing houses and gardens to the rear. A pair of apartments, units 8 and 9, would adjoin the block. On the northern part of the site, a row of 4 houses would back onto the tennis court and a pair of houses would back onto Walmersley Road. 9 of the units would have private garden areas and there would be a communal amenity area in the centre of the northern part of the site. There would be a total of 33 car parking spaces.

The buildings to be retained are built in stone and slate and any alterations would include matching design and materials. The new buildings would be predominantly in brick. The pair of semi detached houses would be built in stone and render.

The application is accompanied by a design study; a desk study for contamination and a geoenvironmental investigation; a structural report; a bat study; an archaeological recording and landscaping proposals. The design study describes the site and sets out its history together with the constraints and opportunities that have led to the design solution chosen

**Relevant Planning History**

45118 - A similar application to the current proposal was withdrawn in October 2005 to allow amendments and the provision of additional information.

### **Publicity**

The applications have been advertised and neighbours notified. One letter of support has been received from a resident at 24 Old Lane who is concerned about the current state of the site. One letter of objection has been received from the resident of 16 Leamington Avenue. Although he is supportive of the majority of the scheme he thinks that the pair of semi detached houses (units 14 and 15) are inappropriate to the site and the area because they would be "mock industrial" in appearance.

### **Consultations**

Borough Engineer - No objection on highway grounds subject to recommended conditions. No objection on drainage grounds subject to notes for the applicant including reference to a culvert crossing the site.

Borough Environmental Services Officer - Progress is being made in assessing and dealing with contamination and appropriate conditions are recommended.

Environment Agency -Recommends similar conditions to Borough Environmental Services Officer.

Greater Manchester Ecology Unit - Although no bats have been discovered it is recommended that further survey work is carried out and an appropriate condition is recommended.

Greater Manchester Police - No problem in principle to the proposals subject to the closing off or gating of a secondary access. which is acceptable to the applicant. An appropriate condition is recommended.

Borough Operational Services Officer - Concerns over waste storage facilities have been taken up with the applicant's agent and an appropriate condition is recommended.

United Utilities - No objection. The culverted watercourse that crosses the site is not a United Utilities asset and contact should be made with the riparian owner.

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
SPD7	DC Policy Guidance Note 7: Managing the Supply of Housing
EN2/2	Conservation Area Control

### **Issues and Analysis**

*Principle of Development* - The site is within a residential area. The age, condition and layout of the buildings renders them unsuitable for employment use in terms of UDP Policy EC2/2 - Employment Land and Premises Outside the Employment Generating Areas.

A Housing Restriction Policy has been adopted by the Council as set out in the Guidance Note "Managing the Supply of Housing Land in Bury". An exception to the Policy is on land or buildings which clearly detract from the historical or architectural quality of a Conservation Area and where the proposals would, as in this case, actually enhance its quality.

*Layout and Design* - The Conservation Area seeks to protect the church and its associated



buildings together with the original brewery buildings. The large industrial building between the original brewery and the church is of no architectural merit and in poor structural condition and there is no objection to its demolition. The earlier brick buildings to the south of the old brewery buildings do have some merit but the walls are contaminated with oil to such an extent that retention is not practical.

The scheme has been carefully designed to preserve and enhance the important buildings on the site and to ensure that the new buildings are of high quality that would be an asset to the area.

The whole of the development would be served by the southern access to the site and the other access would be closed. The site is effectively in 2 halves with the original brewery buildings in the middle. These would be retained and sympathetically converted. The buildings to the south would be replaced by new buildings of traditional design. The northern half of the site would have new buildings of modern design.

The layout as a whole is workable with adequate space about the buildings and acceptable levels of privacy to new residents and occupiers of adjoining property. There is adequate amenity space for residents and sufficient car parking. Subject to recommended conditions requiring additional details, the Council's Conservation Officer is happy with the scheme which would preserve and enhance the character of the Conservation Area.

*Recreation Provision and Other Matters* - The size of the development would not require the provision of affordable housing. The applicant has confirmed agreement to pay a commuted sum for recreational provision subject to a S.106 Agreement.

### **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;- The proposed development is within the urban area and close to all amenities. It would enhance the character and appearance of the Walmersley Conservation Area. The amenities of occupiers of adjacent property would not be adversely affected and there would be no impact on highway safety. There are no other material considerations that outweigh this finding.

**Recommendation:** Minded to Approve

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 14 Mar 2006 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations, including panels of

new and rebuilt walls, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

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. Detailed drawings of windows, doors, screens, flues, vents, rainwater goods, pipework and other elements affecting the external appearance of the buildings at no less than 1:20 scale shall be submitted to and first approved in writing by the Local Planning Authority before any development is commenced.  
Reason. To ensure a satisfactory form of development.
5. Notwithstanding the terms of the General Development Order 1995, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 and Classes A and B of Part 2 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 below.
6. No demolition of structures or buildings other than those shown on the submitted plans shall take place without the prior written agreement of the Local Planning Authority.  
Reason To protect the integrity of buildings within the Walmersley Conservation Area.
7. Notwithstanding the submitted landscaping scheme, details of trees and shrubs to be planted shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The agreed landscaping scheme 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.
8. Notwithstanding the arrangements shown on the submitted plans, details of refuse storage facilities shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development and implemented in accordance with the approved scheme.  
Reason To ensure efficient storage and removal of waste.
9. The pedestrian access to Walmersley Road between units 15 and 16 shall be gated in accordance with details to be agreed in writing with the Local Planning Authority prior to the commencement of the development.  
Reason to ensure the security of residents of the development.
10. A scheme for the lighting of communal areas shall be submitted to and agreed in writing by the Local Planning Authority. It shall be implemented prior to the occupation of the dwellings.  
Reason To ensure satisfactory amenities for residents of the development.
11. No development shall take place on the buildings and structures to be retained

until the findings of nocturnal observations on bat activity, as outlined in the letter dated 28 November 2005 from the Tyrer Partnership, have been submitted to and approved by the Local Planning Authority.

Reason Protection of a European Protected Species.

12. No development shall take place until details of the bat mitigation measures recommended in the letter dated 28 November 2005 from the Tyrer Partnership have been submitted to and approved by the Local Planning Authority.  
Reason Protection of a European protected species.
13. The development hereby approved shall not be brought into use unless and until the redundant vehicular access onto Walmersley Road has been reinstated to adjacent footway levels to the written satisfaction of the Local Planning Authority.  
Reason To ensure good highway design in the interests of highway safety.
14. The improvements to visibility indicated on the approved plans in the form of the rebuilding of the entrance walls and gateposts further into the site shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied.  
Reason To ensure the intervisibility of users of the site and the adjacent highways in the interests of highway safety.
15. The turning facilities indicated on the approved plans 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.
16. The foundations for the proposed boundary walls shall not encroach under the adjacent adopted highway at any point.  
Reason To ensure good highway design in the interests of road safety and to maintain the integrity of the adopted highway.
17. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground 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 risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
  - Where remediation is 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 and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
18. Following the provisions of Condition 17 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 conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

19. 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 works commencing on site, and;

The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

20. 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 Planning Policy Statement 23 - Planning and Pollution Control.

21. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;

A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

For further information on the application please contact **John Hodgkinson** on **0161 253 5323**

**Ward:** North Manor

Item 06

**Applicant:** J D Homes Ltd

**Location:** WALMERSLEY BREWERY, WALMERSLEY ROAD, BURY

**Proposal:** PART DEMOLITION OF BUILDINGS TO FACILITATE NEW RESIDENTIAL DEVELOPMENT

**Application Ref:** 46060/Conservation Area  
Consent

**Target Date:** 09/05/2006

**Recommendation:** Approve with Conditions

**Description**

There is also an application (46049) on the agenda for planning permission to convert the original brewery buildings and to build new units on the remainder of the site. As the site is within Walmersley Conservation Area formal consent is required for the demolition of the buildings to allow the development to proceed. A full report is included with application 46049.

**Relevant Planning History**

45118 - A previous planning application to redevelop the site was withdrawn in October 2005.

**Publicity**

Two letters are reported in 46049.

**Consultations**

See 46049.

**Unitary Development Plan and Policies**

CON Conservation Area

**Issues and Analysis**

The important buildings within the site would be retained and converted to residential use. The industrial building to the north is in poor condition and has no merit. The buildings to the south are heavily contaminated with oil and their retention is not practical. Demolition of the buildings will allow the construction of a development that will preserve and enhance the Conservation Area.

**Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:- The buildings to be demolished have little merit and would facilitate a scheme that would preserve and enhance the character of Walmersley Conservation Area. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 14 MAR 2006 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. No demolition of structures or buildings other than those shown on the submitted plans shall take place without the prior written consent of the Local Planning Authority.  
Reason To protect the integrity of buildings within the Walmersley Conservation Area.
4. No development shall take place until the details of the bat mitigation measures recommended in the letter dated 28 November 2005 from the Tyrer Partnership have been submitted to and approved by the Local Planning Authority.  
Reason Protection of a European protected species.

For further information on the application please contact **John Hodkinson** on **0161 253 5323**

**Ward:** North Manor

Item 07

**Applicant:** Mr & Mrs M Goodchild

**Location:** 1 LONGSIGHT ROAD, HOLCOMBE BROOK, BL0 9SL

**Proposal:** NEW SINGLE STOREY SHOP DEVELOPMENT

**Application Ref:** 46184/Full

**Target Date:** 02/06/2006

**Recommendation:** Approve with Conditions

### **Description**

The site is an area of land to the south of the junction of Pot Green with Longsight Road. It contains a wooden hut at present used as a barbers shop. On the boundary with Pot Green is a stone retaining wall topped by an overgrown hedge that screens the site from the stone cottages opposite. The cottages are within Pot Green Conservation Area but the site is not. To the south is an electricity sub station. The site is close to the traffic signal controlled junction of Longsight Road with Bolton Road West.

It is proposed to demolish the existing building and to build a new, larger shop. It would be L shaped and constructed in stone with a slate roof. As with the existing building, there would be parking or servicing within the site. Revised plans have been received clarifying materials and site levels and confirming the retention of the hedge to the boundary with Pot Green.

### **Relevant Planning History**

41700/03 - Application for a pair of shops with 2 flats above withdrawn in January 2004.

### **Publicity**

The application has been advertised because of its proximity to the Conservation Area and neighbours notified. One objection has been received from the residents of 7 Pot Green. They note that the proposed development has no vehicular access. They point out that, as residents, they are not allowed to use the car park at the shopping precinct on the opposite side of Longsight Road. This implies that visitors to the shop including delivery vehicles and builders vans will add to the parking problems on Pot Green and they think that the application should therefore be refused.

### **Consultations**

Borough Engineer - Any comments will be reported.

Borough Environmental Services Officer - Any comments will be reported.

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

S1/4 Local Shopping Centres  
S2/1 All New Retail Proposals: Assessment Criteria  
EN2/2 Conservation Area Control

### **Issues and Analysis**

The site is within a local shopping centre and contains an existing building of short lived materials that needs to be replaced. The site is constrained by its location. The Borough



Engineer would not accept a vehicular access either off Longsight Road (because of its proximity to road junctions) or off Pot Green because of its restricted width. On the basis that one shop would be replaced by another, the Borough Engineer would accept the proposal despite the lack of on site parking and servicing. The alternative would be to have a vacant and potentially unsightly piece of land in a prominent location at the heart of Holcombe Brook.

The design and materials are acceptable and would not harm the character of the adjacent Conservation Area. Residential amenities would not be affected by the size and siting of the building.

### **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;- The proposed development will enhance the character of the Pot Green Conservation Area and will not harm the amenities of residents of adjacent property. There will be no implications for highway safety. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 10 May 2006 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

For further information on the application please contact **John Hodkinson** on **0161 253 5323**

**Ward:** Prestwich - Sedgley

Item 08

**Applicant:** Manchester Maccabi CSC

**Location:** MANCHESTER MACCABI CSC BURY OLD ROAD PRESTWICH

**Proposal:** AMENDMENTS/ADDITIONS TO APPROVED SPORTS CLUB SCHEME INCLUDING:  
SECURITY LIGHTING, CCTV INSTALLATION, SECURITY FENCING AND GATES TO CLUBHOUSE AND CAR PARK; FLOODLIGHTING TO ALL WEATHER PITCHES; 2NO. STORAGE CONTAINERS; ACCESS PATHS TO PITCHES AND REVISION TO PART OF CAR PARKING LAYOUT.

**Application Ref:** 46066/Full

**Target Date:** 29/05/2006

**Recommendation:** Approve with Conditions

**Description**

The proposal involves changes to an approved scheme to create new sports facilities for Maccabi AFC on existing recreational land at Brooklands on Bury Old Road, Whitefield. The approved sports club building and all weather pitch are now nearing completion.

The site includes an extensive area between Bury Old Road on the south westerly side, and mostly residential properties on the remaining boundaries. The clubhouse and car park are being built on the section of the land closest to Bury Old Road and which was characterised by extensive tree cover prior to development but this has now been opened up away from the frontage. The all weather pitch is being completed just behind the clubhouse on part of the open playing field that makes up the majority of the site.

The application is for approval to amendments, additional elements and a detail not covered by the current consent. These are as follows:

Additional items -

- A 2.4m high wire mesh style security fence powder coated green around the clubhouse and car park area.
- 1.4m high wire mesh style security gates powder coated green on the main vehicular entrance on Bury Old Road.
- Security lighting within the area to be fenced involving 6no. 6m high columns 3 with floodlight units and 3 with lanterns and a CCTV camera unit on a 4m high column also within the fenced area.
- 2no. steel containers finished in green 6.1m long, 2.4m wide and 2.4m high to be sited on the edge of the sports area.
- 1.8m wide tarmac footpaths linking the clubhouse with the all weather and grass pitches.

Amended items -

- Changes to the car park mostly on its edge nearest to Bury Old Road. The total number of spaces would be 70 compared to 76 on the approved details.
- The ball stop fences at the goal ends on the football field nearest to the site boundary to

be reduced in length from 85m for the northerly fence and 67m for the southerly one to 33m in both cases.

Details for a previously approved item -

- 4no. 10m high floodlighting units for the approved all weather sports pitches area pitch.

The existing planning permission for the development includes conditions restricting the hours of opening of the clubhouse to 8am to 11.30pm on any day and requiring the use and illumination of the all weather pitch to end at 9pm. In the application it is confirmed that the hours of opening/use will be in accordance with the approved scheme. However, if planning permission were to be granted for the changes the requirements of the main consent would continue to apply.

Recently an application for amendments and additions to the scheme was withdrawn. That included the provision of a tennis/basketball facility. That element has not been included within the current application.

### **Relevant Planning History**

32154/96 - New clubhouse, external all weather sports pitch with tennis/basketball and netball enclosure including screen fencing and pitch lighting. Formation of football/cricket pitches with associated car parking, servicing and landscaping. Refused on 3rd October 1996 on the grounds of site overdevelopment leading to activity and noise detrimental to residential amenity and that the use of the access would be prejudicial to highway safety. The subsequent appeal was dismissed.

40947/03 - Erection of sports clubhouse, 2 no. floodlit external all weather pitches; associated car parking, servicing and ground facilities. Approved on 4th October 2004.

45862 - Alterations to external pitches, security fencing, gates, lighting and security columns; 2 no storage containers. Withdrawn on 27th February 2006.

### **Publicity**

109 neighbouring and nearby properties were notified. There have been 7 responses as follows;

Two letters from Woodthorpe Grange expressing concerns including:

- Does not want trees to be removed for the car park.
- Does not want the car park to be moved any nearer to residential properties.
- The storage facility should be discreet and in character with the neighbourhood.
- It is unclear from the plans if they would be building a new fence back to back with their fence. If it is to be a higher fence than it would be unsightly. (No such additional fence is shown).
- Much earth has been brought in and dumped on the field significantly raising its level. This has caused water to collect on the field after rain. Was this on the submitted plans? (No such land raising is shown on the approved plans and the matter has been raised with the club's agent).

Five letters of objection have been received. These are from addresses in Bury Old Road, Park Road, Oakfield and Castle Hill Road. Points raised include:

- An excessive loss of trees has already occurred.
- Removal of trees and shrubs has rendered neighbouring houses more vulnerable to

- light spillage and some form of shield should be provided to prevent this.
- Trees and bushes have been removed under the pretence that they were diseased but they were inconvenient.
  - Any further escalation of the already overpowering development should be classed as inappropriate development of a green playing field and its tree lined surroundings and should be refused..
  - The placing of two large storage containers in addition to the 10,000ft2 clubhouse on this grassy site and in plain view of all should not be granted.
  - A building of the size proposed should already have adequate storage space.
  - Simply painting the containers green is not adequate.
  - Storage should be in the new clubhouse and not in containers which will be out of keeping with the area.
  - All existing containers should be removed before the club is allowed to open.
  - An increase in lighting and floodlighting will render this development even more intrusive than that which was approved.
  - The proposal involves extending opening times to 7.30 to 12 midnight 7 days a week in a residential location.
  - The opening hours of the venue and clubhouse should be restricted to 10.30pm to avoid late night disturbance to residents.
  - The application does not pay regard to Jewish holidays.
  - There are no noise attenuation proposals and the floodlighting details are not accompanied by any lighting implications study/survey.
  - The balcony of the clubhouse is directly overlooked by residential property and there are almost no limits on noise, light and opening times.
  - The drawings do not comply with visibility requirements on Bury Old Road and are incorrectly drawn.
  - Much of the support for the application comes from people who do not live locally.
  - The screens at the ends of the main pitches have been omitted and should be required to avoid balls coming over their fence.

### **Consultations**

Borough Engineer - No response to date.

Environmental Services - Land contamination conditions recommended.

GMP Architectural Liaison - No objections.

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

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

EN7 Pollution Control

RT1/2 Improvement of Recreation Facilities

### **Issues and Analysis**

Floodlighting to the All-Weather Pitches - The approved scheme included the provision of floodlighting to the all-weather pitch facility with an indication that there would be four units one at each corner of the enclosure. However, details of the units were not included but were made the subject of a prior approval condition. These details are included as part of this application. The 10m high units shown would provide the necessary illumination whilst not being visually excessive. There is supporting material provided to demonstrate that any light spillage would be minimal. However, a condition should be imposed to ensure that the direction of lighting would be adjusted in the event that excessive glare was experienced at residential properties. The existing planning permission includes a condition restricting the period of illumination so that it does not occur after 9pm and it would be prudent to again impose such a restriction on any detailed consent. The nearest house elevations to the north (Oakfield) are over 40m away from the closest lighting unit and over 50m away to the

south (Woodthorpe Grange). The closest distance to Bury Old Road would be 70m. Also there is dense retained tree cover next to the main road that would effectively mitigate the visual impact of the new structures especially when the trees are in leaf. It is considered that the scale and design of the floodlighting units is acceptable.

**Security Fencing and Gates** - The proposed 2.4m high mesh style fencing painted green would create a secure area around the clubhouse and car park. It would be set well in from Bury Old Road (9m at the nearest point) and about 90m from any residential boundary to the north and over 70m from the nearest residential boundary to the south. This type of fencing is now commonly used to secure school premises and combines a good level of security whilst not being unduly obtrusive. The gates to secure the access would be set in by 20m from the carriageway on Bury Old Road and would be of a similar construction and colouring as the fencing but only 1.4m high. It is considered that the fencing and gates would not detract from the appearance of the area and would not impact materially on the outlook from any residential property.

**Security Lighting** - The 6 free standing security lighting units and one CCTV unit for which planning permission is required would be installed on 6m high columns. They would all be situated within the area protected by the security fencing and would thus be well separated from the main frontage and residential neighbours and are unlikely to create undesirable glare. Due to their positioning, design and scale it is considered that the units would not detract unduly from the appearance of the area or the outlook of neighbours. A suitable condition should be attached to any planning permission to ensure a degree of control over any undesirable light spillage.

**Car Park** - The main changes to the approved details involve the car park edge nearest to Bury Old Road where a row of 12 spaces would be increased to 17. However, a row of 5 spaces on the southerly side of the entrance drive are shown omitted providing more tree retention at this point. Overall, the amendments to the car park would result in a slight decrease in the number of spaces from 76 as approved to a total of 70. However, this loss is not considered to be sufficient enough to raise concerns about the overall level of provision.

**Ball Stop Fencing** - The approved scheme includes provision for ball stop fences at the two goal ends that would be near to residential boundaries and the fences are shown extending alongside the whole of the goal end touch line and beyond the corners. The submitted revision shows them reduced in length to cover the penalty areas only. It is considered that the change is acceptable in that it would provide an acceptable degree of protection for adjacent properties whilst reducing substantially the visual impact of the fencing.

**Steel Containers** - The two containers would be an additional facility to provide for storage of sports equipment in the vicinity of the pitches. The containers would be coloured green and sited in from residential boundaries (43m and 11m). Thus, they would not result in an excessive visual impact for nearby residents. However, they are of a temporary nature and, if not properly maintained, their appearance could deteriorate over time and any planning permission should be for a temporary period.

**Residential Amenity** - Individually the new features would have a relatively minor visual effect on neighbouring residents but collectively they are significant enough to justify the establishment of a new hedge next to some of the Woodthorpe Grange houses where there is, at present, a relatively open view towards the clubhouse and car park area and where it is proposed to add security fencing and lighting. Therefore, any consent should include a condition requiring the planting of a screen hedge alongside this boundary as is indicated in note form on the layout plan.

Other Matters - Recently it was observed that a considerable amount of spoil (imported?) has recently been deposited both between the car park being constructed and the site boundary with Woodthorpe Grange and also on most if not all of the southernmost football pitch. There is no provision for this on the approved details and the works are unauthorised. This matter has been raised with the applicant's agent and is being investigated by the Enforcement Section.

Environmental Services have recommended land contamination conditions but such a requirement would have needed to have been imposed with the original planning approval but was not recommended at that time. That consent was, in fact, granted at a time when the imposition of such conditions in regard to a sports facility would not have been the normal practice.

### **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:-

The proposed amendments to the scheme would not have materially detrimental impact on the the visual appearance of the area nor on the amenity of nearby residential properties. There are no other material considerations that outweigh this finding.

**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. A sample of the green colour finish for the fencing, gates and storage containers shall be submitted to and approved by the Local Planning Authority prior to any of these elements of the development being implemented. The elements in question shall be treated in the approved colouring which shall thereafter be maintained.  
Reason: In the interests of visual amenity and to ensure a satisfactory development.
3. The car parking indicated on the approved plans nod.34 and 4158-EX1 Rev. P2 shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the clubhouse building being occupied and thereafter it shall be maintained at all times.  
Reason: To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
4. The direction and fixing of the external lighting shall be to the satisfaction of the Local Planning Authority.  
Reason: To protect the amenity of adjoining occupiers pursuant to policy EN7 - Pollution Control.
5. The floodlights to the all weather pitches shall not be illuminated later than 2100 hours on any day.  
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation

6. No development shall take place unless and until full planting details of the dense screen hedge next to the boundary with nos 1, 3, 16 and 17 Woodthorpe Grange referred on the approved drawing ref. no. 34 have been submitted to and approved by the Local Planning Authority. The approved screen hedge shall be implemented fully in accordance with the approved details not later than 12 months from the date on which any element of the floodlighting and security fencing works has been put into place. Any hedging plants removed, dying or becoming severely damaged or becoming severely diseased within 5 years of planting shall be replaced by plants of a suitable size or species equivalent to that of the other plants forming the hedge at the time of replacement.  
Reason: In order to protect the amenities of adjacent residents.
  
7. The storage containers hereby approved shall be removed and the land reinstated to the written satisfaction of the Local Planning Authority within 3 years of the date of this decision.  
Reason: The development is of a temporary nature only and pursuant to policies of the Unitary Development Plan listed below.
  
8. This decision relates to drawings numbered April 2006, A1 04G147/001, 35B, 36A, 1458-EX01 Rev P4 and the location plan received on 3rd April 2006 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason: For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

For further information on the application please contact **Jan Brejwo** on **0161 253 5324**

**Ward:** Radcliffe - East

Item 09

**Applicant:** Briggs Homes

**Location:** POWDER COATINGS, HEAP STREET, RADCLIFFE, M26 2SS

**Proposal:** RESIDENTIAL DEVELOPMENT - 8 SEMI DETACHED HOUSES AND 5 FLATS;  
GARAGE COURT.

**Application Ref:** 45903/Full

**Target Date:** 23/06/2006

**Recommendation:** Minded to Approve

**Minded to approved subject to the completion of a Section 106 legal agreement relating to the provision of a commuted sum for local recreation provision.**

### **Description**

The application which is in full, proposes to erect one block of 5 flats and 8 semi-detached houses within the 0.2 hectare site. The site was formerly occupied by the Powder Coatings factory which has relocated. The buildings on the site have been demolished.

The area is generally residential in character. To the south of the site is a row of terraced houses fronting Spring Lane which have a rear access road from Heap Street. To the west of the site is an area of public open space fronting Spring Lane. To the north-west there is a small estate of semi-detached and detached properties on Landore Close and Shirebrook Drive. The land banks up on the north east boundary before dropping down again to Radcliffe Riverside High School.

Access would be taken from the existing entrance from Spring Street onto Heap Street. Heap Street, which is currently an unmade road in poor condition would be sealed and upgraded. The access road would terminate in the form of a turning head on the north eastern boundary of the site. The existing detached garages to the west of Heap Street and used by the occupiers of 83-97 Spring Lane, would be demolished and replaced by five new brick built garages facing each other across a hardstanding.

The proposed block of flats would be three storeys in height with the third storey incorporated within the roof space. It would be located on the western side of the site. The eight houses would be two storey semi-detached and be situated on the eastern side of the site and served by a central access road from Heap St.

### **Relevant Planning History**

**45453** Residential Development 13 Units - 8 dwellings and 5 flats - **Withdrawn.**

**43530** Outline Residential Development 13 Units - 8 dwellings and 5 flats - **Approved 1/02/2005**

**42116/04** Extension to existing Industrial Premises **Refused 6/04/04-** Overdevelopment.

### **Publicity**

Immediate neighbours were notified, press advertisement (Radcliffe Times) and site notice posted - Objections have been received from occupiers of 83 Spring Lane and 7 Landore Close. The concerns are summarised below:

The boundary treatment with the rear garden boundary of Landore close should be brick



rather than the fence which is less secure.  
The replacement garages would be inappropriate.

### **Consultations**

Borough Engineer (Traffic) - No objection subject to conditions.  
Borough Engineer (Drainage) - No objection.  
Environmental Health - No objection subject to contamination conditions.  
Environment Agency - No objection in principle.  
GM Police - No objection.  
Waste Management - No objection.

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

EN1/2 Townscape and Built Design  
H1/2 Further Housing Development  
H2/1 The Form of New Residential Development  
H2/2 The Layout of New Residential Development  
H5/1 Area Improvement  
H3 Incompatible Uses in Residential Areas  
EC2/1 Employment Generating Areas  
EC2/2 Employment Land and Premises

### **Issues and Analysis**

**Principle.** The principle of residential development on the site is established by the extant outline application for a similar development, approved in 2005. The proposal is also exempt from the recent Housing Restriction Policy because of the existing outline approval. The proposal is considered to satisfy Policy H2/1- Further Housing Development in that the site is within the urban area and helps avoid the release of peripheral open land. The development is also considered to be more appropriate than the former general industrial use given the proximity dwellings on adjacent land.

Policy H2/1 The Form of New Residential refers to factors that need to be considered in assessing the appropriateness of development in terms of its surroundings. These include height of adjacent buildings, character and density of surroundings, impact on amenity and proximity of neighbouring properties. In assessing the proposal against these factors, the new development is considered to be in keeping with the character, density of the area and generally in scale with surrounding properties. In terms of density and height, the proposed scheme is considered to be appropriate to the character of the surrounding area.

**Design and Layout.** H2/2 The Layout of New Residential Development highlights factors to be considered in assessing proposals. These include parking and access, density, space about and between dwellings, landscaping and open space. Heap Street which is currently unsealed and severely potholed would be surfaced and improved. The scheme includes the demolition of some rather dilapidated detached garages fronting Heap Street. These are in Council ownership and used by occupiers of properties on Spring Street. The replacement of the garages by a new block of five set back from Heap Street would not only improve the street scene but also upgrade the existing garaging facilities for nearby residents.

The design of the houses and the apartment block is conventional with brick elevations and pitched roofs.

The majority of the trees along the eastern boundary are self seeded and not worthy of protection.

The turning head at the top of Heap Street will allow refuse collection from the adjacent bin compound which will be fenced off and screened from adjacent properties. Waste

management have no objections to the bin store.

Parking. The parking provision of 6 spaces for the apartments and 8 spaces for the houses is considered adequate for this site. The site is considered to be sustainable being close to bus and metro link services in Spring Lane. The layout of the scheme is generally considered to be acceptable.

Objections. The objection regarding the loss of the existing dilapidated garages is not supported. The replacement garages would be more robust and more appropriately positioned in relation to the adjacent highway. The objection relating to the boundary is also not supported. The proposed 1.8m fence along the back boundary with No.7 Landore Close is considered to be appropriate and not out of keeping in what is a suburban setting.

### **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason for granting permissions can be summarised as follows;-

The proposed development is considered to be appropriate to the character of the surrounding residential area and complies with policies listed.

There are no other material considerations that outweigh this finding.

**Recommendation:** Minded to Approve

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 219-LOC, 219-02/REVC, 219-110, 219-7, 219-05B, 219-06B, 219-22, 219-23 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
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. Prior to the commencement of development, details relating to the proposed boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented.  
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
5. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged

or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

6. Prior to the development hereby approved commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground 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 risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
- Where remediation is 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 and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

7. Following the provisions of Condition 6 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 conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

8. 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 works commencing on site, and;

The approved contamination testing shall then be carried out and validity evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

9. 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 Planning Policy Statement 23 - Planning and Pollution Control.

10. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

11. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;

A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

12. A comprehensive construction design shall be incorporated into the proposed building to prevent the ingress of landfill gas or ground gas, to be agreed in writing with the Local Planning Authority before work commences, and;

A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

13. No development shall take place until details of long-term plans for landfill and ground gas monitoring have been submitted to and approved in writing by the LPA. The approved details shall include a programme of implementation.

Reason - To secure the satisfactory development of the site in terms of human

health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

14. Prior to the occupation of the proposed residential units, all proposed highway improvements and the construction of the new garage colony indicated on the approved plans shall be completed to the satisfaction of the Local Planning Authority.  
Reason. In the interests of highway safety and to ensure that adequate off site parking for local residents is maintained.  
Reason. In the interests of amenity pursuant to policies listed below.
15. The visibility splay indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m  
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
17. The turning facilities at the end of Heap Street and the proposed access road indicated on the approved plans 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.
18. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the buildings hereby approved being occupied and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 10

**Applicant:** Peel Investments (North) Ltd/Marshalls Mono Ltd

**Location:** FLETCHER BANK, MANCHESTER ROAD, RAMSBOTTOM, BL0 0DH

**Proposal:** QUARRY EXTENSION; CONSTRUCTION, DEMOLITION & EXCAVATION WASTE LANDFILL OPERATION; CONSTRUCTION & DEMOLITION WASTE RECYCLING FACILITY; GREEN WASTE COMPOSTING FACILITY

**Application Ref:** 43048/Full

**Target Date:** 04/10/2004

**Recommendation:** Minded to Approve

**The application was deferred for a site visit at the last Planning Control Committee meeting on 28 March 2006.**

**Minded to approve subject to S106 Agreement securing a financial contribution from the applicant for the provision of vehicle activated speed signs on Manchester/Whalley Road, Ramsbottom.**

### Description

#### The application site

The application site, approximately 19 hectares in area, is situated largely within the confines of the existing Fletcher Bank Quarry, Manchester Road, Ramsbottom. The quarry is located upon the upper section of the eastern side of the valley and the land rises to the south east to a maximum of 290 m Above Ordnance Data (AOD) adjacent to the quarry boundary. In general terms, the application site comprises the northerly section of the operational quarry containing the excavated void and the abutting undeveloped grazing land to the north east and east of the quarry boundary.

Currently, the existing operations and development at the quarry are broadly split into two areas; the northern and southern sections of the site. Within the northern section of the quarry lies the main quarry void which has been excavated to a depth of around 175m (AOD). The northern half of the quarry void is currently being used for the deposit of quarry wastes including belt press materials from the quarrying operations. The majority of the stone reserve in the northern half of the quarry has been extracted and quarrying operations are currently taking place along the eastern edge of the quarry along a face which is around 60-70m high. The majority of the gritstone extracted from the quarry for stone, crushed sand and aggregates is used on site for the manufacture of concrete kerbs, flags and paving blocks. The southern section of the quarry is largely occupied by an existing concrete products buildings, stocking area, site offices and quarry plant.

The application has been submitted by S L R Consulting Ltd on behalf of the owners of the quarry i.e. Peel Investment (North) Ltd and Marshalls Mono Ltd. Since the administrative boundary between this Borough and Lancashire County Council runs through the centre of the quarry, the application has been submitted to both Councils for determination.

#### The proposed development.

The proposed development is a Schedule 2 Project under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the application includes an Environmental Statement (ES) and Non-Technical Summary. The Environmental Statement provides details of the proposed development and considers the proposal in terms of the planning policies and its potential impacts in respect of geology, hydrogeology, landscape and visual impact, ecology, noise, blasting and vibration, air quality, highways, archaeology etc. Mitigation measures are proposed for each of these potential impacts where necessary.

In general, the proposed development consists of the following four elements:

1. An extension to the operational site boundary to allow extraction of gritstone reserves from a 4.5 hectare area of undeveloped grazing land to the east of the quarry, which would provide approximately 4.5 million tonnes of aggregate. Based upon an output of 500,000 tonnes to 600,000 tonnes per annum, it is anticipated that the extraction would be completed within approximately 7 to 10 years. The proposed extraction of minerals would also result in the production of 600,000 tonnes of Upper Sandstone which would be utilised as a bulk fill material to increase the height of the northern screening embankment by approximately 8m. These materials would also be used for the construction of bunds for two belt press lagoons proposed at the north-western end of the quarry. These lagoons would have a void space of approximately 230,000 cu m to contain belt press materials comprising the washing resulting from the aggregate working process over a period of 10 years. The remaining materials would be used for the restoration of the site.

It is proposed that the mineral extension area would be worked out in a southern and eastern direction in three phases and stone would be extracted by blasting from both the existing and proposed areas at the same time. Due to the relatively complex geology at the Fletcher Bank site, the quarry face design would consist of four separate faces with benches of maximum vertical height of 15m.

2. Progressive restoration of the north-eastern part of the existing quarry and the northern half of the proposed extension through landfilling with imported construction, demolition and excavation wastes in sequence with the mineral extraction proposals would be carried out. The landfill would have a void space of approximately 1.2 million cu m and it is proposed that the rate of input for the filling of the void would be in the region of some 100,000 cu m (180,000 tonnes) of material per annum. The proposed infilling of the landfill area void would result in the restoration of the north-eastern part of the quarry to a final level of around 200m AOD, and the north-eastern quarry faces would be covered with wastes to produce a restored slope .

The landfill site would be prepared on a lining system comprising a geological barrier, an artificial sealing liner and a leachate drainage system. The geological barrier on the base and side slopes of the landfill site would help keep the landfilled waste separate from the groundwater.

3. An inert construction and demolition waste re-cycling facility to produce secondary aggregate products, separate out re-cyclable materials and to provide a more sustainable overall quarry operations, is proposed in the northern section of the site. The waste re-cycling facility comprising a mobile crusher and screening plant would be constructed on an area of flat land (approximately 10,650 sq m) at around 200m AOD. It is anticipated that the facility would process approximately 100,000 tonnes of materials per annum, of which 75,000 tonnes of the processed materials would be exported from the site in the form of soils and secondary aggregates and the remaining 25,000 tonnes of non-recyclable and deleterious materials would be deposited in the on-site landfill facility.

4. An open air composting facility is also proposed at the northern section of the site adjacent to the waste recycling facility. The composting operations would be undertaken on a reinforced concrete slab on an area of flat, infilled land at around 200m AOD. The facility would be used for the treatment and processing of green waste collected from civic amenity sites, doorstep collections and council works departments and would cover an area of approximately 11,475 sq m. It is proposed that the facility would be able to accept and process approximately 20,000 tonnes of green waste per annum. It is proposed that the resultant compost would partly be taken for sale off site and partly used as a restoration material in the restoration of the quarry. To prevent pollution of surface or groundwater, the drainage from the proposed composting slab would be collected and directed into a buried tank. The collected liquor would then be re-circulated into the windows to maintain moisture content.

It is proposed that new site infrastructure including the provision of a single storey weighbridge office, two weighbridges and a wheel wash facility, would be established at the south of the proposed recycling and composting facility.

It is anticipated that the proposed works would generate a total of 290 HGV visits to the quarry per day ( 580 movements) compared to an existing level of 216 HGVs per day (432 movements). In addition, it is estimated that 177 light vehicles (354 movements) would access the quarry per day compared to an existing level of 171 light vehicles (342 movements). On this basis, the extra number of vehicle movements in and out could be 160 daily (twice of 74 HGV plus 6 light vehicles).

The access to the site would be gained via the existing quarry access off Manchester Road ( A56) and an internal access road which has recently been extended northwards along the western edge of the quarry. According to the applicants, the quarry access junction with Manchester Road (A56), in capacity terms, is adequate and will continue to remain adequate for the additional traffic generated by the proposed development.

On completion of the proposed extraction and infill operations, the site would be capped with inert waste/quarry waste overlain with a minimum of 450mm of interburden and quarry waste and 300mm of interburden/quarry waste and soils recovered from the composting facility and the stripping of the mineral extraction area. Following this, the site would be restored to grassland/woodland and water amenity areas.

According to the applicant, the proposed restoration landform would not only be consistent with the local rolling topography and pasture but would also provide ecological diversification with the introduction of 12.3 hectares of grassland and an ephemeral water body close to the northern boundary of the site for the establishment of marginal aquatic habitats.

It is proposed that a programme of aftercare management and monitoring of the restored site would be submitted to the Local Planning Authority on an annual basis for approval.

#### **Relevant Planning History**

Minerals have been worked out from Fletcher Bank Quarry since 1949 and since then, a number of planning permissions have been granted for quarry extensions. These old minerals permissions are currently under review in accordance with the provisions of the Environment Act 1995. In this respect, two applications, one from each owner of the site (i.e. Peel Holding and Marshalls Mono) are currently being considered for modification to the existing planning condition. Both applications are identical in context and propose conditions involving the restoration of the site with imported waste.



Planning application ref. 34752/98 for landfill and restoration of the northern part of the Fletcher Bank Quarry by importing and depositing a full range of controlled wastes including special wastes was refused on 7 March 2002,

Planning application ref. 36935/00 for the erection of 10,500 sq m building for use as a Materials Recycling Facility ( MRF) at Fletcher Bank Quarry was refused on 7 March 2002.

The main reasons for the refusal of these application were that they:

1. lacked necessary information
2. failed to justify the proposals on the basis of need and their provision in the Green Belt
3. failed to demonstrate that the proposals would adequately avoid the creation of environmental nuisance
4. failed to provide sufficient information to enable a proper assessment of the traffic impact on the highway

Planning permission for the construction of a new production building to replace the existing at Fletcher Bank Quarry was granted permission, subject to condition, on 11 February 2004.

### **Publicity**

The application has been advertised in the local press and by site notices and neighbouring properties notified. 49 letters or e-mails raising objection to the proposed development have been received from the residents of Shurtleworth and Ramsbottom. The main points raised are:

- The road infrastructure in the Ramsbottom area is already overloaded. The proposed development would add more load to it and would exaggerate the traffic congestion in the area.
- Concerned about the increased volume of traffic to and from the site and the impact on the surrounding area in terms of emissions, noise, potential damage to property and danger to road users.
- The area suffers from a heavy traffic flow, particularly HGVs and the proposed increase in both HGV and light vehicle traffic accessing and regressing the site will only exacerbate this existing situation.
- In addition to the vehicles visiting Fletcher Bank, the route (A56) is heavily used by large vehicles from other local companies. There is also a regular flow of heavy lorries from Bury and Rosendale heading towards the motorway network. As a result the A56 already takes a disproportionate amount of HGV and other large vehicles.
- Roads are already subjected to heavy traffic, causing noise, disturbance, vibration and damage to the properties in the area.
- There is a possibility of contaminated rain water flowing down the hillside from the quarry into the residential area. This may cause pollution to waterways. Any leachate emissions and gases produced from landfill would be carried downhill, causing pollution and potential health risks.
- Operations at Fletcher Bank are being carried out 24 hours a day during the week. The provision of crushing and screening plant, would result in further increase of air pollution within the quarry.
- Blasting could have a detrimental impact on the structural integrity of the properties in the area.
- The dust and mud left as the lorries pass Whalley Road/Manchester Road could cause health problems.
- The composting facility would result in the emission of smells in the area. This will cause detriment to the amenity and attract flies/insects in the area. The facility is wholly inappropriate in scale and location so close to major residential areas.
- The proposed development would have detrimental consequences to the environment,

traffic congestion as well as health and safety.

- The proposal would affect the residential amenity of the area by way of noise, disturbance, smell etc. It would also affect the environment and wildlife in the area.
- The project, if approved, would result in driving people away from Ramsbottom and do nothing to promote the area.
- The current quarry is already a huge blot on the landscape and the proposed works would have profoundly negative effect upon the property value in the area.
- The proposed landfill will adversely affect the lives of the residents and visitors alike for many years to come and would significantly damage the image of Ramsbottom as a tourist area.
- Ramsbottom and the surrounding area has been promoted as an area of conservation and as an attractive tourist location. The area promotes the green belt and has moved away from its past history as a working industrial town. The siting of the landfill does not promote these themes.
- The proposal would result in the emission of gases which would further decrease the air quality and increase associated risks in respect of cancer, asthma etc.
- Objections were raised to the previous application which was refused. This application does not appear to be any different and will have the same disastrous consequences to Ramsbottom and the surrounding area.
- Groundwater pollution and seepage at the site would have adverse effects on soil.
- The proposed development is in conflict with the Green Belt and Special Landscape Area policies of the UDP. Also the proposed development would be unduly obtrusive in the area.
- The waste recycling facility in this area would not be in keeping with the residential ethos.
- There are other landfill sites within the Borough. The creation of a further landfill site will increase the capacity for dealing with waste which would be greater than the Borough's needs.
- What guarantees are there to ensure that the type and amount of waste deposited comply with that stated in the application.

Ramsbottom Against Landfill (RALF) - Make the following comments:

- Concerned that the proposal would lead to a future application for the deposit of biodegradable waste. Any such application would be vigorously opposed.
- Only construction, demolition and excavation waste should be tipped at the site and this material should not contain any hazardous waste.
- Specific design details of landfill pollution control measures should be provided before the application is determined.
- Further details of restoration proposals including the water attenuation pond are required.
- The application makes no consideration of the neighbouring Scout Moor Quarry.
- There does not appear to be a balanced assessment for the siting of the composting waste facility at Fletcher Bank and consideration of alternative sites.
- The assessment of traffic is not fully representative of the local area.
- Proposed increases in traffic would impact on the highway network.
- Should the application be approved, consideration would need to be given to improving current site access arrangements.

Since the publication of the report for the Committee meeting held on 28 March 2006, three additional letters, one from Councillor Theckston and the other two from the residents of 3 and 9 Edith Street, Ramsbottom, raising objection to the proposal have been received. In addition, further representations raising concerns about the proposed development has

been received from Ramsbottom Against Landfill (RALF).

The points raised by Councillor Theckston and the individual residents include:

- Concerned about the amount of traffic visiting the site and whether lorries would be prohibited from travelling through Ramsbottom Town Centre.
- The proposed composting facility could easily be changed, at a future date, to processing of waste materials.
- If application is approved, what conditions can be included to improve the lives of the people in Shuttleworth.
- Can section 106 agreement be imposed to improve the un-adopted streets in the area.
- The deposition of wastes from construction and demolition sites will be much more of a risk to local residents than currently exists at the site.
- The noise and increased traffic as well as problems with dust and smells would create health concerns in addition to impacting on the quality of life of local residents.

In addition to their previous comments, RALF have raised the following concerns:

- Although the current application appears to offer a considerable improvement on previous applications, due to the size and nature of the application, all the implications may not have been justified in the officer report. In particular, the case for "need" may not have been established in the application, by way of comparison to future demand against existing capacity.
- Although there is a recommendation to monitor wind speeds and direction, no such exercise is proposed in relation to rainfall.

### **Consultations**

Lancashire County Council - The County Council do not object to that part of the development within the Metropolitan Borough of Bury but recommend the removal of the proposed recycling/composting operations and the restoration of the land on which they are sited on completion of restoration of the landfill on the site.

Environment Agency - No objection subject to conditions concerning the submission and approval of a scheme for the provision of foul drainage works and prevention of contaminated water entering surface or groundwater and trade effluent being discharged to the foul sewerage system. The Agency also points out that a Waste Management Licence would be required in this respect.

Borough Engineer - No objection subject to conditions with regard to the visibility splays and to securing a financial contribution (£10,000) from the applicant towards the provision of vehicle activated signs on Manchester Road/Whalley Road, through a S106 Agreement.

Environmental Health - No objection subject to conditions concerning the monitoring/control in respect of noise, dust, odour etc arising from the site.

Health and Safety Executive - No observations received

Health Authority ( Bury PCT) - The PTC will ensure that all public health aspects of the proposed development are controlled through the inclusion of appropriately worded conditions within the Pollution Prevention and Control permit which the applicant will need to gain from the Environment Agency prior to commencing works. The PCT will fully assess

the public health implications of the proposed development when it receives a copy of the PPC permit application from the Environment Agency.

DEFRA - Accept that the agricultural land classification (ALC) of the proposed extension area is very poor Grade 4 agriculture land. The proposed method of handling and storing soil in accordance with the MAFF Good Practice Guide for Handling Soils 2000, is acceptable.

Red Rose Forest - Make the following comments:

- The Environment Statement fails to identify that a section of land within the application area is registered as Open Country in the Countryside and Rights of Way Act maps.
- Peregrine falcons breed within 225m just outside the application area. As such, some suitable faces for breeding sites should be maintained within the restoration proposals. These faces could also be utilised for rock climbing.
- The landscape and visual assessment appears to be fairly comprehensive but the quality of photographic reproduction is poor.
- Further archaeological assessment is required.
- A commitment to recycling of construction and demolition and green wastes is welcomed. However, their use should be restricted to the completion of restoration.
- Restoration to pre-quarrying contour levels would be preferred.
- More comprehensive restoration details are required including a masterplan to account for parts of the quarry outside the application area.
- On completion of restoration, the site should be open for public access to a level experienced on surrounding common land.
- A mitigation package should be identified to provide environmental improvements along the A56 to compensate for increased traffic movements.

Greater Manchester Ecology Unit - No objection subject to the following considerations.

1. The Biological Heritage Site boundary shown on the submitted drawings should be checked with Lancashire County Council for accuracy.
2. The timing of both Phase 1 Surveys undertaken on this site are considered to be sub optimal.
3. If the Council is minded to grant planning permission, the Unit suggests that a condition requiring details of a survey for breeding birds is submitted for approval prior to the development commencing on the site.

Highways Agency - The Agency has reviewed all the information provided and has determined that the development will not cause detriment to the trunk road network. The Agency has no objection to this application.

The Countryside Agency - The Agency does not wish to comment.

Bury NHS- The Primary Care Trust will seek to control all public health aspects of the proposal through the inclusion of appropriately worded conditions within the Pollution Prevention and Control (PPC) permit which the applicant will need to gain from the Environment Agency prior to commencing works. The PTC will fully assess the public health implications of the proposed activities when it receives the PPC permit application from the Environment Agency.

Department for Environment, Food and Rural Affairs (DEFRA) - The Department does not want to comment on the principle of the proposals where agriculture is not the proposed afteruse. However, the Department would like to point out that it accepts the broad

interpretation of the site's 'soil description' as described in the application. The proposed method of handling and storing soil in accordance with the MAFF Good Practice Guide for Handling Soils 2000, is acceptable.

Greater Manchester Geological Unit - The Unit makes the following comments:

- The proposals shown on the submitted drawings are very general and lack essential information including internal haul roads, surface and groundwater control measures, direction of extraction and quantities of minerals to be extracted from each phase, stockpiling storage areas etc. No information has been provided on the pre/post settlement levels.
- Although mineral extraction and deposit of waste to secure the restoration of mineral working need not be inappropriate development within the Green Belt, however inert recycling and composting operations do not fall within the types of development that are normally considered to be "appropriate development" in the Green Belt. Despite the fact that the site is set within an existing quarry and relatively well screened from public view, the provision of a large scale industrial use with increased levels of activity including HGV movements, additional plant, machinery, infrastructure, stockpiles and storage heaps will have an impact on the openness of the Green Belt. The recycling operations are not ancillary to the main operations and therefore do not necessarily need to be located at this site.
- The National and Regional Guidelines for the provision of aggregates require the North West to provide for 55 million tonnes of sand and gravel and 167 million tonnes of crushed rock for the 2001-2006 period. The apportionment of the guidelines to sub-regional areas in the North West has not been agreed by the North West Regional Aggregates Working Party. In order to assess the need for high grade sand extraction, several factors including the number of planning applications received by Lancashire County Council need to be considered. In this respect, the views of Lancashire CC as to how they intend to apply their policies on mineral extraction, are necessary.
- Whilst both the Regional Waste Strategy and revised Regional Policy Guidance provide an indication of the number and type of composting facilities required for North West, there is no indication where these facilities are likely to be located. Under the Planning Reforms, it has been agreed by all ten authorities that a joint Waste Management Plan identifying amongst others, sites for waste management facilities be produced for Greater Manchester. It could be argued that if land is to be released for large scale waste developments, then such decisions are made within the framework of the intended Waste Development Plan. Furthermore, the proximity principle suggests that waste should generally be disposed as near to its place of origin as possible. Although, it is recognised that there is a general shortage of facilities for recycling in the region, it is unclear why this particular proposal is required at this location.
- The Environment Statement states that two major regional faults lie within the vicinity of the northern and southern ends of the quarry. The northern fault is located approximately 300m to the north of the site at its closest point. The fault present within the north-eastern corner of the quarry raises issues in terms of stability and therefore additional information regarding location, dimensions and nature of the fault should be provided.

English Nature - No observation received

Health and Safety Executive - No comments received

Coal Authority - No comments

United Utility - No objection subject to a condition requiring the installation of a permanent vibration monitor in a borehole close to the Haweswater Aqueduct to ensure that vibration levels would not exceed 5mm/s.

Ramblers' Association - No objection subject to conditions to control the duration of phased quarrying, infill and restoration and that a Section 106 Agreement be provided to secure a bond to cover the costs of restoration in the eventuality of the applicant failing to complete the restoration.

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

OL1/1	Designation of Green Belt
OL1/5	Mineral Extraction and Other Dev in the Green Belt
OL4/1	Agricultural Land Quality
EN9/1	Special Landscape Areas
MW1/1	Areas of Search
MW1/2	Mineral Working Within Areas of Search
MW1/4	The Need for Aggregates
MW2/1	Assessing Mineral Extraction Proposals
MW2/2	Planning Applications for Mineral Workings
MW2/3	Development Control Conditions (Minerals)
MW2/8	Materials for Restoration
MW2/9	Standards of Restoration (Minerals)
MW3/2	Waste Recycling and Bulk Reduction
MW4/1	Assessing Waste Disposal Proposals
MW4/2	Development Control Conditions (Waste)
MW4/6	Standards of Restoration (Waste)
MW4/4	Transport Routes for Waste Disposal Sites
MW3	Waste Disposal Facilities
MW4	Environmental Considerations for Waste Disposal Sites
EN1/1	Visual Amenity
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN7/4	Groundwater Protection

### **Issues and Analysis**

Fletcher Bank Quarry is a large site straddling between the administrative boundary of Lancashire County Council and Bury MB Council. The site has a long history of mineral extraction, concrete products manufacturing and tipping of mineral waste and block plant waste generated at the site. The applicant is seeking planning permission for an extension at the site to release an additional 4.5 million tonnes of mineral reserves, restoration of the north and east of the site by the deposition of imported waste and the provision of waste recycling and open air composting facilities.

It is necessary that in considering this application, the proposal as a whole is examined in respect of the need for the release of additional mineral reserves, the need for suitable restoration of the site through the tipping of construction and demolition waste as well as the need for a site to recycle and compost green waste, against the impact of the development on the Green Belt and/Special Landscape Area and neighbouring residents.

Mineral extraction - the proposed extension to the quarry.

The existing old mining permissions provide, in part, for the extraction of minerals for the period up to 2042. Stone will continue to be extracted along the eastern flank in a southerly direction until all the material is removed. This will produce a total of up to 10 million tonnes of stone and overburden, which at the current rates of production, in the region of 5000-6000 tonnes of stone per annum, would provide sufficient reserves for between 16 and 20 years.

The proposal would provide an additional 4.5 million tonnes of material to the site's available reserves to provide between 7 and 10 years landbank at or around current rates of production. The applicant anticipates that of the total annual production, 70,000 tonnes per annum would be in the form of aggregate for concrete products manufactured on-site, 180,000 tonnes per annum would be crushed down as washed grit sand for export, 100,000 tpa would be worked as dimension stone and the remainder of worked gritstone would be sold as dry aggregate. It is expected that the quarry, including the extension, could be worked until 2036 and the site restored within a further two years. This would reflect the proposed method of working for the review of the old mining permissions.

Since part of the site proposed for the extraction of stone lies within Lancashire, this element of the development, in so far as its impact on Lancashire is concerned, has been accepted and approved, subject to conditions in respect of the use of explosives for blasting, noise control measures, restoration etc, by the Lancashire County Council at their meeting on 1 March 2006.

In accepting the proposals for the extraction of minerals within Lancashire, the County Council considered that

a) the existing reserves of gritstone in Lancashire were more than adequate for meeting both the basic MPG6 provision requirements and the longer-term 10 year landbank requirement.

b) given the history of the quarry, the presence of a major block making plant and the level of the contribution made in the past towards the aggregate provision for Greater Manchester, it was considered justifiable to increase the workable reserves at the site to ensure that as much raw material as possible originate from the site.

c) the proposed extension would allow for the extraction of part of the last remaining viable mineral resources from the area to the north east and east of the quarry prior to its restoration, thereby preventing the sterilisation of the resources.

Restoration of the quarry with imported waste materials.

The second element of the proposed development comprises the progressive backfilling and restoration of the mineral workings with waste materials affecting the northern and eastern sections of the site and provision of the re-cycling and composting facilities. The proposed deposit of waste would result in the restoration of the landfill void (approximately 1.2 million cu m) to a landform to the level of around 200m (ADO), which it is considered, would be more consistent with local topography and would provide a level surface within the quarry floor for the proposed recycling and composting facilities.

The proposed recycling facility, comprising a mobile crusher and screening plant, would be located at the northern section of the quarry on an area of infilled land and would process approximately 100,000 tonnes of materials per annum. 75% of the processed materials would be exported from the site and the remaining non-recyclable and deleterious materials

would be deposited in the landfill site together with the other imported waste. To help reduce the need for landfill capacity, Policy MW3/2 of the UDP seeks to promote facilities for recycling and reclamation of waste materials.

The open air composting facility would be located to the south of the recycling facility on an area of infilled land and would be used for the treatment and processing of green waste. Following the processing process, the resultant compost would partly be taken off the site for sale and partly used for the restoration of the site.

Government guidance on waste management has been revised with the publication of PPS10, which replaces PPG10. The Statement establishes key sustainable waste management principles and removes the concept of Best Practicable Environmental Option (BPEO). Proposals for waste disposal should now be assessed in terms of their contribution towards driving waste management up the waste hierarchy in a manner which safeguards human health, does not harm the environment, and enables waste to be disposed off in one of the nearest appropriate installations.

European, National, Regional and Local policies support the increased recycling of waste to meet the need to conserve limited resources, to move such waste higher up the Waste Hierarchy and to reduce the amount of waste going to landfill. It is recognised that there is a shortage of such facilities at the regional level in the North West and that a number of additional facilities will be required in the future.

Whilst it is recognised that the use of imported inert materials can provide a means of reclaiming former mineral workings, however, Policy MW4/1 of the UDP seeks to ensure that this does not have an unacceptable adverse impact on the dwellings or on other environmentally sensitive properties, the environment and that it is acceptable in terms of access, traffic generation and road safety.

Fletcher Bank Quarry is located in close proximity to the large conurbation of Greater Manchester, is served by a highway network including M66 motorway and the proposed landfill facility, it is considered, would contribute towards meeting local needs and comply with the proximity principle. In view of this, it is considered that the proposed development would comply with policy MW4/1 of the UDP provided that it does not have an unacceptable impact in the area and its environment in terms of noise, atmospheric pollution and highway safety.

It is clear that the provision of facilities for the re-use and recycling of construction and demolition waste and composting of green waste would promote a move up the waste hierarchy and this is supported by the policies of the UDP. As stated previously, the site is located in close proximity to large conurbations in Greater Manchester and Lancashire, is served by a highway network and the proposed waste management facilities would contribute towards meeting local needs. In view of these considerations, it is considered that the proposed waste management facilities for recycling and composting of materials, would comply with both the government guidance given in PPS10 and policies of the UDP provided that they do not have an unacceptable impact on the area and its environment in terms of noise, atmospheric pollution and highway safety. However, to ensure that the quarry environment is restored to agricultural and nature conservation after use in a reasonable timeframe, it is considered appropriate to restrict the duration of waste management operations to a minimum period of 15 years based on the applicant's projected rates of waste infill in relation to the total void space.

#### Green Belt

PPG2 states that mineral extraction and the deposit of waste to secure the restoration of



mineral working need not be inappropriate development and that they need not conflict with the purposes of including land in the Green Belt, provided high environmental standards are maintained and the site is well restored.

Whilst policy OL1/5 of the UDP seeks to ensure that proposals for mineral extraction and the restoration of mineral workings contribute to the objectives of land within the Green Belt and maintain the open character of the area, policies MW2/1, MW2/2, MW4/1 and MW4/2 aim to ensure that proposed mineral and waste disposal activities are carried out to high environmental standards and the sites are adequately restored.

Fletcher Bank Quarry is located within the Green Belt and as such the proposed activities for mineral extraction and waste disposal would be located within the Green Belt. It is recognised that the openness of the quarry site has already been, to some extent, compromised by the existing operations in particular for the facilities associated with the concrete products including the provision of the concrete production plant, open storage area, office buildings etc. However, given the nature of the proposed activities involving the importation of waste to restore the mineral workings resulting in the afteruse of the area as open land, it is not considered that the proposed development would be detrimental to the open character of the Green Belt.

Facilities for the recycling of waste and composting would not normally be considered to be appropriate development in the Green Belt. In s

h cases very special circumstances need to be present which clearly outweigh both the harm caused by the virtue of inappropriateness and any other harm. It is considered that the application site is set within the existing quarry and is relatively well screened from public view by the existing bunds along the northerly and north easterly boundary. Furthermore, the proposed recycling and composting facilities would be of an open character and would not only be complimentary to the proposed landfill and restoration operations at the site but would also help achieve the acceptable use of land in the Green Belt. In view of these considerations, it is considered that the proposed recycling and composting facilities are acceptable within the Green Belt so long as they are removed from the site on completion of the landfilling operations.

#### Highway issues

It is proposed that the site would be accessed via the existing access off Manchester Road (A56). It is anticipated that a total of 290 HGV would visit the site per day (580 movements) compared to existing level of 216 HGV per day (432 movements). In addition, it is estimated that 177 light vehicles (354 movements) would access the quarry per day compared to an existing level of 171 light vehicles (342 movements). On this basis, it is estimated that the proposed activities for the importation of waste including recycling and composting operations, would generate an additional 37 HGV and 6 light vehicles per day.

The Borough Engineer commissioned consultants to undertake a review of the planning application and consider the implications of the proposed development on the local highway network. The report concludes that the proposed development would have no material impact on the existing quarry access junction with the A56. However, to improve road safety, the report recommends that measures be imposed to enforce the speed limit and that a wall either side of the access be lowered and an existing sign be removed to improve visibility. On the basis of these considerations, the Borough Engineer has raised no objection subject to conditions.

#### Noise/air pollution

The Environmental Statement contains a noise assessment including details of existing background noise levels at noise sensitive receptors and details of predicted noise levels based on sound power levels of the plant to be used, relative to noise reflection and attenuation through absorption and distance. The assessment concludes that the predicted worst-case noise levels from normal operations would not exceed background levels by more than 10dB(A) at selected noise sensitive properties identified on the submitted drawing number FBQ11/1. In addition, short term events such as construction of soil storage mounds which have the potential to generate higher level noise events would not exceed 70db(A) Laeq(1 hour)(free field).

With regard to air quality, the Environmental Statement concludes that the proposed development would be unlikely to lead to a decrease in local air quality and that any dust occurrence events would be limited and of short duration and could be controlled by recognised dust control practices such as water spraying, installation of the upward facing exhausts, access road sweeping/cleaning etc.

It is recognised that minerals and waste developments have a potential to give rise to adverse impacts on the quality of life of people through a variety of factors such as noise, disturbance, air pollution, visual intrusion etc. However, given that the proposed mineral extraction activities would take place along the eastern boundary of the quarry away from the main residential areas along the A56, it is unlikely that the residents in the area would be subjected to additional noise resulting from the proposed mineral workings. The development of green waste composting facilities, waste recycling and landfilling however, raises concerns in relation to noise, dust and emission of potentially harmful bioaerosols.

In response to the issues raised by the Environment Health Officer, particularly in respect of the emission of noise and its impact along the access road and the adjacent properties, the emission of dust in terms of wind spread and direction, odour from composting facility etc, the applicant has provided additional information. Although the additional information helps clarify some of the issues, however, the Environment Health Officer remains concerned about the effect of the noise, dust, bioaerosols and odour likely to be caused by the proposed development. The Environment Health Officer considers that whilst some of the concerns raised can be dealt with by the Environment Agency through the Waste Management License, the others could be dealt by way of imposing conditions in the planning permission.

Most of the comments received from Ramsbottom Against Landfill (RALF) and the residents relate to the emission of noise, dust, odour, atmospheric pollution, traffic congestion etc. If planning permission is granted, it is anticipated that the recommended conditions for the control and monitoring of noise, dust and other atmospheric pollution, would help alleviate some of the concerns raised by the residents.

#### Haweswater Aqueduct

United Utility has raised concerns regarding the potential impact of blasting on the Haweswater Aqueduct. They point out that the proposed quarry extension within Lancashire would reduce the horizontal distance to the aqueduct from approximately 270m to 110m and the installation of a permanent vibration monitor would be necessary to ensure that the vibration levels would not exceed 5mm/s, close to the Haweswater Aqueduct. However, the applicant believes that this is an over-restrictive blasting limitation particularly as no documentary evidence has been found to suggest that damage could be caused to structures at levels as low as 5mm/s. The applicant therefore maintains that a blasting limit of 12.5mm/s would be more appropriate in accordance with guidance detailed in MPG9 and MPG14.

This issue has been considered by the LCC which decided to impose conditions to accord with the recommended levels requested by United Utilities to ensure that no element of risk would be presented to this important water supply.

#### Hydrology and Hydrogeology

The proposed development would include areas of former mineral extraction to a depth of 175m and a quarry extension at the east boundary. The base of the quarry would lie above the permanent groundwater elevations within the underlying bedrock and there would be no proposed dewatering of the site during mineral extraction. Groundwater level monitoring data indicates that the groundwater flow is to the north, north west and west ranging between approximately 178m AOD in the south east and approximately 170m AOD in the northern part of the quarry.

The Environment Agency has raised no objection to the proposed development subject to conditions for the provision of foul drainage works and measures to prevent pollution of surface or groundwater. In addition, the Agency would control and monitor activities at the site under the provisions of the Water Resources Act 1991 and Groundwater Regulations 1998 in terms of protecting controlled waters from pollution. In respect of the proposed landfill operations, a detailed qualitative hydrogeological risk assessment would be required as part of a PPC Permit application which would require prescribed engineering standards.

Ecology/Archaeology - There are no issues relating to ecology/archaeology affecting part of the application site within this authority.

#### Landscape and Visual Impact

Fletcher Bank Quarry is surrounded by settlements of Ramsbottom and Shuttleworth to the west and north, moorland and isolated dwellings and farmhouses in the east and south on higher ground. The application site is situated in the northern half of the quarry with the north-easterly edge of the quarry already forming a prominent feature of the local landscape.

A substantial landscaped screening mound exists along the north, south and west boundary of the quarry. Furthermore, it is proposed that screening bunds in the north would be extended and increased in height which would help improve screening in the area. Since the proposed recycling and composting operations would be carried out within the confines of the quarry and that their views would be obscured by the existing and proposed screening bunds on the boundary, it is not considered that their visual impact would be minimal when viewed from outside. The eastward extension for mineral extraction would have some impact on the landscape, however, it is considered that this would be no more intrusive than the current quarrying activities and in the long terms, there would be benefits resulting from the overall restoration of the site.

#### Comments concerning additional representations.

Since issues relating to environment pollution including noise, dust etc have already been considered in the body of the report, there are therefore no additional comments to be made in this respect. To ensure further control of the environmental pollution at the site, an additional condition for monitoring of the proposed activities is recommended. The Borough Environment Health Officer is satisfied that the recommended conditions would help mitigate the impact of the development in the area and secure the satisfactory development of the site.

With regard to the lorries travelling through Rams bottom Town Centre, it should be pointed

out that the application makes it clear that the vehicles visiting the site would use main highway network i.e. M66 motorway and Manchester Road/Whalley Road ( A58). It is not therefore anticipated that the Heavy Goods Vehicles visiting the site would travel through Ramsbottom village. Although a condition can be imposed to restrict routing of vehicles visiting the site, however, this would be difficult to enforce.

The issue concerning the need for waste disposal has been considered in the report in the light of the Government Guidance on waste management, particularly in respect of PPG10 which deals with key sustainable principles. It is recognised that there is a shortage of landfill facilities at regional level and the proposed landfill facility, it is considered would contribute towards meeting local needs and comply with the proximity principles.

### **Summary of reasons for Recommendation**

NO51

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:-

It is considered that the proposed development involving the extraction of minerals and provision of waste management facilities, due to its location within the existing quarry site, would neither have an adverse impact on the open character of the area as Green Belt nor the residential amenity of the area. Furthermore, it is considered that the anticipated increase in the number of vehicles visiting the site on daily basis, would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Minded to Approve

### **Conditions/ Reasons**

1. The permission hereby granted relates to part of the application site included within Bury MB area as shown, hatched red, on the submitted plan marked FBQ 2/1A ( Land Ownership), forming part of planning application ref. 43048.  
Reason: For the avoidance of doubt.
2. The landfilling operations authorised by this permission shall cease not later than 31 December 2036 and the area landfilled shall be restored in accordance with the conditions of this permission by 31 December 2038, or within 24 months from the cessation of landfilling operations, whichever is the earlier.

Reason. For the avoidance of doubt and to provide for the completion and progressive restoration of the site within the approved timetable in the interest of local amenity, the visual amenity and to secure the proper restoration of the site.

3. The construction and demolition waste recycling and composting operations authorised by this permission shall cease not later than 31 December 2036 and the affected land shall be restored in accordance with the conditions of this permission by December 2038, or within 24 months from the cessation of the recycling/composting operations, whichever is the earlier.

Reason. For the avoidance of doubt and to provide for the completion and progressive restoration of the site within the approved timescale in the interest of local amenities, the visual amenity and to secure the proper restoration of the site.

4. Unless otherwise required by this permission or approved in writing by the Local Planning Authority, the working and restoration of the site shall be carried out in accordance with the following documents, forming part of the planning application ref. 43048:

- a) The submitted planning application received on 9 August 2004.
- b) Ecological Addendum report dated November 2004.
- c) Updated Air Quality Assessment report dated April 2005
- d) Letter from SLR dated 4 November 2005 regarding BPEO, restoration proposals and sand quality.
- e) Bioaerosol Risk Assessment report dated November 2005
- f) Submitted Plans including drawings no.

FBQ 1/1 - Site Location Plan, FBQ2/1 - Application Area and Setting,  
FBQ 2/2 - Site Layout,  
FBQ 3/1 - Existing Site Layout ( March 2003),  
FBQ 3/2 - Quarry Extension Phase 1,  
FBQ 3/3 - Quarry Extension Phase 2 (Demolition and Excavation Waste Landfill Phase 1),  
FBQ 3/4 - Quarry Extension Phase 3 (Construction, Demolition and Excavation Waste Landfill Phase 2),  
FBQ 3/5 - Quarry Extension Phase 3 ( Restored, Construction, Demolition and Excavation Waste Landfill),  
FBQ 3/6 - Mobile Crushing and Screening Equipment,  
FBQ 6/1 Rev 1 (October 05) - Restoration,  
FBQ 11/1 - Noise Monitoring Locations,  
FBQ 1 ( Nov 05) - Site Cross Sections.

Reason. To accord with the terms of the application and to enable the Local Planning Authority to monitor and adequately control the development.

5. A topographical survey of the landfill operation shall be submitted to the Local Planning Authority annually by 31 December until the completion of restoration, as defined in this permission. The survey shall consist of a plan drawn to a scale of not less than 1:1250 which identifies all surface features within the site.

Reason. To enable the Local Planning Authority to monitor the site to ensure compliance with the planning permission.

6. No materials with the exception of soil making materials to be used for restoration purposes, green waste for composting, as defined in this permission and non-hazardous, non-putrescible and non-biodegradable construction, demolition and excavation waste, shall be brought to the site from elsewhere for the purposes of the development hereby permitted. No such waste shall be removed from the site once it has been deposited in the landfill area.

Reason. In the interest of proper site restoration and the amenities of the area.

7. No landfilling or restoration shall take place outside the hours of:

0730 to 1830 hours, Monday to Fridays  
0800 to 1300 hours Saturdays.

No such development or restoration shall take place at any time on Sundays or Public Holidays without the prior approval of the Local Planning Authority. This condition shall not, however, operate so as to prevent the carrying out, outside these hours, of essential maintenance to plant and machinery used on the site.

Reason. In the interests of the amenities of the area.

8. No composting operations shall take place outside the hours of;

0730 to 1830 hours, Monday to Fridays  
0730 to 1400 hours on Saturdays

No such development shall take place at any time on Sundays and Public Holidays without the prior approval of the Local Planning Authority. This condition shall not, however, operate so as to prevent the carrying out, outside these hours, of essential maintenance to plant and machinery used on the site.

Reason. In the interests of the amenities of the area.

9. No recycling operations shall take place outside the hours of:

0730 to 1830 hours, Mondays to Fridays  
0730 to 1400 hours on Saturdays

No landfilling shall take place at any time on Sundays or Public Holidays without the prior approval of the Local Planning Authority. This condition shall not, however, operate so as to prevent the carrying out, outside these hours, of essential maintenance to plant and machinery used on the site.

Reason. In the interests of the amenities of the area.

10. No development shall commence until details of the design, specification and location of the single weighbridge office, two weighbridges and wheel cleaning facilities have been submitted to and approved in writing by the Local planning authority.

Reason. To ensure the site is satisfactorily developed and in the interests of highway safety and amenities of the area.

11. The wheel cleaning facilities shall remain available for use at all times during the development and restoration so as to ensure that no debris from the site is deposited by vehicle wheels upon the public highway and shall be maintained in full working order at all times throughout the development and restoration.

Reason. In the interests of highway safety and the amenities of the area.

12. Any internal haul road or private way between the wheel cleaning facilities and the public highway shall, throughout the development and restoration, be drained and kept clear of debris along its entire length at all times.

Reason. In the interests of highway safety and the amenities of the area.

13. All vehicles transporting minerals, of a size less than 100mm in any dimension, from the site shall be securely sheeted.

Reason. In the interests of highway safety and the amenities of the area.

14. All plant, equipment and other machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with the specification at all times throughout the development.

Reason. In the interests of the amenity of the area.

15. No development hereby approved shall be commenced until a scheme for the provision of foul drainage works has been submitted to and approved by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans.

Reason. To prevent pollution of the water environment.

16. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or container's total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has been approved, in writing, by the Local Planning Authority.

Reason. To prevent pollution of the environment.

17. Repair, maintenance and fuelling of plant and machinery shall, where practical, only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site completely.

Reason. To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land.

18. Noise emitted from the development shall not exceed the following levels when measured from any of the following properties as shown on drawing no. FBQ11/1 at a point closest to the noise source:

a) Shipper Farm Bottom	55dBL <sub>Aeq</sub> (1 hour) (free field)
b) Greenacre Close	55dBL <sub>Aeq</sub> (1 hour) (free field)
c) Bye Road	55dBL <sub>Aeq</sub> (1 hour) (free field)
d) Green Hill	55dBL <sub>Aeq</sub> (1 hour) (free field)
e) Moorside Farm	45dBL <sub>Aeq</sub> (1 hour) (free field)

Reason. In the interests of the amenity of the area.

19. The noise limits set out in Condition 18 shall not apply during the stripping of soils and overburden at the site, the construction of storage mounds for these materials and their respreading during restoration of the site or the construction of landscape

or baffle mounds. Noise from any of these activities shall not exceed 70 dBL Aeq (1hour)(free field), as defined in this permission, as measured from any of the properties identified in Condition 18 at a point closest to the noise source. This condition shall only apply for up to 50 days in any one calendar year unless otherwise agreed in writing by the Local Planning Authority. A written record shall be made of the dates that these activities are taking place and shall be made available to the Local Planning Authority on request.

Reason. In the interest of the amenity of the area.

20. Noise emitted from the site, including the access road shall not exceed 55dBL Aeq (1 hour)(free field) at any other position which the Local Planning Authority consider properly represents any noise sensitive building, in accordance with the guidance given in Mineral Planning Statement (MPS) 2.

Reason. In the interests of the amenity of the area.

21. An acoustic barrier shall be constructed along the open edge of the access road, to the satisfaction of the Local Planning Authority, to connect with the cutting at the northern end.

Reason. In the interests of the amenity of the area.

22. The development hereby approved shall not take place unless and until a scheme and programme for the treatment of leachate from the landfill site, the composting facility and any storage area has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme and programme shall be implemented in its entirety on commencement of the development and be utilised at all times during the development.

Reason. In the interests of proper site restoration and to avoid the pollution of land.

23. Equipment suitable for measuring and logging the prevailing wind affecting the site shall be installed and used to the satisfaction of the Local planning Authority and the results of that monitoring shall be made available to the Local Planning Authority at a request.

Reason. In the interests of the amenity of the area.

24. Prior to the commencement of the development hereby approved, a scheme indicating measures to be taken to ensure that no dust or wind blown material is carried on to adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather condition, shall be submitted to and approved in writing by the Local Planning Authority.

Reason. In the interests of the amenity of the area.

25. The types of reversing alarms to be used on the vehicles and equipment associated with the development shall be agreed with the Local Planning Authority prior to the use on the site.

Reason. In the interests of the amenity of the area.



26. By 31 December 2020 or within 12 months of the cessation of landfilling operations, whichever is the sooner, a scheme and programme for the final restoration and aftercare of the site shall be submitted for approval in writing by the Local Planning Authority.

The scheme and programme shall include details of:

- a) the removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of all internal haul roads and subsidiary site roads;
- b) the re-spreading of any available top-soils, sub-soils and soil making materials and seeding specification;
- c) the treatment of lagoons and water areas;
- d) details of fencing to the boundary of the site and landscape areas;
- e) native tree/shrub planting and seed specification and their cultivation;
- f) the methods to be employed to promote plant growth;

The approved scheme and programme shall be carried out in its entirety.

Reason. To ensure satisfactory restoration of the site.

27. A monitoring report shall be submitted to the Local Planning Authority annually by 31 December until the end of the aftercare period.

The report shall include:

- a) any operations carried out on the land during the previous 12 months in respect of the landfilling operations;
- b) measures taken to implement the landscaping, progressive restoration and habitat creation;
- c) measures taken to implement the aftercare provisions; intended operations for the next 12 months.

Reason. To ensure that the site is returned to a beneficial afteruse.

28. Within 3 months of completion of the restoration operations, a scheme and programme for the aftercare of the site for a period of 5 years to bring the land to a standard for agriculture and amenity after-uses of the site shall be submitted to and approved by the Local Planning Authority and thereafter implemented to the satisfaction of the Local Planning Authority.

The scheme and programme shall include details of:

- a) maintenance of the restored site to promote agriculture/amenity afteruses;
- b) a regime for controlled grazing;

c) maintenance of tree/shrub planting which shall include, where necessary, watering, replacement of dead, dying or diseased trees, thinning and weeding.

d) an annual inspection, to be undertaken in connection with representatives of the Local Planning Authority, to assess the works that shall take place in the following year.

Reason. To ensure that the site is returned to a beneficial afteruse.

29. Visibility splays measuring 4.5 metres by 90 metres shall be provided at the junction of both site entrances with Manchester Road to the written satisfaction of the Local Planning Authority before the development is brought into use and shall 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.

30. Prior to the importation of landfill waste including green waste to the site, a scheme and programme of environmental monitoring shall be submitted to the Local Planning Authority for approval and thereafter implemented and maintained to the written satisfaction of the Local Planning Authority.

Reason. In the interests of the residential amenity of the area.

For further information on the application please contact **Jan Brejwo** on **0161 253 5324**

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 11

**Applicant:** Mr J Delaney

**Location:** EAVES COTTAGE, HAWKSHAW LANE, HAWKSHAW, TOTTINGTON, BL8 4LD

**Proposal:** RE-POSITIONING OF APPROVED DOUBLE DETACHED GARAGE -  
APPLICATION 41459.

**Application Ref:** 46033/Full

**Target Date:** 11/05/2006

**Recommendation:** Refuse

The recommendation is to refuse planning permission which will result in enforcement action to remove the garage.

### **Description**

The application site lies at the head of the easterly fork at the northern tip of Hawkshaw Lane, Hawkshaw. The property is set within a curtilage which slopes north-south resulting in a raised rear garden and front garden which is set above Hawkshaw Lane. The garden area also lies to the west where a double garage has been constructed partially in the hillside, measuring 8 metres wide by 8 metres deep by 4.7 metres high to ridge in the southern elevation. The property is enclosed by a boundary wall to the south which is partly constructed in stone with railings on top.

A Public Right of Way runs along the road which lies immediately to the south of the site and is used by cars to gain access to the three properties accessed from the road. The site lies within the Green Belt, Special Landscape Area and West Pennine Moors.

There have been a number of unauthorised works at site which precipitated Enforcement Notices being served in respect of the garage, the subject of this application, the enclosure of Green Belt land as a domestic garden and the railings on top of the boundary wall. The time has expired for the applicant to appeal against the Notices.

The current application seeks retrospective consent for the erection of a double garage which was not built in accordance with the plans approved under application 41459. The garage has been constructed 5 metres back into the site from where it was approved and its external measurements as approved were 6 metres wide by 6 metres deep by 4.33 metres high to ridge but has been constructed measuring 8 metres wide by 8 metres deep by 4.7 metres high to the ridge.

The applicant was invited to revise the plans in order to remove the words "Garden Area" from the triangular area to the west of the site which is considered not to be domestic curtilage, also to revise the garage details to a smaller garage in the position previously approved.

The applicant has since revised the plans deleting the words "Garden Area". However, the applicant does not wish to demolish the garage and resite it as he claims that services to the house run under the driveway where the garage was previously approved. Although the applicant was specifically requested by the case officer to submitted details of where the services run, no details or justification have been provided. The applicant's agent has

submitted some photographs showing the garage from various angles to support his client's case although no written justification has been submitted. The applicant highlights that the retaining walls around the garage are around 1 metre thick which explains the enlarged size of the garage.

### **Relevant Planning History**

36823 - Conversion of Existing Building into Dwelling House and Extensions - Approved 08/09/2000

40463 - Conversion and Extension of Barn to Create Dwelling House - Refused - 31/03/2003 - on the grounds that the changes constituted a new dwelling in the Green Belt and that the changes were out of keeping with the surrounding area.

40892 - Conversion of Barn to Dwelling (Resubmission) - Approved - 25/07/2003

41459 - Detached Double Garage - Approved - 28/06/2004

46092 - Boundary Railings (Retrospective Application) - Also before this Committee for consideration.

### **Publicity**

5 adjoining occupiers consulted - no responses received.

### **Consultations**

Borough Engineer - Highways - comments awaited and will be reported to Committee via the Supplementary Agenda.

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

OL1/2 New Buildings in the Green Belt  
EN9/1 Special Landscape Areas  
OL7/2 West Pennine Moors  
H2/3 Extensions and Alterations

### **Issues and Analysis**

The main considerations of the application are the impact of the proposal on the openness of the Green Belt, the character and appearance of the Special Landscape Area and West Pennine Moors and the visual and residential amenity of the surrounding area.

The garage has been constructed larger than approved under application 41459. The garage has now been set back into the site and into the hillside. However, part of the corner of the garage lies outside of the domestic curtilage and within the open Green Belt. The part of the garage lying within the Green Belt is roughly a right-angled triangle measuring 8.4 metres along its base by 3.6 metres deep, totalling 3.78 square metres, which forms 24% or 1/4 of the total floor space of the garage. The proposed development involves not only the change of use of the Green Belt but also inappropriate development in the Green Belt as the garage would not be for the purposes of agriculture or forestry. Moreover, despite the garage's sunken position, the incursion into the Green Belt by the construction of the garage harms the openness of the Green Belt and conflicts with purposes of including the land within it. The applicant has not demonstrated very special circumstances for the retention of the garage in this location and has not provided details of the services which are claimed to necessitate the current position of the garage. As such, the garage is considered to be

inappropriate development in and harmful to the openness of the Green Belt.

The current dwelling at Eaves Cottage included a substantial extension when planning permission was granted under 40892. The garage would therefore not constitute a limited extension which Development Control Policy Guidance Note 6 suggests would be in the region of 1/3 of the volume of the original dwelling. As such, the garage is considered to be an oversized development in the Green Belt and harmful to the purposes of including land with in it.

The garage is considered to have been constructed in materials suited to the Special Landscape Area and West Pennine Moors and given its location would not incur harm the character and appearance of these designations nor to visual amenity of the surrounding area. The garage would not incur a loss of light, privacy or outlook. As such, the proposal is considered to be acceptable in terms of visual and residential amenity but is insufficient to outweigh the recommendation for refusal in terms of Green Belt policy.

There is an outstanding Enforcement Notice against the garage which the applicant has chosen not to appeal against. The Notice requires the applicant to demolish the garage and foundations, fill the void left by the demolition by topsoil to level of the surrounding land form and to cultivate native grassland to match the surrounding open moorland.

The recommendation is to refuse the application which will allow enforcement action to continue, under delegated powers, to remove the garage.

### **Summary of reasons for Recommendation**

**Recommendation:** Refuse

#### **Conditions/ Reasons**

1. The domestic garage in its current position encroaches into and harms the openness of the Green Belt and would not be for the purposes of agriculture or forestry. Neither does the garage form a limited extension to an existing dwelling. As such, the garage constitutes inappropriate development in the Green Belt and the applicant has not submitted evidence to substantiate very special circumstances. The development thereby conflicts with policy OL1/2 - New Buildings in the Green Belt and policy H2/3 - Alterations and Extensions of the Bury Unitary Development Plan.

For further information on the application please contact **Adrian Harding** on **0161 253 5322**

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 12

**Applicant:** Mr J Delaney

**Location:** EAVES COTTAGE, HAWKSHAW LANE, HAWKSHAW, TOTTINGTON, BL8 4LD

**Proposal:** BOUNDARY RAILINGS (RETROSPECTIVE APPLICATION)

**Application Ref:** 46092/Full

**Target Date:** 16/05/2006

**Recommendation:** Refuse

The recommendation is to refuse planning permission which will result in enforcement action to remove the railings.

### **Description**

The application site lies at the head of the easterly fork at the northern tip of Hawkshaw Lane, Hawkshaw. The property is set within a curtilage which slopes north-south resulting in a raised rear garden and front garden which is set above Hawkshaw Lane. The garden area also lies to the west where a double garage has been constructed partially in the hillside, measuring 8 metres wide by 8 metres deep by 4.7 metres high to ridge in the southern elevation. The property is enclosed by a boundary wall to the south which is partly constructed in stone with railings on top.

A Public Right of Way runs along the road which lies immediately to the south of the site and is used by cars to gain access to the three properties accessed from the road. The site lies within the Green Belt, Special Landscape Area and West Pennine Moors.

There have been a number of unauthorised works at site which precipitated Enforcement Notices being served in respect of the unauthorised railings, the subject of this application, the double garage to the west of the main dwelling and the enclosure of Green Belt land as a domestic garden. The time has expired for the applicant to appeal against the Notices.

The current proposal seeks retrospective consent for the erection of ornamental metal railings on top of a coursed stone wall and metal entrance gate, adjacent to a Public Right of Way used by vehicular traffic gaining access to The Barn and Holcombe Hey Cottage. The railings are around 0.9 metres high set on top of the stone wall, the combined highest point being around 1.9 metres high. The section of railings around the residential curtilage has been painted green with gold inserts, whilst the railings around the land farther to the west remain untreated resulting in a grey colour. The entrance gate at the time of the site visit was untreated and measure 1.88 metres high.

The applicant, since submitting the application, has taken legal advice and now believes that the railings do not require planning permission as the "lane" in front of the highway is in private ownership and not used by cars. The applicant also proposes to erect a gate across the "lane".

The applicant highlights that the railings in their current position are a Building Regulations requirement and that they cannot be repositioned elsewhere. The applicant also believes that the railings are entirely suited to this location and has submitted photographs of railings elsewhere in the Borough.

### **Relevant Planning History**

36823 - Conversion of Existing Building into Dwelling House and Extensions - Approved 08/09/2000

40463 - Conversion and Extension of Barn to Create Dwelling House - Refused - 31/03/2003 on the grounds that the proposed changes would constitute a new dwelling in the Green Belt and that the design would be out of keeping with the surrounding area.

40892 - Conversion of Barn to Dwelling (Resubmission) - Approved - 25/07/2003

41459 - Detached Double Garage - Approved - 28/06/2004

46033 - Repositioning of Approved Detached Double Garage under 41459 - also before the Committee 23/05/2006.

### **Publicity**

5 adjoining occupiers consulted - no responses received.

### **Consultations**

Borough Engineer - Highways - comments awaited and will be reported to Committee via the Supplementary Agenda.

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

OL1/5 Mineral Extraction and Other Dev in the Green Belt

OL7/2 West Pennine Moors

EN9/1 Special Landscape Areas

H2/3 Extensions and Alterations

### **Issues and Analysis**

The main considerations of the application are whether the railings require planning permission, if so, do the railings constitute appropriate development in the Green Belt, whether the railings are in keeping with the character and appearance of the Special Landscape Area and West Pennine Moors, and if the railings are necessary could they be repositioned suitably.

The lane which runs to the south of the site forms a Public Right of Way which grants people the right to pass and repass. As such, the lane constitutes a highway. Moreover, vehicles have the right to pass and repass the site going to The Barn, Holcombe Hey Cottage and a secondary access to Holcombe Hey Farm. Thus the lane is considered to be a highway used by vehicular traffic and therefore no gate, fence, wall or other means of enclosure can exceed 1 metre in height adjacent to the highway under permitted development rights. Therefore, the parts of the boundary wall and the railings on top which stand above 1 metre high do require planning permission.

The applicant asserts that this is a private road and that he will erect a gate across the lane. There is no reference in the General Permitted Development Order to land ownership in determining whether a lane constitutes a highway used by vehicular traffic, the applicant's assertion is considered to be irrelevant and the proposed gate across the lane would itself also require planning permission.

The railings and entrance gate are a means of enclosure which reduce the openness of the Green Belt. Furthermore, they are a suburban feature which have been introduced to the open Green Belt and which relevant planning policy seeks to avoid in order to prevent urban sprawl. The applicant has submitted other examples of railings in the Green Belt, however, some of the examples are not in the Green Belt and the remaining examples are taken from dwellings in the Named Settlements in the Green Belt which are thus materially different from the application site. The railings are considered to constitute domestic paraphernalia that harm the openness of the Green Belt.

The railings' and gate's suburban character is also considered to be at odds with the rural character of the Special Landscape Area and West Pennine Moors and is therefore out of keeping with character of the surrounding area.

The applicant has been invited to revise the application by relocating the railings away from the lane and by reducing the length of the railings. Whilst some form of barrier between the garden and drop to the lane is necessary, this does not have to take the form that the railings currently do. An alternative solution was put to the applicant which was acceptable to the Building Control Officer and the Planning Officer. The applicant has chosen not to pursue the suggested revisions and wishes to leave the scheme as it stands.

The railings and gate require planning permission and the application in its current form is unacceptable in terms of the openness of the Green Belt and its impact on the visual amenity of the Special Landscape Area and West Pennine Moors. The recommendation is to refuse the application which will allow enforcement action to continue, under delegated powers, to remove the railings.

### **Summary of reasons for Recommendation**

**Recommendation:** Refuse

#### **Conditions/ Reasons**

1. By the reason of their size, height and design, the railings on top of the boundary wall and entrance gate are an urban feature in the open countryside which harm the openness of the Green Belt and are out of keeping with the rural character of the surrounding area. As such, the railings conflict with policies OL1/5 - Mineral Extraction and Other Development in the Green Belt, EN9/1 - Special Landscape Areas, OL7/2 - West Pennine Moors and H2/3 - Alterations and Extensions of the Bury Unitary Development Plan.

For further information on the application please contact **Adrian Harding** on **0161 253 5322**



**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 13

**Applicant:** Greenmount Developments Ltd

**Location:** COBDEN MILL, SQUARE STREET, RAMSBOTTOM

**Proposal:** CONVERSION INTO 6 NO. APARTMENTS

**Application Ref:** 46105/Full

**Target Date:** 30/05/2006

**Recommendation:** Refuse

**Site visit requested by Councillor Magnall.**

### **Description**

The application relates to vacant premises previously occupied by a glazing firm. There are existing flats to the rear and planning permission for flats on the adjoining land to the north. The applicant has planning permission to convert Cobden Mill to the south into flats together with a 3 storey block of 12 new flats next to the current application site.

It is proposed to demolish the existing buildings on the site and to erect a new 3 storey building containing 6 flats. It would be attached to the building which already has planning permission and would be of similar appearance, constructed in natural stone with a slate roof.

The site would use the access from Kay Brow to the previously approved development with an extension to the car park. Six additional spaces would be provided including a disabled space, giving a total of 49 for the new development as a whole

A bat survey has been submitted which has not found any evidence of occupation but additional survey work is being carried out. It is requested that the application is considered by Planning Control Committee if refusal is recommended.

A letter from the applicant's architect seeks to justify the proposal in regard to the Council's Housing Restriction Policy. It is pointed out that the main Cobden Mill has permission for apartments and that additional land was purchased to safeguard the residential nature of the area. Buildings adjacent to the mill have already been converted by the applicant. Another developer is soon to commence work on building the apartments on the adjoining site to the north. The existing industrial use of the application site is now inappropriate and approval of the current scheme would complete the residential use of the site and immediate areas. There would be a net reduction in the number of flats in the area because the applicant's development at nearby Silver Street now includes offices rather than the 12 flats previously approved.

### **Relevant Planning History**

There are no relevant applications for the site itself.

41873 - Change of use from former mill building to 24 self contained apartments and 15 new build flats and car parking approved in June 2005. The applicant is the same as for the current application. Work has not yet commenced on this proposal although part of the mill has been converted under previous approvals.

44284 - Demolition of existing building and erection of block of 9 apartments approved in June 2005 for site to the north.

### **Publicity**

No representations received.

### **Consultations**

Borough Engineer - Highways comments awaited. No objection on drainage grounds.

Borough Environmental Services Officer - Comments awaited on contamination and other issues. The applicant has provided information that is being assessed.

Borough Operational Services Officer - Comments awaited on refuse disposal.

Greater Manchester Police - Recommend that the entrance to the building should be from Square Street rather than the car park as proposed.

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EC2/2	Employment Land and Premises
EC1/2	Land Suitable for Business (B1)
RT4/1	Tourism Development
H1/1	Housing Land Allocations
Area	Square Street
RM4	
EN7	Pollution Control
RT2/2	Recreation Provision in New Housing Development
RSS 13	Regional Spatial Strategy for the North West
PPG3	PPG3 - Housing
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD7	DC Policy Guidance Note 7: Managing the Supply of Housing
EN1/6	Public Art
SPD4	DC Policy Guidance Note 4: Percent for Art

### **Issues and Analysis**

*Principle of Development* - The existing use and adjoining uses are industrial, but there is planning permission for residential development on either side of the site. The site is within an area of the town centre which is identified as being appropriate for residential use. The existing buildings are suitable for continued employment use on a limited scale but a recommendation for refusal would not be justified on these grounds.

*Housing Restriction Policy* - The Policy has now been formally adopted. It states that no housing development will be permitted subject to specified exclusions and exceptions. The site is not within a specified regeneration area and it has not been clearly demonstrated that the scheme would have significant and strategic economic, environmental or regenerative benefits.

*Siting and Design* - The building would be a continuation of the previously approved scheme for the redevelopment of Cobden Mill with similar access arrangements to the rear. The approved car park would be extended. The design and materials would complement the approved scheme and are acceptable. There would be 6 car parking spaces for the current proposal, giving a total of 49 spaces (including 5 for the disabled) for 45 flats. There is no

new amenity space and residents would rely on the provision made on the earlier application.

*Recreation Provision and Other Matters* - If Members were minded to approve the scheme, a contribution towards recreation provision in the area would be required as the development is considered part of a larger scheme. 12 apartments have already been completed. 39 more have approval. 6 would be added by the current proposal, giving a total of 57. The previous approvals were before the adoption of the current policy on Affordable Housing which would require provision within a development of 25 units or more. It would be unreasonable to impose the policy retrospectively. The provision of Public Art was agreed as part of the previous approval

*Conclusions* - The proposal is a workable scheme that would be a logical completion of the approved residential development on the western side of Square Street. However, the Housing Restriction Policy is very clear and exceptional circumstances do not exist that would justify approving the application contrary to the Policy.

### **Summary of reasons for Recommendation**

**Recommendation:** Refuse

#### **Conditions/ Reasons**

1. Sufficient sites have been identified within the Borough to meet the Regional Spatial Strategy for the North West housing requirements and to release this site would add to the oversupply of housing in Bury to the detriment of regional regeneration priorities. Therefore, the release of this site for residential development would be contrary to Policy H1/2 - Further Housing Development of the Bury Unitary Development Plan and central government guidance in PPG3 - Housing and the Regional Spatial Strategy for the North West.

For further information on the application please contact **John Hodkinson** on **0161 253 5323**

